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DECEMBER 13, 2010

Vol. 13, No. 49

SETTLEMENT RESULT: \$187,500

VEHICLE NEGLIGENCE

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Rear-end accident on freeway causes neck, back injuries

VEHICLE NEGLIGENCE

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

NO COURT/UNFILED SETTLEMENT

Montalbo v. James, Trial type: Settlement. Settlement date: 8/9/2010.

SETTLEMENT: \$187,500

Plaintiff demanded and defendant paid the available \$100,000 liability policy limits. An additional \$87,500 was paid by plaintiff's underinsured motorist carrier.

COUNSEL

Plaintiff: Scott J. Corwin, A Professional Law Corporation, Los Angeles.

Defendant: None.

FACTS/CONTENTIONS

According to plaintiff: On June 4, 2009, plaintiff Victor Montalbo, a 59-year-old commercial real estate broker, was operating his 1988 Mercedes south on the 405 freeway when traffic slowed to a stop. Plaintiff's vehicle was rear-ended by defendant James's 2009 Nissan SUV.

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

Defendant disputed the nature and extent of plaintiff's claimed injuries and the need for surgery.

CLAIMED INJURIES

According to plaintiff: As a direct result of the collision, plaintiff suffered injuries to his neck, shoulders, and back for which plaintiff received physical therapy. Plaintiff also sustained a concussion and tinnitus. Plaintiff's lumbar spine MRI revealed a 3-4 mm disc protrusion at L4-L5 and a 4-5 mm disc protrusion at L5-S1 with moderate canal and lateral recess stenosis. Plaintiff's orthopedist advised plaintiff that he may require lumbar spine surgery in the future.

CLAIMED DAMAGES

According to plaintiff: \$52,413 medical specials; \$0 loss of earnings.

SETTLEMENT DISCUSSIONS

Not reported.

EXPERTS

None.

COMMENTS

According to plaintiff: The insurance carrier was USAA; the adjuster was Roxane Jones. The underinsurance carrier was Liberty Mutual; the adjuster was Gloria Tibbetts.

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415-344-6000 (ph) 415-344-4950 (fax) trialsdigest@thomson.com west.thomson.com/trialsdigest/