

24 February 2006

Reuben Donig, Esq.
Law Offices of Reuben J. Donig
177 Bovet Road
Suite 600
San Mateo, CA 94402

Re: _____
Our File No. 260011

Dear Mr. Donig:

In accordance with your request, a preliminary analysis was performed regarding the fall from elevation accident to _____ tore at _____ Palo Alto, California. I have reviewed photographs provided by your office and have performed an informal inspection of the property.

It is my understanding that Ms. _____ was at the _____ store and was attempting to look at some articles of clothing hanging on the building wall. As she approached the building wall with the numerous articles of clothing, she did not recognize the stairway that was obscured by a shorter wall displaying multiple smaller items. As a result of going behind the shorter wall to get to the items on the building wall, she fell down the stairway.

Based on examination of the photographs provided and my informal inspection, it is my opinion that the stairway is hidden from the patrons and creates a hazardous condition. The building wall has numerous clothing items across the length of the wall, which gives the impression that all of these items are accessible from the ground level. While in front of the shorter display wall, a person would see that the items to the left are accessible by just walking to the left of the shorter display wall. It would be reasonable to the patron to believe that to get to the items behind the shorter display wall, one would only have to walk around the shorter display wall. There are no visual cues prior to the actually negotiating around the shorter display wall that there is a stairway. The subject stairway starts behind the wall and there is no handrail beyond the top nosing of the stairway, as required by the Uniform Building Code, which would signify the start of a stairway.

There was a gate/barrier on the top of that stairway that hinges on the wall and connects to the shorter display wall that apparently was not closed at the time of the fall. In addition, the words "Keep Out" are on the side of the gate that would have been hidden from view when the gate is in an open position and against the wall.

Based on my observations and preliminary analysis, it is my opinion that the layout of the store and the lack of warning of the stairway created a dangerous condition for Ms. [REDACTED].

These opinions are based on the information received to date. If additional information becomes available, supplemental opinions may be provided.

If you have any questions, or if I can be of further assistance please do not hesitate to contact me.

Sincerely,

The following photographs depict the hidden stairway behind the shorter display wall and the location of items along the building wall:

