



[Metro.net](#) (web)

Resources

- ▶ [Safety](#)
- ▶ [Pressroom](#) (web)
- ▶ [Ask the CEO](#)
- ▶ [CEO Forum](#)
- ▶ [Employee Recognition](#)
- ▶ [Employee Activities](#)
- ▶ [Metro Projects](#)
- ▶ [Facts at a Glance](#) (web)
- ▶ [Archives](#)
- ▶ [Events Calendar](#)
- ▶ [Research Center/Library](#)
- ▶ [Metro Classifieds](#)
- ▶ [Bazaar](#)

Metro Info

- ▶ [30/10 Initiative](#)
- ▶ [Policies](#)
- ▶ [Training](#)
- ▶ [Help Desk](#)
- ▶ [Intranet Policy](#)

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**Appellate Court Affirms Dismissal of Lawsuit Against Metro**

(Dec. 14) The California Court of Appeals on Dec. 11 it affirmed a lower court ruling dismissing Metro from a lawsuit brought by a 15 year-old plaintiff shot while waiting for a Metro bus adjacent to Taft High School.

In September 2003, a Metro bus passed a group of teenagers waiting outside Taft High School in Woodland Hills because the bus operator believed the conditions were unsafe. Shortly thereafter, an alleged gang member drove past the group and fired shots, injuring three students, including the plaintiff.

In affirming the lower court’s ruling, the Appellate Court determined that Metro owed no legal duty to protect the plaintiff from harm. The court held that although a common carrier, such as Metro, owes the highest duty of care to its passengers, a common carrier does not owe a duty to “a potential passenger.”

In fact, the court acknowledged that opening the door to an unruly crowd may violate Metro’s duty of care to its passengers already on the bus. The court also held that Metro is not responsible for the criminal acts of another and that there is no duty for a carrier to protect its passengers from an assault that occurs without warning.

As a result of this incident, Metro convened a panel with participants from the Los Angeles Police Department, Los Angeles Sheriff’s Department, Long Beach Transit and Los Angeles Unified School District. The panel reviewed Standard Operating Procedure Rules 7.10 and 7.109 – Refusing Transportation.

The panel issued a number of recommendations, which were implemented in the months following the incident.

