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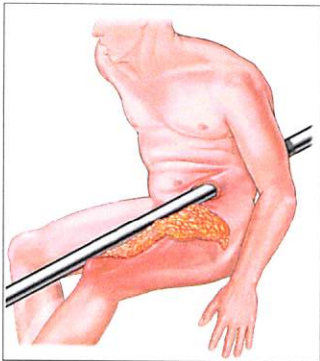
Pima County to Pay \$1.95 Million to Children of Man Impaled by Guardrail

By Erica Meltzer
ARIZONA DAILY STAR

Pima County will pay \$1.95 million to the children and mother of a man who died after being impaled by a guardrail installed by Pima County.

The settlement, approved Tuesday by the county Board of Supervisors, is among the largest single settlements in county history.

The case stems from a March 2005 car crash. Pedro Forrer was driving west on West Orange Grove Road near North La Cañada Drive when he swerved across the center line, sideswiped another vehicle and crashed into the guardrail. A 4-inch pipe rail that was sticking out 7 feet from the last post of the guardrail impaled Forrer. He died several hours later at University Medical Center.



He left behind three children, who were then ages 6 months, 2 and 9. Their mother had died three months before.

They are being raised by Forrer's brother and sister-in-law near Phoenix. They, along with Forrer's parents, sued Pima County, contending the guardrail was improperly designed, installed and maintained. The Forrer children were represented by the law firm of **Shultz & Rollins, Ltd.**

The vast majority of the money — \$1.85 million — will go to the children. Forrer's mother will receive \$100,000.

Deputy County Attorney Tom Dugal said the size of the settlement was an indication of the county's potential liability, though the county admitted no fault.

Several weeks before the settlement, a Pima County Superior Court judge ruled that the county could not use several unfavorable facts that it had uncovered about Forrer, including that blood tests showed Forrer had marijuana in his system and that prescription bottles for morphine and gabapentin, an anti-convulsant used as a pain reliever, were found in his truck. Both bottles included warnings that taking the drugs may impair driving.

Forrer, a masonry contractor, had previously applied for disability due to a back injury.

Police never determined why Forrer swerved across traffic. However, it did not appear to be a high-speed accident. The air bag didn't deploy.

Dugal said the decision to exclude that evidence was not a major factor in settling the suit.

The style of guardrail at Orange Grove and La Cañada was common in the late 1960s and early '70s. The upper pipe rail was intended to serve as a handrail. Pima County had several other guardrails built in a similar style. After the accident, all of these old guardrails have since been modified so they don't present a hazard.