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SETTLEMENT RESULT: \$103,406

VEHICLE NEGLIGENCE

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SETTLEMENT—Driver's car struck and dragged by tractor-trailer

VEHICLE NEGLIGENCE

Motor Vehicle v. Motor Vehicle/Right Turn/Truck/Intersection

VICARIOUS LIABILITY

No COURT/UNFILED SETTLEMENT

Carmona v. Veen. Settlement date: 12/2/1997.

SETTLEMENT RESULT: \$103,406

COUNSEL

Plaintiff: Scott J. Corwin, Law Offices of Scott J. Corwin, Los Angeles.

Defendant: Confidential.

FACTS/CONTENTIONS

According to plaintiff: On February 20, 1997, plaintiff Carmona, a 55-year-old self-employed interior decorator, was traveling north in her 1990 Mercedes on La Peer just before the intersection with Santa Monica Boulevard in the City of West Hollywood. Plaintiff was attempting to negotiate a right turn onto Santa Monica Boulevard. Defendant Veen, driving a Peterbilt 18-wheeler tractor-trailer, was also traveling north on La Peer and attempted to negotiate a right turn onto Santa Monica Boulevard. Defendant did not see plaintiff's vehicle to his right and collided with it, dragging it around the corner and onto the curb of Santa Monica Boulevard. Plaintiff's vehicle was pushed into an electrical utility pole. Defendant attempted to flee the scene but witnesses stopped him.

Plaintiff alleged that defendant was negligent in the operation of a motor vehicle.

Defendant disputed liability and contended that plaintiff was comparatively negligent in attempting to sneak by the tractor-trailer on the right. Defendant further disputed the nature and extent of plaintiff's claimed injuries, plaintiff's neuroradiologist's readings of the MRI, and her claimed need for future surgery.

CLAIMED INJURIES

According to plaintiff: Plaintiff allegedly sustained cervical and lumbar strain and sprain injuries, requiring physical therapy. A lumbar MRI showed a 4 mm herniated disk at L4-L5 and severe intraforaminal L5 nerve root compression at L5-S1 due to a combination of anterospodylolisthesis and the disk herniation, which would require a future lumbar discectomy and spine fusion.

CLAIMED DAMAGES

According to plaintiff: \$13,641 past medical; \$40,000 future medical.

SETTLEMENT DISCUSSIONS

According to plaintiff: Plaintiff made a settlement demand of \$150,000. Defendant made an initial offer of \$50,000, increased to \$65,000, then to \$80,000. Defendant also offered a structure with a present value less than the previous offer rejected by plaintiff. The case settled for \$90,000. An additional \$13,406 in medical payments was recovered, and reimbursement for same was waived.

EXPERTS

None.

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