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February 27, 2012

SETTLEMENT RESULT: \$105,000

Vol 15 No. 9

VEHICLE NEGLIGENCE

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Stopped driver rear-ended on freeway

VEHICLE NEGLIGENCE

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

NO COURT/UNFILED SETTLEMENT

Brown v. Mercury Insurance, Trial type: Settlement. Settlement date: 9/18/2011.

SETTLEMENT: \$105,000

COUNSEL

Plaintiff: Scott J. Corwin, Law Offices of Scott J. Corwin, Los Angeles.
Defendant: Guillermo W. Schnaider, Kinkle, Rodiger & Spriggs, Santa Ana.

FACTS/CONTENTIONS

According to plaintiff: On October 19, 2010, plaintiff Andre Brown, a 31-year-old investment banker, was driving a 2008 Infiniti G35S Northbound on the 405 Freeway in the #2 lane in an unincorporated city of Orange County, California. The traffic in the #2 lane came to a sudden stop, and plaintiff was at a complete stop when defendant, who was driving a 1999 Honda Accord northbound on the 405 Freeway in the #2 lane, rear-ended plaintiff's vehicle and pushed plaintiff's vehicle into the vehicle that was stopped in front of plaintiff.

Plaintiff alleged that defendant uninsured driver was negligent in the operation of her vehicle and that all of plaintiff's claimed injuries were a direct result of said negligence. The uninsured motorist carrier accepted liability but disputed the nature and extent of plaintiff's claimed injuries. The UM carrier contended that plaintiff did not require surgery and that his knee injuries were pre-existing and soft tissue in nature.

CLAIMED INJURIES

According to plaintiff: Plaintiff sustained cervical, lumbar, right shoulder, and left knee strain and sprain injuries that were treated conservatively by physical therapy. Due to ongoing left knee pain, plaintiff underwent an MRI that confirmed a partial tear of the patellar tendon. Plaintiff is a candidate for a left knee surgery to repair the partial patellar tendon rupture.

CLAIMED DAMAGES

According to plaintiff: \$9,725 past medical; \$40,000 future medical.

SETTLEMENT DISCUSSIONS

According to plaintiff: Plaintiff demanded his uninsured motorist \$100,000 policy. The UM carrier made no offer for more than six months. Finally, notwithstanding Dr. Klapper's DME opinions that plaintiff did not require surgery, the UM carrier offered \$95,000 new money (on top of the \$5,000 MP paid previously). Plaintiff refused the offer and demanded \$100,000 new money, which was ultimately tendered by the UM carrier, for a total policy limits settlement of \$105,000.

EXPERTS

Plaintiff: Not reported.
Defendant: Robert C. Klapper, M.D., orthopedic surgeon, Cedars-Sinai Hospital, Los Angeles (310) 659-6889

COMMENTS

According to plaintiff: The insurance carrier was under Insurance.

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