

Fresno Fair to pay \$2.2m to sickened girl

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By John Ellis / The Fresno Bee

The Big Fresno Fair has agreed to pay \$2.2 million to a Fresno girl who got sick from a strain of E. coli after visiting its petting zoo in 2005.

Coupled with \$50,000 from the firm that provided wash stations outside the petting zoo, the \$2.25 million settlement is one of the largest in the nation involving E. coli exposure at a petting zoo, said one of the attorneys involved in the case.

Fresno attorney Warren Paboojian -- who represented Angela Malos, the girl who was sickened by the bacteria -- informed Fresno County Superior Court Judge Donald Black of the settlement in a Friday hearing.

Angela, who is now 6 and in the first grade, was 2 when she became ill after visiting the zoo with her family. She will live with the effects of the bacteria exposure for the rest of her life, Paboojian said.

"This has altered Angela's life," he said after the hearing.

Angela suffered strokes and kidney failure leading to dialysis. She recovered and is fine mentally, said her father, former KMPH (Channel 26.1) anchor John Malos, but the infection permanently affected her motor skills, requiring a full-time aide at school. She also has very limited vision in her right eye from the bacteria.

"I feel guilty every day of the week" for having taken her to the fair, a visibly emotional Malos said after the hearing.

Paboojian said the money goes directly to Angela through an annuity and a trust that is controlled by the court. Until Angela turns 18, no money can be spent without a court order. After that, she will control the money. Paboojian said it should cover medical expenses related to the E. coli bacteria exposure for the rest of her life.

Paboojian declined to discuss his fee.

James Weakley, who represented the Big Fresno Fair, said there was no admission of liability in the settlement. He said the fair's insurance company decided it was "in the best interest of the fair" to settle the case.

In a statement sent by e-mail Friday evening, fair CEO John Alkire said the health and safety of patrons is a top priority.

"We believe that it is important to educate the public on the importance of health and safety," Alkire said in the e-mail. "In addition to on-grounds signage and

announcements to educate the public, we encourage patron responsibility when it comes to their own health and safety."

Seattle attorney Bruce Clark -- who worked on the case with Paboojian and whose firm, Marler Clark LLP, is at the forefront of E. coli exposure lawsuits that involve a complication known as Hemolytic Uremic Syndrome -- said the settlement for Angela is one of the largest among cases involving petting zoos.

Clark said there have been a large number of E. coli outbreaks across the nation involving petting zoos, and he said Angela suffered a particularly bad case from the exposure.

United Site Services -- which, doing business as Portosan, provided wash stations outside the petting zoo -- agreed to pay the \$50,000.

Though attorneys for both the fair and United Site Services were present Friday and confirmed the settlement, Black said it would not be official until representatives of both entities confirm that in another court hearing.

Still to be determined is how much, if any, the petting zoo operator will pay. The Great American Petting Zoo was named in the original lawsuit and has admitted liability, Paboojian said, but its insurance carrier's policy doesn't cover the claim.

The amount of liability -- if any -- for the petting zoo company will be determined by a judge, and another judge will then rule if the insurance company must pay.

Paboojian said he felt vindicated by the settlement, especially because the prospects of success looked dim as recently as last year over a hotly disputed point of whether Angela was infected during her fair visit.

Angela visited the fair's petting zoo on Oct. 13, 2005, but did not start showing symptoms until Nov. 1 or 2. A defense expert said the incubation period for E. coli is three to 10 days, with the most cases occurring within three to four days.

But an expert for Angela said she became infected from her brother, who also went to the fair's petting zoo and became sick.

Several other children did become infected with E. coli at the fair, a medical expert said, according to court records.

Paboojian said Friday that he hoped the settlement would encourage parents to take care in having their children visit petting zoos, and should not allow children under 3 to visit them at all.

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