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Taxpayers Not Responsible for Tragic Car Crash

Lawyer claimed City should pay over \$50 million for collision caused by high driver

The City Attorney's Office prevailed this week in a high-stakes lawsuit that blamed the City for a tragic accident in which a driver, high on marijuana, hopped a center median and slammed nearly head-on into an oncoming car, seriously injuring plaintiff Jon Warshawsky and killing his fiancé.

Warshawsky's attorney believed the case was worth as much as \$70 million, and that his client only needed to prove the City one percent liable to collect the full amount. Instead, a trial court found the City had no fault and, in an opinion handed down this week, the Fourth District Court of Appeal agreed.

On Easter Sunday, March 27, 2016, Hyun Jeong Choi was driving while high on marijuana on Pomerado Road in Scripps Ranch. She drove over a raised center median into oncoming traffic and collided with Warshawsky and his fiancé, Amanda Walzer, who were in Warshawsky's 1956 vintage Porsche Speedster. In March 2019, Choi was sentenced to 12 years in prison after being convicted of gross vehicular manslaughter while intoxicated and DUI causing injury.

An open bag of marijuana and a freshly used marijuana pipe were found in Choi's car immediately after the crash. Choi's attorney described her as "catastrophically impaired."

"The appeals court reasonably and correctly concluded that the City was not at fault for this heartbreaking situation," San Diego City Attorney Mara W. Elliott said. **"The woman who drove while high and caused the accident was rightfully held accountable for her actions in a criminal court. Our Office is committed to ensuring that taxpayers are not held responsible for the reckless behavior of individuals in cases like these."**

After settling a lawsuit against Choi and the company that refurbished his Porsche, Warshawsky sued the City of San Diego, alleging the intersection where the collision occurred was poorly designed and presented a dangerous condition, despite the fact that an expert in the prior lawsuit found nothing wrong with the roadway or the center median and that there was no basis on which to sue City. The City Attorney's Office presented evidence that the intersection was appropriately designed and that, out of 40 million vehicles that had traveled eastbound through that intersection, this was the only crash to occur

from a vehicle crossing the median. The trial court judge granted the City's motion for summary judgment, dismissing the case before trial. Warshawsky appealed.

The unpublished appellate opinion, issued on Monday, November 23, brings an end to all litigation involving the City of San Diego. Deputy City Attorney Erin Kilcoyne and Senior Chief Deputy City Attorney Catherine Richardson handled the case on behalf of the City of San Diego.

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