



Hawaii to pay \$15M in Encinitas hiker's death

By Greg Moran

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The family of an Encinitas woman who plunged to her death off a cliff in a Hawaiian state park in 2006 has settled a wrongful death lawsuit with that state for \$15 million.

The settlement, which the Legislature must still approve, is believed to be the largest Hawaii has ever agreed to in a wrongful death suit, said Mark Davis, the lawyer for the family of the deceased woman, Elizabeth Brem.

Brem, 35, was killed along with her cousin, Paula Ramirez, 25, on Dec. 19, 2006, while hiking on the island of Kauai. The pair was heading to the Opaeka'a waterfall in the Waialua River State Park, a popular destination.

A trail leads from a scenic overlook parking area down to a lagoon at the base of the falls. At one point the trail forks, and going left leads to the lagoon. A path to the right looks to be part of the trail but is not, and instead leads to a cliff with a 300-foot drop.

Park officials had placed a sign that said, "Dangerous. Keep Out. Hazardous Conditions," to deter people from taking the risky hike down.

Davis said the position of the sign indicated the left side trail was dangerous, but not the right side. Brem and her cousin went right, and both fell to their deaths.

A Hawaiian judge last year found the state was liable for the deaths of Brem and her cousin because the sign

created a hazard that essentially led them to their fatal fall, Davis said. The \$15.4 million settlement includes \$425,000 for Ramirez's family.

Brem was a partner at the Gibson Dunn & Crutcher law firm and specialized in securities litigation. She had also served a brief stint on the state Coastal Commission in 2006. The damages award was based on her potential future earnings power at the profitable law firm.

She was the mother of two children who were under the age of 5 at the time. Her husband now works for a private equity group in China, Davis said.

Two days after Brem died, park officials fenced off the area where the fall occurred.

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