

# TRIALS DIGEST®

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SETTLEMENT RESULT: \$200,000

## VEHICLE NEGLIGENCE

50 TD 13TH 29

### Minor passenger injured when speeding car flips over

#### VEHICLE NEGLIGENCE

Passenger/Excessive Speed/Rollover

#### NO COURT/UNFILED SETTLEMENT

*Margot-Escott v. Sheehan*, Trial type: Settlement. Settlement date: 8/13/2007.

**SETTLEMENT: \$200,000**

#### COUNSEL

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

Defendant: None.

#### FACTS/CONTENTIONS

According to plaintiff: On November 3, 2006, plaintiff Sabree Margot-Escott, a 15-year-old high school student, was a seat-belted passenger in the back of a 2006 Mitsubishi Lancer four-door sedan being operated by defendant Crystal Estrada, a 16-year-old girl possessing a temporary Arizona driver's license with the permission of her parents, Sherrie L. and Greg Sheehan. Defendant was operating said vehicle on and along Arizona Farms Road, a two-lane rural road near Florence in Pinal County, Arizona. Defendant was operating her vehicle in excess of the posted speed limit and racing with another vehicle being operated by an acquaintance, defendant Saline. Both drivers were traveling in excess of the speed limit and were darting in and out of their travel lane and passing one another. At one point, defendant Estrada intended to pass the other vehicle and entered the lane of oncoming traffic. Defendant realized that she lacked room to maneuver, so she swerved back into her lane to avoid a head-on collision. However, in cutting back into her lane of travel, de-

fendant Estrada braked hard to avoid colliding with another vehicle, and, in doing so, lost control of her vehicle, which veered off the road, hit an embankment, went airborne, flipped end-to-end, and eventually came to rest in a roadside ditch.

Plaintiff alleged that defendant Estrada was negligent in the operation of her vehicle and that all of plaintiff's claimed injuries were a direct result of said negligence. Plaintiff also claimed that defendant Saline was negligent in the operation of her motor vehicle in racing with defendant Estrada.

Defendants initially disputed liability and contended that plaintiff failed to wear a seatbelt. Ultimately, they accepted liability but disputed the nature and extent of plaintiff's claimed injuries.

#### CLAIMED INJURIES

According to plaintiff: Plaintiff sustained a concussion and contusions and abrasions over her entire body, especially her head and legs. She sustained a large hematoma and bruise to her forehead and deep lacerations in her left knee and leg, requiring butterfly sutures. She was airlifted by helicopter to the Maricopa Medical Center in Phoenix, where she was hospitalized for two days for observation. Plaintiff continues to experience numbness, decreased sensation, weakness in her right leg, and pain and discomfort in her low back. She experiences emotional and psychological effects and continues to experience flashbacks, nightmares, and great reluctance to ride in vehicles. No further treatment is indicated.

#### CLAIMED DAMAGES

According to plaintiff: \$38,020 medical.

#### SETTLEMENT DISCUSSIONS

According to plaintiff: Plaintiff demanded defendant Estrada's \$100,000 policy. Defendant offered \$50,000, increased to \$75,000. Ultimately defendants tendered their \$100,000 policy. Plaintiff demanded defendant Saline's \$100,000 policy, which was ultimately tendered, resulting in the \$200,000 policy limits settlement.

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**EXPERTS**

None.

**COMMENTS**

According to plaintiff: Defendant Sheehan's insurance carrier was American Family Insurance; the adjuster was Michelle Stacknick. Defendant Saline's insurance character was State Farm Insurance; the adjuster was Kathy Allen.