

# TRIALS DIGEST®

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**SETTLEMENT RESULT: \$200,000**

## VEHICLE NEGLIGENCE

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#### Driver struck by big rig making sudden left turn

#### VEHICLE NEGLIGENCE

Motor Vehicle v. Motor Vehicle/Truck/Left Turn/Passing

#### VENTURA COUNTY SUPERIOR COURT

*Boczko v. Hawks*, Docket number: 201000371828CU-PASIM. Judge: Not reported. Trial type: Settlement. Settlement date: 5/4/2010.

#### SETTLEMENT: \$200,000

The case settled shortly after the filing and service of the lawsuit.

#### COUNSEL

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

Defendant: None.

#### FACTS/CONTENTIONS

According to plaintiff: On May 3, 2008, plaintiff Donovan Boczko, a 32-year-old plumber, was operating a 2005 Chevrolet truck northbound on Yosemite Avenue in the #1 of 2 lanes. Defendant Hawks was operating an 18-wheeler big rig truck northbound on Yosemite Avenue in the #2 of 2 lanes ahead of plaintiff's vehicle. As plaintiff was passing defendant, defendant suddenly attempted to make a left turn, hitting plaintiff's vehicle and pushing it into the #1 southbound lane on Yosemite.

Plaintiff alleged that defendant third-party driver was negligent in the operation of a motor vehicle and that all of plaintiff's claimed injuries were a direct result of the accident.

Defendant disputed the nature and extent of plaintiff's claimed injuries. Defendant further contended that plain-

tiff had pre-existing lumbar spine injuries, both as a result of longstanding degenerative conditions and a motor vehicle accident that occurred six months prior to the subject accident and for which plaintiff was discharged by his chiropractor only 9 days prior to the subject accident.

#### CLAIMED INJURIES

According to plaintiff: Plaintiff suffered injury to his neck, shoulders, and back, for which he underwent physical therapy and epidural injections. A lumbar MRI revealed an L4-L5 8-9 mm disc protrusion. Plaintiff ultimately had lumbar spine surgery.

#### CLAIMED DAMAGES

According to plaintiff: \$74,438 medical.

#### SETTLEMENT DISCUSSIONS

Not reported.

#### EXPERTS

None.

#### COMMENTS

According to plaintiff: The insurance carrier was Mohave Transportation Insurance Company; the adjuster was Dave Zerrillo.

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