

# The Arizona Daily Star

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## Jury awards 2 coeds \$1.2 million in knife assaults

By Chip Warren  
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A jury awarded two UA women students \$1.2 million in damages yesterday for injuries they suffered when a knife-wielding assailant broke into their off-campus apartment.

A Pima County Superior Court jury ordered that 20-year-old Mary Pat Kavanagh, the more severely wounded, receive \$750,000, and that Lisa B. Kivel, 21, get \$450,000.

The judgment was assessed against Clark Financial Corp. and PMS Inc., owners of the Sierra Vista Apartments at North First Avenue and East Prince Road, where the women were living when the attack occurred in October 1987.

The jury award came at the end of a five-day trial presided over by Judge John F. Kelly.

According to testimony, the victims were both University of Arizona sophomores and had moved into the

one-bedroom, second-floor apartment about two months earlier.

They were asleep when the assailant — who has never been caught or identified — entered the room about 1:50 a.m. from a balcony by cutting through a screen and then forcing open a window.

Kavanagh, of Temecula, Calif., the first to be attacked, was stabbed 32 times in the face, chest, back and arms, as well as in one leg and one hand.

Kivel, of Oklahoma City, woke up and tried to help her friend, and suffered knife wounds to her thigh and face, the latter of which almost cut off her nose.

The women's attorneys, Silas Shultz and Michael Rollins, contended the apartment owners were negligent for providing inadequate security. They also alleged that the owners had breached an expressed warranty of habitability.

David Berkman, the defendants' lawyer, conceded

liability on the part of his clients because the women had been told the apartment complex would be staffed with nighttime security guards.

However, he argued that the victims' injuries were such that Kivel ought to receive no more than \$100,000 to \$200,000 and that Kavanagh deserved just \$150,000 to \$250,000.

In response, Shultz proposed that the jury consider assessing damages based on an hourly rate for the rest of the women's lives.

Although both Kavanagh and Kivel are back in school, a doctor testified that they continue to suffer from post-traumatic stress disorder, Shultz said.

Shultz suggested possible rates ranging from \$3 to \$10 an hour, which would have resulted in each woman being awarded anywhere from \$1 million to \$5 million.

However, Shultz said he was not disappointed with the jury's decision, saying it was "a very good verdict."