

# TRIALS DIGEST®

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July 4, 2011

SETTLEMENT RESULT: \$350,000

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## VEHICLE NEGLIGENCE

27 TD 14TH 28

Consecutive accidents injure  
motorist's lower back

### VEHICLE NEGLIGENCE

Motor vehicle v. Motor Vehicle/Rear-End/Low Impact/  
Speed

### NO COURT/UNFILED SETTLEMENT

*Zimmerman v. Papa*, Trial type: Settlement. Settlement  
date: 4/12/2011.

### SETTLEMENT: \$350,000

Plaintiff demanded defendant Papa's \$100,000 policy and  
demanded defendant Viswakula's \$250,000 policy.  
Defendant Papa tendered his \$100,000 limits within three  
days of the demand. Defendant Viswaluka tendered his  
\$250,000 limits within three days thereafter.

### COUNSEL

Plaintiff: Scott J. Corwin, Scott J. Corwin, A Professional  
Law Corporation, Los Angeles.  
Defendant: None.

### FACTS/CONTENTIONS

According to plaintiff: On November 1, 2010, plaintiff  
Stanley Zimmerman, a 78-year-old retiree, was driving a  
1992 Mercedes north on Sepulveda Boulevard in the far  
right lane stopped for traffic. Defendant Aaron Papa, who  
was driving a 2008 Audi, was in a driveway waiting to go  
north on Sepulveda Boulevard, accelerated as he exited the  
driveway and rear-ended plaintiff's vehicle.

Six weeks later, plaintiff was driving the same vehicle,  
which had not yet been inspected or repaired, east on Pico  
Boulevard in the number 2 lane, going about five mph in  
traffic. Defendant Starnika Viswalka, who was driving a  
sedan east on Pico Boulevard in the number two lane, rear-  
ended plaintiff's vehicle.

Both accidents occurred in the City of Los Angeles. Both ac-  
cidents resulted in minor property damage with the sum total  
of damage from both accidents about \$2,000.

Plaintiff alleged defendants were negligent in the operation of  
their vehicles and that all of plaintiff's claimed injuries were a  
direct result of that negligence. Defendants both accepted li-  
ability but disputed the nature and extend of plaintiff's  
claimed injuries. Specifically, defendants claimed plaintiff  
suffered from a 20-year-history of lower back problems and  
that he had slipped and fallen in his home just one month prior  
to the first accident, and medical records revealed that the slip  
and fall caused significant lower back and lower extremity  
symptoms. Furthermore, each defendant also blamed the  
other's accident for causing whatever injuries plaintiff did  
suffer. Both defendants disputed that plaintiff required surgery  
from either accident.

### CLAIMED INJURIES

According to plaintiff: Plaintiff sustained cervical and lumbar  
strain and sprain injuries. Following the second accident,  
plaintiff's low back complaints become severe, including a  
foot drop. Plaintiff underwent lumbar spine surgery at six  
levels almost immediately with 17 days of post-op hospitali-  
zation.

### CLAIMED DAMAGES

According to plaintiff: \$244, 166 past medical.

### SETTLEMENT DISCUSSIONS

Not reported.

### EXPERTS

None

### COMMENTS

According to plaintiff: The insurance carriers were Unitrin  
Specialty and Progressive Insurance; the insurance adjusters  
were Angie Alcalá and Eileen Bowen, respectively.

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