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SETTLEMENT RESULT: \$100,000

VEHICLE NEGLIGENCE

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SETTLEMENT—Driver sustains injuries when vehicle is struck by speeding driver on freeway

VEHICLE NEGLIGENCE

Motor Vehicle v. Motor Vehicle/Rear-End/Excessive Speed

LOS ANGELES COUNTY SUPERIOR COURT

Rogers v. Corbitt, No. SC068210, Santa Monica.

Settlement date: 9/24/2001.

SETTLEMENT RESULT: \$100,000

COUNSEL

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

Defendant: None.

FACTS/CONTENTIONS

According to plaintiff: On September 20, 2000, plaintiff, a 44-year-old office manager, was traveling eastbound on the Marina Freeway in the number two lane at approximately 60 mph. Defendant was also traveling eastbound in the number two lane behind plaintiff. Defendant was approaching plaintiff at a high speed, estimated to be at least 80 mph, when she lost control of the vehicle, which then struck plaintiff's vehicle, causing plaintiff to lose control and collide into the center divider. Plaintiff was treated by paramedics and released at the scene. Plaintiff did not seek emergency room care.

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

Defendant admitted liability but disputed the nature and extent of plaintiff's claimed injuries and the need for future surgery. Defendant contended that plaintiff's lumbar disk injury was pre-existing and did not require surgery.

CLAIMED INJURIES

According to plaintiff: Disk herniation.

CLAIMED DAMAGES

Not reported.

SETTLEMENT DISCUSSIONS

According to plaintiff: Plaintiff demanded \$100,000 policy limits.

Defendant refused to extend an offer on the basis of its defense medical review of the MRI films from its expert. Two weeks after the fourth and final medical expert report from plaintiff, defendant tendered its policy limits. The case settled approximately one month after the filing of the complaint.

EXPERTS

None.

EXPERT TESTIMONY

According to plaintiff: Defendant's medical expert, Director of Radiology Training Program at USC School of Medicine, concluded the disk protrusion was no more than 4 mm, diffuse, and a result of longstanding degenerative changes, and concluded that the MRI demonstrated no traumatic acute injury.

Plaintiff retained a total of four expert neuroradiologists, all of whom concluded that the MRI demonstrated anywhere from an 8-10 mm focal disk herniation, that was clearly acute and traumatic and not degenerative in nature. Plaintiff's last retained medical expert was the Director of Neuroradiology at USC School of Medicine. Plaintiff alleged that the defense expert was not qualified to render an opinion and that she was a radiologist and not a neuroradiologist.

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