

SUPERIOR COURT DISMISSES WRONGFUL DEATH CLAIMS AGAINST MARICOPA COUNTY BASED ON PLAINTIFF'S UNTIMELY NOTICE OF CLAIM

July 20, 2016 | Case Summaries, News



Johnson & Urbina v. Michael Riddle Painting, Inc – Jones, Skelton & Hochuli Governmental and Appellate Group

members [John DiCaro](#) and Jennifer Anderson recently obtained dismissal of a portion of a wrongful death lawsuit filed against Maricopa County. On January 22, 2014, Nathan Johnson fell to his death from a crane while working for a contractor outside the Lower Buckeye Jail. Mr. Johnson was survived by his widow Laura Johnson, parents, and two minor children. Ms. Johnson did not file a notice of claim against the County until January 21, 2015, the same day she filed a wrongful death lawsuit on behalf of herself and Mr. Johnson's statutory beneficiaries. The lawsuit alleged that soil conditions at the site were unsafe and caused Mr. Johnson's fall. DiCaro and Anderson moved to dismiss the claims against the County based upon Ms. Johnson's late notice of claim and failure to leave her settlement offer open for the statutorily-required 60-day period. Ms. Johnson argued she could not have known about the possibility of a claim against the County due to the "complicated" nature of the claim and contended that the 180-day period to file a notice of claim was therefore tolled.

The Court disagreed, adopting the County's argument. The Court allowed the minor children's claims to continue but dismissed the claims of Ms. Johnson and the other adult beneficiaries.

[John DiCaro](#) joined Jones, Skelton & Hochuli in 1997, and has been a Partner since 2003. He concentrates his practice on governmental liability, personal injury, civil rights, and insurance defense. Mr. DiCaro has tried cases for the City of Phoenix, Mesa, several insurance carriers and a number of private clients. In 2007, he was recognized as having obtained one of Arizona's top 10 defense verdicts while defending the Billet Bar in a Dram Shop action. He is a faculty member of the Arizona Trial College.