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SETTLEMENT RESULT: \$100,000

VEHICLE NEGLIGENCE

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Passenger injured when intoxicated driver crashes into fire hydrant

VEHICLE NEGLIGENCE

Passenger/Impaired Driver/Sole Vehicle/Seatbelt/Airbag

NO COURT/UNFILED SETTLEMENT

Albert v. Justiniano, Trial type: Settlement. Settlement date: 10/19/2010.

SETTLEMENT: \$100,000

COUNSEL

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

Defendant: None.

FACTS/CONTENTIONS

According to plaintiff: On September 24, 2010, plaintiff Leon Albert, a 28-year-old unemployed man, was a passenger in the back of a Chrysler PT Cruiser 4-door vehicle being operated by defendant Jason Justiniano. Plaintiff had been drinking earlier in the day and had gone into defendant's vehicle and fallen asleep in the back seat. Defendant and a friend later returned to the vehicle drunk and drove off without waking plaintiff or putting on his seatbelt. Defendant was operating his vehicle under the influence of alcohol when he lost control and crashed into a fire hydrant. Defendant was driving on Long Beach Boulevard in the City of Long Beach.

Plaintiff alleged that defendant was negligent in the operation of his vehicle and that all of plaintiff's claimed injuries were a direct result of said negligence. Defendant accepted liability but disputed the nature and extent of plaintiff's claimed injuries. Defendant further contended that plaintiff was comparatively negligent for being drunk,

getting into a car with a drunk driver whom he knew to be drunk, and failing to put on his seatbelt.

CLAIMED INJURIES

According to plaintiff: Plaintiff sustained a cervical spine fracture at C4 and C5, linear gaping 8 cm scalp laceration, multiple facial lacerations, broken teeth, and multiple facial, nasal, and orbital fractures. Plaintiff was transported by ambulance from the accident site to St. Mary's Medical Center in Long Beach, where he was hospitalized for seven days.

CLAIMED DAMAGES

According to plaintiff: The case was settled without the presentation of any medical special damages.

SETTLEMENT DISCUSSIONS

According to plaintiff: Plaintiff demanded defendant's \$100,000 policy, which was tendered in three days.

EXPERTS

None.

COMMENTS

According to plaintiff: The insurance carrier was Automobile Club of Southern California; the adjuster was Sue Sharp.

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