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JULY 24, 2006

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SETTLEMENT RESULT: \$300,000

VEHICLE NEGLIGENCE

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SETTLEMENT—Driver rear-ended after stopping for traffic

VEHICLE NEGLIGENCE

Motor Vehicle v. Motor Vehicle/Rear-End/Parked/Stalled/
Stopped Vehicle/Excessive Speed

LOS ANGELES COUNTY SUPERIOR COURT

VanWagner v. Marin, No. TC014759, Compton.
Settlement date: 3/25/2002.

SETTLEMENT RESULT: \$300,000

COUNSEL

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

Defendant: Michael J. Ryan, Murchison & Cumming,
Los Angeles.

FACTS/CONTENTIONS

According to plaintiff: On August 17, 2000, plaintiff Jackie VanWagner, a 39-year-old female employed as a special education teaching assistant, was traveling southbound in the I-710 carpool lane, when traffic came to a complete stop. Defendant Michael Louis Marin was approaching plaintiff's vehicle at a high rate of speed and was unable to stop and rear-ended her vehicle.

Plaintiff alleged defendant was negligent in the operation of a motor vehicle. Plaintiff also alleged that all of her claimed injuries were a direct result of the trauma she sustained in the accident.

Plaintiff's daughter, Noelle Tankard, was riding as a passenger in plaintiff's vehicle at the time of the incident. She did not suffer injury.

Defendant admitted liability but disputed the nature and extent of plaintiff's claimed injuries and the need for future surgery.

Granda Care Inc., the employer of defendant Marin and owner of the vehicle, was also named as a defendant in this case.

CLAIMED INJURIES

According to plaintiff: Plaintiff sustained cervical and lumbar strain and sprain injuries, requiring physical therapy. An MRI nine months post-accident revealed cervical disk herniations at C4-C5, measuring 5 to 6 mm, and at C5-C6, measuring 4 to 5 mm, requiring two epidural steroid injections. Plaintiff may require a future cervical discectomy.

CLAIMED DAMAGES

According to plaintiff: \$22,659 past medicals; \$55,000 future medicals.

SETTLEMENT DISCUSSIONS

According to plaintiff: Plaintiff demanded \$450,000. Defendant initially offered \$22,500. After extensive discovery, a mediation was held before Jeffrey Krivis, Esq., at which time defendant offered \$275,000. The case did not settle at mediation. With the continued intervention of the mediator, plaintiff demanded, and defendant offered, \$300,000 one week later, resulting in the settlement.

EXPERTS

Plaintiff: Not reported.

Defendant: Richard C. Rosenberg, M.D., orthopedic surgeon, Tarzana (818) 996-6800.

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