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SETTLEMENT RESULT: \$135,000

VEHICLE NEGLIGENCE

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SETTLEMENT—Driver rear-ended by truck

VEHICLE NEGLIGENCE

Motor Vehicle v. Motor Vehicle/Rear-End

LOS ANGELES COUNTY SUPERIOR COURT

Chicas v. Bellinis, No. KC025591, Pomona.

Settlement date: 3/6/1998.

SETTLEMENT RESULT: \$135,000

COUNSEL

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

Defendant: Edith R. Matthai, Robie & Matthai, Los Angeles.

Intervenor: Anne Horelly, Gabriel & Horelly, Sherman Oaks.

FACTS/CONTENTIONS

According to plaintiff: On October 15, 1996, plaintiff Chicas, a 29-year-old driver and laborer for a plumbing company, was traveling westbound on Valley Blvd. in the number two lane when he was rear-ended by defendant Bellinis, driving an Isuzu truck, resulting in over \$15,000 in property damage to defendant's vehicle. There was minimal property damage to plaintiff's vehicle.

Plaintiff alleged that defendant was negligent in the operation of a motor vehicle, and that all of his claimed injuries and wage loss were a direct result of this accident.

Defendant admitted liability but disputed the nature and extent of plaintiff's claimed injuries. Defendant also contended that plaintiff had a pre-existing disk protrusion at

L4-L5 from previous work-related injuries in 1990 and 1991, shown on a prior computerized tomography (CT) lumbar scan, that plaintiff should have been able to return to work much sooner than he did, and that, despite significant property damage to defendant's vehicle and because plaintiff's vehicle had virtually no property damage, plaintiff's claimed injuries did not result from this accident.

CLAIMED INJURIES

According to plaintiff: Plaintiff sustained cervical, thoracic, and lumbar strain and sprain injuries. Plaintiff was also diagnosed with a 4-5 mm disk protrusion at L4-L5, resulting in compression of the L5 nerve roots. Plaintiff underwent a laminectomy and discectomy performed in June 1997. Plaintiff received post-operative physical therapy and made good recovery from the surgery. Per defendant, plaintiff had not returned to work and claimed he was unable to do so. Also, per defendant, plaintiff claimed continuing, severe limitations on his activities.

CLAIMED DAMAGES

According to plaintiff: Plaintiff claimed \$63,038 in medical expenses and \$18,400 in lost earnings.

SETTLEMENT DISCUSSIONS

According to plaintiff: Plaintiff made a CCP § 998 settlement demand for \$199,999. Defendant offered \$135,000.

EXPERTS

Plaintiff: Jaime Contreras, M.D., orthopedic surgeon, West Covina (626) 337-7900.

Defendant: Not reported.

COMMENTS

According to plaintiff: This case was filed on June 2, 1997.