

TRIALS DIGEST®

THE COMPREHENSIVE SOURCE FOR CALIFORNIA CIVIL TRIAL RESULTS

JULY 24, 2006

Vol. 9, No. 30

SETTLEMENT RESULT: \$375,000

VEHICLE NEGLIGENCE

30 TD 9th 23

SETTLEMENT—Passenger in vehicle injured in rear-ender with bus

VEHICLE NEGLIGENCE

Motor Vehicle v. Motor Vehicle/Rear-End/Bus

COMMON CARRIER
Bus/Streetcar

LOS ANGELES COUNTY SUPERIOR COURT

Fletcher v. MTA, No. BC063954, Downtown. Aurelio N. Munoz. Settlement date: 11/12/1993.

SETTLEMENT RESULT: \$375,000

COUNSEL

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

Defendant: Deborah E. Winer, Law Offices of Deborah Winer, Sherman Oaks.

Intervenor: David A. Van Riper, Campion, Rodolff, Tustin.

FACTS/CONTENTIONS

According to plaintiff: On August 4, 1989, plaintiff Harold Fletcher, age 63, was a rear-seat passenger in an automobile that was struck in a rear-end collision by defendant MTA bus. The collision occurred on the westbound 10 Freeway. Plaintiff had been a driver for National Car Rental for three years prior to the accident. Plaintiff alleged the accident caused a slowly developing, permanently disabling injury which prevented his returning to his position as driver. This was a minor impact resulting in less than \$2,000 in property damage to plaintiff's vehicle.

Defendant admitted negligence in the operation of the common carrier.

Defendant disputed the causation and extent of plaintiff's injury claims. Defendant contended plaintiff had pre-existing spinal stenosis, which contributed significantly, if not completely, to his lumbar condition.

Defendant admitted negligence in the operation of a common carrier.

CLAIMED INJURIES

According to plaintiff: Plaintiff alleged that this incident caused a slowly developing, permanently disabling injury that prevented his returning to his profession as a driver.

Torn rotator cuff causing nerve impingement, requiring surgery; carpal tunnel and ulnar nerve impingements, requiring surgical releases; L5-S1 herniation, causing partial paralysis of both lower extremities, requiring a laminectomy and foraminectomy.

CLAIMED DAMAGES

According to plaintiff: \$115,000 past medical; \$60,000 future medical; \$50,000 lost income; unspecified future income.

SETTLEMENT DISCUSSIONS

According to plaintiff: Demand: \$500,000. Offer: No offer until Mandatory Settlement Conference.

EXPERTS

Plaintiff: Stuart Baumgard, M.D., orthopedic surgeon, Mauna Loa, HI (310) 395-2829. Samuel I. Miles, M.D., psychiatrist, Los Angeles (310) 659-1674. G. Jay Westbrook, R.N., gerontologist, Van Nuys (818) 782-6600. Colin Stokol, M.D., neurologist, Los Angeles (310) 423-3277.

Defendant: Thomas J. Szabo, biomechanical engineer, Biomechanical Research & Testing, Long Beach (562) 494-4407. Michael A. Wienir, M.D., neurologist, San Fernando Valley Neurologic Medical Group Inc., Tarzana (818) 996-3880. Robert A. Grant, M.D., orthopedic surgeon, Canoga Park (818) 347-1260. Michael H. Millar, D.C., chiropractor, Torrance (310) 533-0707. Dennis Schwartz, J.D., attorney, Sherman Oaks (818) 906-8166.

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/