

# TRIALS DIGEST®

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**SETTLEMENT RESULT: \$300,000**

## VEHICLE NEGLIGENCE

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### SETTLEMENT—Driver and two passengers injured in rear-end collision

#### VEHICLE NEGLIGENCE

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

#### No COURT/UNFILED SETTLEMENT

*Farzad v. Heiser*. Settlement date: 1/28/2004.

**SETTLEMENT RESULT: \$300,000**

#### COUNSEL

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

Defendant: None.

#### FACTS/CONTENTIONS

According to plaintiff: On April 11, 2003, plaintiffs Firouzeh Farzad, a 52-year-old female, Nosrat Vasigh, her 72-year-old mother, and Maryam Khatiblou, her 76-year-old aunt, were traveling eastbound on Oso Parkway in the number three of three lanes.

A vehicle in front of plaintiffs' vehicle stopped abruptly, causing plaintiff to brake suddenly. Plaintiffs' vehicle was rear-ended by defendant Joshua Heiser, who was also traveling on Oso Parkway, eastbound in the number three of three lanes.

Plaintiffs alleged that defendant was negligent in the operation of a motor vehicle and that all of plaintiffs' claimed injuries were a direct result of the trauma that the patients sustained in the accident.

Defendant admitted liability but disputed the nature and extent of all of plaintiffs' claimed injuries, contending that

plaintiffs were old, had pre-existing and degenerative arthritic spine disease, and that the disks demonstrated by MRI were minor in nature, old, pre-existing, and did not require surgery.

#### CLAIMED INJURIES

According to plaintiff: Plaintiff driver sustained cervical and lumbar strain and sprain injuries, requiring physical therapy; MRI scans revealed disk protrusions at C4-C5, measuring 4 mm; C5-C6 measuring 3 mm, and L5-S1, measuring 4 mm. Plaintiff is a present candidate for surgical intervention in the form of a cervical multi-level anterior discectomy and interbody fusion, and lumbar laminectomy and discectomy.

Plaintiff front passenger sustained cervical and lumbar strain and sprain injuries, requiring physical therapy. An MRI scan revealed disk protrusions at L4-L5, measuring 5 mm. Plaintiff is a present candidate for surgical intervention in the form of a lumbar multi-level laminectomy and posterolateral fusion.

Plaintiff rear passenger sustained cervical and lumbar strain and sprain injuries, requiring physical therapy. An MRI scan revealed disk protrusions at L2-L3, measuring 4 mm, and L4-L5, measuring 5 mm. Plaintiff is a present candidate for surgical intervention in the form of a lumbar multi-level laminectomy and posterolateral fusion.

#### CLAIMED DAMAGES

According to plaintiff: Plaintiff driver: \$10,448 past medical; \$90,000 future medical. Plaintiff mother: \$11,673 past medical; \$55,000 future medical. Plaintiff aunt: \$10,190 past medical; \$55,000 future medical.

#### SETTLEMENT DISCUSSIONS

According to plaintiff: Plaintiffs demanded defendant's policy limits of \$300,000, which were tendered by defendant.

#### EXPERTS

None.