

# TRIALS DIGEST®

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**SETTLEMENT RESULT: \$112,819**

## VEHICLE NEGLIGENCE

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### SETTLEMENT—Passenger injured when driver makes unsafe left-turn

#### VEHICLE NEGLIGENCE

Motor Vehicle v. Motor Vehicle/Left Turn/Broadside

#### NO COURT/UNFILED SETTLEMENT

*Benedetti v. Lamb*. Settlement date: 9/29/2005.

#### SETTLEMENT RESULT: \$112,819

\$100,000 from insurance policy; \$12,819 medical payments coverage of insurance policy.

#### COUNSEL

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

Defendant: None.

#### FACTS/CONTENTIONS

According to plaintiff: On January 21, 2005, plaintiff Cara Benedetti, a 70-year-old retiree, was riding in the passenger seat of defendant Nicola Lamb's station wagon as they traveled northbound on Sepulveda Boulevard in the Westchester section of Los Angeles. Defendant tried to make a left turn onto Privett Street from the left lane of the two-lane roadway and collided with a vehicle that was driving south on Sepulveda. The impact occurred exactly where plaintiff was sitting on the passenger side of the vehicle. Plaintiff was able to leave the scene of the accident on her own, but she sought medical attention a week later. Defendant did not dispute liability, but disputed the nature and extent of plaintiff's injuries.

#### CLAIMED INJURIES

According to plaintiff: Cervical strain; lumbar sprain; lumbar disk protrusion; laminectomy; physical therapy. An MRI showed an L4-L5 broad-based 4-5 mm disk protrusion with compression of the existing L5 nerve root. Plaintiff claimed that she might need a lumbar laminectomy and diskectomy at L4-L5. Plaintiff alleged that all of her injuries resulted from the accident. She claimed that her pre-existing L1-L2 disk was reabsorbed and that the L4-L5 disk injury was a new injury, as demonstrated by a comparison of the pre- and post-2005 accident MRIs.

Defendant claimed that plaintiff sustained her lumbar spine injury in a prior accident on April 10, 2003 and the recent crash did not cause any significant new injury. The defense noted that plaintiff claimed the need for an L1-L2 back surgery after the previous accident, but had not gotten that treatment by the time of the second accident. The defense also contended that plaintiff admitted to defendant, a friend, that she had not been hurt in the second accident and that all of her symptoms pre-dated it. Plaintiff denied such a conversation.

#### CLAIMED DAMAGES

According to plaintiff: \$12,819 past medical; \$50,000 future medical.

#### SETTLEMENT DISCUSSIONS

According to plaintiff: Demand: \$100,000 (policy limits). Offer: Not reported.

#### EXPERTS

None.

#### COMMENTS

According to plaintiff: The insurance carrier was State Farm.