

TRIALS DIGEST®

THE COMPREHENSIVE SOURCE FOR CALIFORNIA CIVIL TRIAL RESULTS

November 18, 2013

SETTLEMENT RESULT: \$215,000

Vol. 16 , No. 46

MOTOR VEHICLE

46 TD 16TH 22

Driver strikes vehicle in intersection after running red light

VEHICLE NEGLIGENCE

Motor Vehicle v. Motor Vehicle/Intersection/Passenger/
Signal Violation
VICARIOUS LIABILITY

NO COURT/UNFILED SETTLEMENT

Smith v. Emmets, Docket number: Not reported. Judge:
Not reported. Trial type: Settlement. Settlement Date:
10/2/2013.

SETTLEMENT: \$215,000

\$215,000 to plaintiff for damages

COUNSEL

Plaintiff: Scott J. Corwin, Law Offices of Scott J. Corwin, Los Angeles.
Defendant: None.

FACTS/CONTENTIONS

According to plaintiff: On June 24, 2012, plaintiff Jane Smith, a 33-year-old attorney, was a passenger in a 2011 Jaguar C-Type, traveling north on MacArthur Boulevard and attempting to cross the intersection of Von Karman Avenue in Newport Beach, Calif. Defendant Dean Emmets, who was driving a 2012 Chrysler 300 in the course and scope of his employment east on Von Karmen Avenue, reportedly ran a red light and hit plaintiff's vehicle in the intersection. Plaintiff was transported by ambulance to the hospital.

Plaintiff alleged defendant was negligent in the operation of his vehicle and 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 Emmet's employer further disputed that defendant Emmet was an employee or agent of defendant employer.

CLAIMED INJURIES

According to plaintiff: Concussion; hospitalization for one day; laceration to face above the right eyebrow requiring stitches; cervical and lumbar strains and sprains treated with one month of physical therapy. Plaintiff missed approximately four weeks of work in total as a result of her injuries.

CLAIMED DAMAGES

According to plaintiff: \$56,604 past medical; \$16,000 loss of earnings.

SETTLEMENT DISCUSSIONS

Plaintiff demanded defendant Emmet's \$100,000 policy limit, which was tendered in settlement. Plaintiff settled with defendant employer's insurance for an additional \$110,000 and \$5,000 in medical payments was waived.

EXPERTS

None.

COMMENTS

According to plaintiff: Defendant Emmet's insurance carrier was Progressive; the adjuster was Tyler Nguy. Defendant employer's insurance carrier was Bintech Partners Inc.; the adjuster was David Cribb.

Trials Digest, a Thomson West business, 425 Market Street, 4th Floor, San Francisco, CA 94105
415-344-6000 (ph) 415-344-4950 (fax) trialsdigest@thomson.com west.thomson.com/trialsdigest/