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Slide Victims File Restraining Order Against City

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SAN DIEGO -- The blame game over the La Jolla landslide moves to the court, as homeowners file a restraining order against San Diego to allow outside experts to investigate the slide.

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Friday afternoon, attorneys representing two homeowners filed the order in Superior Court. The temporary restraining order would allow experts on some of the damaged properties. Shortly before 5 p.m., their request was granted.

The experts who will be allowed into the site include a hydrologist and a geotechnical engineer. Those experts are also entitled to all the information the city gathered. One of the attorneys who filed the restraining order said that at least one of the homes involved is severely damaged.

"I think the city realized what we were requesting was fair and it was protecting our clients' rights," said Jannik Catalano, an attorney representing two La Jolla homeowners.

"All we were asking for is for our clients to be able to do an investigation and figure out what happened," said an attorney representing a La Jolla home owner in regards to the restraining order placed on the city.

Also on Friday, a family whose home was destroyed filed a claim against the city for \$2.5 million on behalf of the Ross Clark family. Attorney **Craig McClellan** said the claim was delivered to San Diego's Risk Management Department, which has 45 days to respond. The claim is a precursor to a lawsuit.

The claim alleges the city failed to monitor and repair leaking pipes and utilities in the area and allowed homes to be built on potentially unstable soil.

City officials said San Diego would not have to pay affected homeowners. Mayor Jerry Sanders has repeatedly says there is no evidence that failure of a city water or sewer utility caused the slide. City Attorney Michael Aguirre said the city will defend its position by "building our case on the bedrock of honest information."

"This is obviously something from the moment I got there (to the landslide scene) I anticipated," Aguirre said. "I think that the taxpayers will be protected and that they will not end up paying for this."

George Kent, a Mount La Jolla homeowner, told NBC 7/39, "This is plain neglect. We all know it. This is a town, apparently, where people don't really hold people accountable."

And all the while, the earth underneath this fragile neighborhood is still cracking and settling.

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