

# TRIALS DIGEST<sup>®</sup>

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**SETTLEMENT RESULT: \$120,000**

## VEHICLE NEGLIGENCE

**47 TD 13TH 25**

### Lane change on freeway causes driver to lose control

#### VEHICLE NEGLIGENCE

Motor Vehicle v. Motor Vehicle/Lane Change/Interstate/Freeway/Stationary Structure

#### CONFIDENTIAL VENUE

*Confidential v. Confidential*, Docket number: Confidential. Judge: Not reported. Trial type: Settlement. Settlement date: 5/12/2010.

#### SETTLEMENT: \$120,000

The case settled in mediation with Janet Fields, Esq..

#### COUNSEL

**Plaintiff:** Scott J. Corwin, Scott Corwin, A Professional Law Corporation, Los Angeles.

**Defendant:** Confidential.

#### FACTS/CONTENTIONS

According to plaintiff: In August 2007, plaintiff, a 28-year-old bartender, was operating his 2004 Ford northbound on the 405 Freeway in the HOV lane, when he collided with defendant's vehicle. Plaintiff alleged that defendant third-party driver was negligent in the operation of a motor vehicle and that all of plaintiff's claimed injuries were a direct result of the subject accident. Plaintiff further alleged that defendant was traveling northbound on the 405 Freeway in the #1 lane and attempted to change lanes into the HOV lane, clipping plaintiff's vehicle and causing plaintiff to lose control and hit the concrete center divider. Defendants disputed liability and claimed that plaintiff changed lanes into defendant's lane. Defendants further disputed the nature and extent of plaintiff's claimed in-

juries. Defendants contended that plaintiff did not require shoulder surgery as a result of the accident.

#### CLAIMED INJURIES

According to plaintiff: Plaintiff suffered injury to his neck, shoulders, back, and left shoulder. He received physical therapy. Because of ongoing pain, plaintiff's orthopedist prescribed a left shoulder MRI, which revealed a full thickness rotator cuff tear. Plaintiff underwent a left shoulder arthroscopic surgery. Plaintiff continued to have left shoulder symptoms. The orthopedist advised plaintiff he was a present candidate for a second left shoulder arthroscopic surgery in the future.

#### CLAIMED DAMAGES

According to plaintiff: \$61,165 past medical; \$23,000 future medical.

#### SETTLEMENT DISCUSSIONS

According to plaintiff: Plaintiff initially demanded \$250,000. Defendants initially made no offers for more than a year.

#### EXPERTS

Not reported.

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