

# TRIALS DIGEST<sup>®</sup>

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October 14, 2013

**SETTLEMENT RESULT: \$225,000**

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## MOTOR VEHICLE

**41 TD 16TH 18**

**Driver injured in U-turn collision settles for \$225K**

### VEHICLE NEGLIGENCE

Motor Vehicle v. Motor Vehicle/U-Turn/Rear-Ed  
INSURANCE  
Automobile Policy/Uninsured/Underinsured Motorist

### NO COURT/UNFILED SETTLEMENT

Zimmerman v. Scott, Docket number: Not reported.  
Judge: Judge Mediation. Trial type: Settlement. Settlement date: 7/19/2013.

### SETTLEMENT: \$225,000

\$225,000 to plaintiff for damages  
Plaintiff demanded defendant's \$100,000 policy which was ultimately tendered. Plaintiff then presented an underinsured motorist claim to his insurer, Auto Club. After months and extensive investigation, Auto Club determined that no further payment should be made as the plaintiff had been adequately compensated by the \$100,000 policy. Mediation was agreed to and the case ultimately settled for an additional \$125,000 before mediator Jeffrey Krivis, making the total settlement

### COUNSEL

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

### FACTS/CONTENTIONS

According to plaintiff: On May 25, 2012, plaintiff Stanley Zimmerman, an 80-year-old executive, was a passenger in a 1992 Mercedes 500SL traveling east on Mariposa Avenue in the number one of two lanes when defendant Darin Scott, who was driving an SUV east on Mariposa Avenue in the number two lane ahead of plaintiff's vehicle suddenly attempted to make an illegal U-turn in front of plaintiff's vehicle, causing a collision. The accident happened in El Segundo, Calif. There was only minor property damage of \$1,113 to plaintiff's vehicle.

Plaintiff alleged 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 disputed the nature and extent of plaintiff's claimed injuries, in that he had extensive preexisting degenerative spinal and joint problems and had been involved in two prior motor vehicle minor impact accidents two years previous. Defendant also disputed liability claiming that plaintiff's vehicle rear-ended defendant. Dam-

### CLAIMED INJURIES

According to plaintiff: Plaintiff sustained a right knee injury and left shoulder injury. Due to ongoing pain, plaintiff underwent a right knee MRI that revealed meniscal tears. Plaintiff also had a left shoulder MRI, which revealed a chronic tear of the anterior labrum with mild spurring and remodeling of the glenoid rim, moderate acromioclavicular joint arthritis, moderate rotator cuff tendinosis and a small joint effusion. Due to the plaintiff's condition, surgery was not considered a viable option.

### CLAIMED DAMAGES

According to plaintiff: \$1,575 past medical.

### SETTLEMENT DISCUSSIONS

According to plaintiff: Plaintiff demanded defendant Rowen's \$250,000 policy. Defendant initially offered and stood firm on an \$80,000 settlement offer for months. After an independent medical exam and defense counsel involvement in the investigation, the case ultimately settled for \$225,000.

### EXPERTS

None.

### COMMENTS

According to plaintiff: The insurance carrier was Progressive, the adjuster was Tyler Nguy.

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/