

# TRIALS DIGEST<sup>®</sup>

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**SETTLEMENT RESULT: \$150,000**

## VEHICLE NEGLIGENCE

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#### Stopped motorist rear-ended on freeway

##### VEHICLE NEGLIGENCE

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

##### LOS ANGELES COUNTY SUPERIOR COURT

*Lenhart v. Yellow Cab Company*, Docket number: BC365138, Downtown. Judge: Haley J. Fromholz. Trial type: Settlement. Settlement date: 5/13/2008.

##### SETTLEMENT: \$150,000

##### COUNSEL

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

Defendant: Edward S. Wallace, Law Offices of Edward S. Wallace, Irvine.

##### FACTS/CONTENTIONS

According to plaintiff: On February 5, 2005, plaintiff John Lenhart, a 70-year-old college mathematics professor, was operating a 1997 Toyota Avalon northbound on the 110 Freeway driving in the Carpool Lane when traffic ahead slowed. Plaintiff stopped his vehicle but was rear-ended by a driver for defendant Yellow Cab Company in a 2007 Ford Crown Victoria taxicab also going north on the 110 Freeway in the carpool lane, thereby pushing plaintiff's vehicle into the car in front of it. Plaintiff's vehicle sustained minor property damage in the amount of \$1,515.

Plaintiff alleged that defendant was negligent in the operation of his motor vehicle and that all of plaintiff's claimed injuries were a direct result of the accident. Defendant accepted liability but disputed the nature and extent of plaintiff's claimed injuries. Defendant further disputed that plaintiff required lumbar spine surgery as a result of

the accident. Defendant contended that plaintiff sustained serious lumbar spine injuries in a motor vehicle accident in 1998 and that plaintiff claimed the need for lumbar spine surgery as a result of the 1998 accident, that plaintiff recovered \$410,000 from the 1998 accident claim but never had the surgery. Defendant further contended that there was no significant change in the plaintiff's lumbar disc pathology between 1998 and 2005 and that he suffered from degenerative lumbar spine conditions that were not accident related.

##### CLAIMED INJURIES

According to plaintiff: Plaintiff sustained cervical, thoracic, and lumbar strain and sprain injuries that were treated conservatively by physical therapy. Plaintiff had a lumbar MRI study that demonstrated a disc protrusion at several levels. Plaintiff may require future lumbar spine surgery in the form of an L5-S1 discectomy and left L5 foraminotomy, an L4-L5 discectomy and left L4 foraminotomy, and fusion from L4 to S1 in the future.

##### CLAIMED DAMAGES

According to plaintiff: \$25,507 past medical; \$60,000 future medical.

##### SETTLEMENT DISCUSSIONS

Not reported.

##### EXPERTS

Plaintiff: None.

Defendant: P. Douglas Kiester, M.D., orthopedic surgeon, Beverly Hills (310) 278-7311.

##### COMMENTS

According to plaintiff: The insurance carrier was Acceptance Indemnity Insurance Company. The complaint was filed on January 23, 2007.

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