

# TRIALS DIGEST®

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**SETTLEMENT RESULT: \$260,000**

## VEHICLE NEGLIGENCE

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### SETTLEMENT—Driver injured in collision with vehicle exiting alley

#### VEHICLE NEGLIGENCE

Motor Vehicle v. Motor Vehicle/Right-of-Way

#### LOS ANGELES COUNTY SUPERIOR COURT

*McPherson v. Wasley*, No. SC069089, Santa Monica.  
Settlement date: 9/23/2002.

**SETTLEMENT RESULT: \$260,000**

#### COUNSEL

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

Defendant: Ronald Zurek, Wesierski & Zurek, Los Angeles.

#### FACTS/CONTENTIONS

According to plaintiff: On October 29, 2000, plaintiff Velma McPherson, a 75-year-old retired secretary, was a passenger in a vehicle that was traveling southbound on Barrington in the number two lane of two lanes. Defendant Shane Wasley was driving eastbound in an alley. Upon exiting the alley, defendant struck plaintiff's vehicle, causing \$1,909 of property damage with no frame damage.

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

Defendant admitted liability but disputed the nature and extent of plaintiff's injuries and the need for future

surgery. Defendant further contended that the low-impact accident could not have resulted in the injuries claimed by plaintiff, and that plaintiff did not require surgery.

Defendant also raised the issue that plaintiff did not seek any medical attention for nearly two months following the accident, and only saw an orthopedic surgeon approximately eight months after the accident.

#### CLAIMED INJURIES

According to plaintiff: Plaintiff sustained cervical and lumbar strain and sprain injuries, which required physical therapy, and dental injuries, requiring dental treatment. Plaintiff also sustained disk bulges at C5-C6, measuring 3 mm, L1-L2, measuring 6 mm, and L5-S1, measuring 6 mm. Plaintiff had a pre-existing Grade 1 subluxation of L4 on L5. Plaintiff may require a two-level lumbar laminectomy and a discectomy with a fusion from L4-S1, as well as cervical decompression at C5-C6.

#### CLAIMED DAMAGES

According to plaintiff: \$10,769 past medical; \$100,000 future medical.

#### SETTLEMENT DISCUSSIONS

According to plaintiff: Plaintiff demanded, and defendant paid, its \$100,000 policy limits within 60 days of the demand. Plaintiff then demanded her own insurance carrier's \$150,000 underinsured motorist policy limits, which were paid within 30 days of the demand; \$10,000 in medical payments were also collected, and reimbursement was waived, making the total settlement \$260,000.

#### EXPERTS

Plaintiff: Not reported.

Defendant: Arthur Kreitenberg, M.D., orthopedic surgeon/neurologist, Center for Orthopedic & Sports Excellence, Los Angeles (310) 659-3400.

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