

2022-015167-20

DISTRICT COURT, JEFFERSON COUNTY, COLORADO 100 Jefferson County Pkwy Golden, CO 80401	
Plaintiffs: RACHAEL HEEREN v. Defendants: CITY OF ARVADA, Colorado, a municipal corporation	
	▲ COURT USE ONLY ▲
Attorney for Defendant City of Arvada: CITY OF ARVADA OFFICE OF THE CITY ATTORNEY Kylie T. Justus, #49862 8101 Ralston Road Arvada, CO 80002 720-898-7180 [REDACTED]	Case No. 2024CV30123 Div: 1
CITY OF ARVADA’S AMENDED DESIGNATION OF NONPARTIES AT FAULT	

Defendant, City of Arvada, by and through its undersigned counsel, and pursuant to C.R.S. § 13-21-111.5(3)(b), hereby files its *Amended Designation of Nonparties at Fault* designating the following potentially responsible nonparties. Arvada amends its previous designation given recent information obtained from further investigation and from information supplied by Plaintiff’s counsel.

1. **Madden Fabrication, Inc. - 4670 NW St Helens Road, Portland, OR 97210. Telephone: 503-226-3968; Email: [REDACTED] Registered agent: Ronald Madden, 1800 N [REDACTED] 169th Pl, Suite A-200, Beaverton, OR 97006.**

Madden Fabrication designed, manufactured, shipped, and provided instructions for the installation of the Portland Loo. Madden Fabrication was and is engaged in the business of selling Portland Loos for use. See https://www.madfab.com/?page_id=5333# Madden Fabrication sold the Portland Loo located in Olde Town Arvada to the City of Arvada in 2017. The Portland Loo was defective because the stainless-steel door to the restroom was designed and manufactured to be raised off of the ground, is very heavy, and the door has a sharp edge. The design was defective because there was no benefit in having a sharp-edge and heavy door raised off of the ground that outweighed the risk of injury to persons who may be harmed. Due to and because of this defect, the door was unreasonably dangerous to persons who may be hit when the door to the restroom swings open. The door was sold to Arvada with the heavy, raised/sharp door defect. Plaintiff was a member of the public who would have reasonably expected to use or be near the Portland Loo. On April 30, 2022, Plaintiff sustained injuries caused by the Portland Loo door opening and hitting the back of her left ankle. Madden Fabrication's design and manufacture of the heavy, raised door with the sharp edge was the cause of Plaintiff's injuries. Since the time of Plaintiff's injuries, Madden Fabrication has changed the design of the door.

2. **The City of Portland, Oregon - 1221 SW 4th Avenue, Suite 430, Portland, OR 97204. Telephone: 503-823-4000; Email: 311@portlandoregon.gov City Attorney: Robert L. Taylor cityattorneysoffice@portlandoregon.gov Phone: 503-823-4047**

The City of Portland, Oregon ("Portland") has a registered trademark and copy right for the Portland Loo. Portland owns the design of the Portland Loo and contracts with Madden Fabrication for its design,

manufacture, and shipments. Portland was and is engaged in the business of selling Portland Loos for use. Portland, through Madden Fabrication, sold the Portland Loo located in Olde Town Arvada to the City of Arvada in 2017. The Portland Loo was defective because the stainless-steel door to the restroom was designed and manufactured to be raised off of the ground, is very heavy, and the door has a sharp edge. The design was defective because there was no benefit in having a sharp-edge and heavy door raised off of the ground that outweighed the risk of injury to persons who may be harmed. Due to and because of this defect, the door was unreasonably dangerous to persons who may be hit when the door to the restroom swings open. The door was sold to Arvada with the heavy, raised/sharp door defect. Plaintiff was a member of the public who would have reasonably expected to use or be near the Portland Loo. On April 30, 2022, Plaintiff sustained injuries caused by the Portland Loo door opening and hitting the back of her left ankle. Portland's ownership of the design and authorization of its manufacture of the heavy, raised door with the sharp edge was the cause of Plaintiff's injuries. Since the time of Plaintiff's injuries, Portland in conjunction with Madden Fabrication, has changed the design of the door.

3. Alison Satriana. 3565 Allison Court, Wheat Ridge, CO 80033; Phone: 303-359-1956; See Complaint, p. 6, ¶ 39.

Alison Satriana owed a duty to plaintiff to use reasonable care to avoid foreseeable injury when opening the Portland Loo door onto a public sidewalk. On April 30, 2022, Alison Satriana breached that duty of care when Alison Satriana opened the Portland Loo door without warning or concern for persons who may be standing within the door's reach. Alison Satriana opened the door with such force that the bottom of the stainless-steel door caused injuries to the back of Plaintiff's left ankle and/or caused Plaintiff to fall. Alison Satriana breached their duty of care to Plaintiff by failing to warn Plaintiff that they were opening the door, by failing to take precautions as to not hit others standing near or around the door, and by opening the door

with such unreasonable force as to cause Plaintiff's injuries. Alison Satriana's negligence is the cause of Plaintiff's injuries.

It was these actions or omissions by Madden Fabrication, Inc., Portland, and Alison Satriana that caused, in whole or in part, Plaintiff's alleged injuries and damages.

Dated this 8th day of April, 2024.

Respectfully submitted,

**CITY OF ARVADA
OFFICE OF THE CITY ATTORNEY**

/s/ Kylie T. Justus

Kylie T. Justus, # 49862
8101 Ralston Road
Arvada, Colorado 80002
720-898-7180
[REDACTED]

Attorney for Defendant City of Arvada

CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of February 2024, a true and correct copy of the foregoing was served via COLORADO COURTS E-FILING SYSTEM upon the following:

Melissa J. Sullivan, #39190
Keating Wagner Polidori Free, P.C.
1290 Broadway, Suite 600
Denver, CO 80203
Phone No.: (303) 534-0401
Fax No.: (303) 534-8333
E-mail: [REDACTED]

John Astuno, Jr., 7545
John Astuno, Jr., LLC
1290 Broadway, Suite 600
Denver, CO 80203
Phone No.: (303) 861-7636
Fax No.: (303) 861-4190
E-mail: [REDACTED]

Attorneys for Plaintiff

s/ *Kylie T. Justus*