

# TRIALS DIGEST®

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**SETTLEMENT RESULT: \$110,000**

## VEHICLE NEGLIGENCE

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### SETTLEMENT—Husband and wife injured when rear-ender pushes them into car ahead

#### VEHICLE NEGLIGENCE

Motor Vehicle v. Motor Vehicle/Rear-End/Parked/Stalled/Stopped Vehicle/Chain Reaction Collision

#### No COURT/UNFILED SETTLEMENT

*Tsavidis v. Sipe*. Settlement date: 10/13/2005.

#### SETTLEMENT RESULT: \$110,000

\$100,000 (defendant's policy limits); \$5,000 each plaintiff for medical costs from own insurance carrier.

#### COUNSEL

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

Defendant: None.

#### FACTS/CONTENTIONS

According to plaintiff: On May 15, 2005, plaintiff Athan Tsavidis, a 65-year-old retiree, was driving south on the 101 freeway in Oxnard with his wife, plaintiff Theodosia Tsavidis, a 60-year-old beautician. They were driving in the far left lane, and traffic was stop-and-go. When traffic came to a sudden stop, plaintiff braked abruptly.

Defendant Amy Sipe, who was directly behind plaintiffs, rear-ended them and knocked them into the car ahead.

Defendant admitted liability, but disputed the nature and extent of plaintiffs' injuries, contending that they had significant pre-existing conditions.

#### CLAIMED INJURIES

According to plaintiff: Athan Tsavidis: cervical and lumbar strains and sprains. An MRI revealed a 6 mm L4-L5 disk herniation compressing the existing right L4 nerve root and a 4-5 mm L5-S1 disk herniation compressing the anterior thecal sac and left S1 nerve root. He underwent a series of lumbar epidural injections and went for physical therapy. He may require an L4-sacrum multi-level discectomy and fusion in the future.

Theodosia Tsavidis: cervical and lumbar strains and sprains. An MRI revealed a focal full-thickness tear of her right rotator cuff. She will require a right shoulder diagnostic arthroscopy and arthroscopic versus open revision rotator cuff repair surgery in the future.

The defense asserted that Athan had a long history of low back disease and had undergone a lumbar epidural injection only a month before the accident. The defense alleged that Theodosia had been injured in a previous car accident in which she tore the same rotator cuff and underwent surgery. The tear in her rotator cuff was a recurrent tear and not a result of this accident. Defendant disputed the need for either plaintiff to undergo future surgery.

#### CLAIMED DAMAGES

According to plaintiff: Athan: \$17,394 past medical; \$60,000 future medical; pain and suffering.

Theodosia: \$9,116 past medical; \$25,000 future medical; pain and suffering.

#### SETTLEMENT DISCUSSIONS

Not reported.

#### EXPERTS

None.

#### COMMENTS

According to plaintiff: The insurance carrier was Mercury Insurance.