

# TRIALS DIGEST®

THE COMPREHENSIVE SOURCE FOR CALIFORNIA CIVIL TRIAL RESULTS

November 18, 2013

SETTLEMENT RESULT: \$100,000

Vol. 16 , No. 46

## MOTOR VEHICLE

46 TD 16TH 21

Rear-ended driver suffers lumbar disc bulges, settles for \$100K

### VEHICLE NEGLIGENCE

Motor Vehicle v. Motor Vehicle/Interstate/Freeway/Rear-End/Chain Reaction Collision

### NO COURT/UNFILED SETTLEMENT

Loewenthal v. Nevarez, Docket number: Not reported. Judge: Not reported. Trial type: Settlement. Settlement date: 10/18/2013.

### SETTLEMENT: \$100,000

\$100,000 to plaintiff for damages

### COUNSEL

Plaintiff: Scott J. Corwin, Law Offices of Scott J. Corwin, Los Angeles.  
Defendant: None.

### FACTS/CONTENTIONS

According to plaintiff: On May 2, 2013, plaintiff Steven Loewenthal, a 58-year-old senior credit manager, was driving a 2002 Jaguar south on the Interstate 5 freeway in Los Angeles and traveling about 10 mph when defendant Elio Nevarez, who was driving a 2001 Ford F-250 pickup, reportedly rear-ended plaintiff and pushed his vehicle into the vehicle in front of him.

Plaintiff alleged that defendant was negligent in the operation of his vehicle and that all of plaintiff's claimed injuries were a direct result of said negligence.

Defendant accepted liability but disputed the nature and extent of plaintiff's claimed injuries. Defendant contended plaintiff suffered only a minor soft tissue injury and did not require surgery.

### CLAIMED INJURIES

According to plaintiff: Plaintiff sustained cervical and lumbar strains and sprains that were treated with physical therapy. A lumbar MRI revealed a 3-mm L3-L4 broad-based disc bulge and a 4-mm L4-L5 foraminal disc protrusion with osteophytes resulting in moderate canal stenosis and moderate bilateral L4 foraminal stenosis. Plaintiff is a candidate for future surgery in the form of a lumbar laminectomy and discectomy.

### CLAIMED DAMAGES

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

### SETTLEMENT DISCUSSIONS

Plaintiff demanded defendant's \$100,000 policy limit, which was tendered in settlement.

### EXPERTS

None.

### COMMENTS

According to plaintiff: The insurance carrier was Auto Club; the adjuster was Cheri Derohanian.

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/