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SETTLEMENT RESULT: \$110,000

VEHICLE NEGLIGENCE

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SETTLEMENT—Elderly passenger injured in rear-ender

VEHICLE NEGLIGENCE

Motor Vehicle v. Motor Vehicle/Rear-End

NO COURT/UNFILED SETTLEMENT

Stayden v. State Farm Insurance. Settlement date: 7/12/2006.

SETTLEMENT RESULT: \$110,000

COUNSEL

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

Defendant: None.

FACTS/CONTENTIONS

According to plaintiff: On December 15, 2005, plaintiff Martin Stayden, a 78-year-old retired movie producer, was traveling as a passenger in a 2005 Mercedes, heading southbound on Lincoln Boulevard in the number two lane of two lanes, in Los Angeles. Defendant driver was operating a 1996 Cadillac, also traveling southbound on Lincoln Boulevard in the number two lane. Defendant rear-ended the vehicle in which plaintiff was a passenger. Defendant was uninsured, so plaintiff brought an uninsured motorist claim against his own carrier.

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

Respondent uninsured motorist carrier State Farm Insurance accepted liability, but disputed the nature and extent of plaintiff's claimed injuries. State Farm further contended that plaintiff's injuries were pre-existing and that, notwithstanding plaintiff's claims, he was not in any significant distress. State Farm argued the CT scan demonstrated significant disk desiccation that proved plaintiff's claimed injuries were longstanding.

CLAIMED INJURIES

According to plaintiff: Plaintiff sustained cervical and lumbar strain and sprain injuries, requiring physical therapy. Plaintiff had a lumbar CT scan which revealed right L4-L5 nerve root compression. Future surgery was not contemplated due to plaintiff's advanced age and the fact that he had a pacemaker.

CLAIMED DAMAGES

According to plaintiff: \$10,156 past medical.

SETTLEMENT DISCUSSIONS

According to plaintiff: Plaintiff demanded the \$100,000 uninsured motorist policy limits. State Farm offered \$30,000, plus \$5,000 in medical payments coverage. The matter was assigned to counsel for review, and, upon further review by counsel, State Farm tendered its \$100,000 policy limits and took a previously scheduled IME off calendar. Plaintiff collected \$5,000 in medical payments from the registered owner of the vehicle's insurance carrier, making the total recovery \$110,000.

EXPERTS

None.

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