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SETTLEMENT RESULT: \$255,000

VEHICLE NEGLIGENCE

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SETTLEMENT—Driver rear-ended while stopped in traffic

VEHICLE NEGLIGENCE

Motor Vehicle v. Motor Vehicle/Rear-End/Parked/Stalled/Stopped Vehicle

No COURT/UNFILED SETTLEMENT

Bloomfield v. Automobile Club of Southern California.
Settlement date: 9/21/2006.

SETTLEMENT RESULT: \$255,000

COUNSEL

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

Defendant: None.

FACTS/CONTENTIONS

According to plaintiff: On April 27, 2004, plaintiff Tammy Bloomfield, a 39-year-old attorney for the FBI, was driving her 2000 Jeep northbound on the 405 freeway in the number three lane in Sherman Oaks. Defendant, driving a 1999 Subaru and also traveling in the number three lane, rear-ended plaintiff's vehicle after she stopped for traffic. The impact was extremely minor, resulting in only \$1,732 in cosmetic damage to plaintiff's vehicle.

Plaintiff alleged that defendant was negligent in the operation of his motor vehicle and that all of her claimed injuries were a direct result of the motor vehicle accident.

Defendant accepted liability, but disputed the nature and extent of plaintiff's claimed injuries, claiming that plaintiff did not require surgery, as evidenced by the fact that she had not had it more than two years after the accident and the initial recommendation by her doctors.

Defendant contended that plaintiff had previous low back problems about two years before the accident, and her doctor suggested that she undergo a lumbar MRI at that time. However, no lumbar MRI was performed prior to the subject accident.

CLAIMED INJURIES

According to plaintiff: Plaintiff sustained a cervical and lumbar strain and sprain, requiring physical therapy. Plaintiff also sustained a 5-6 mm lumbar disk herniation at L4-L5. Plaintiff may require an L4-L5 micro-discectomy in the future, but has elected to defer the surgery presently.

CLAIMED DAMAGES

According to plaintiff: \$11,445 past medical; \$40,000 future medical; \$35,693 future loss of earnings.

SETTLEMENT DISCUSSIONS

According to plaintiff: Plaintiff demanded, and the underinsured third-party defendant tendered, its \$15,000 policy limits. Plaintiff demanded her available \$235,000 underinsured motorist coverage. Her underinsured motorist carrier extended an initial offer of \$110,000, increased to \$125,000. The case was mediated before Jeffrey Krivis, Esq. of First Mediation, at which time no new offers were extended. Approximately one week later, with the mediator's continued involvement, the underinsured motorist carrier tendered its \$235,000 available policy limits. Plaintiff also recovered \$5,000 in medical payments coverage, reimbursement for which was waived by the carrier, making the total settlement \$255,000.

EXPERTS

None.

COMMENTS

According to plaintiff: The insurance carrier was Automobile Club of Southern California.

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