

# TRIALS DIGEST®

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**SETTLEMENT RESULT: \$113,100**

## VEHICLE NEGLIGENCE

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### SETTLEMENT—Mother and son rear-ended while stopped at red light

#### VEHICLE NEGLIGENCE

Motor Vehicle v. Motor Vehicle/Rear-End/Parked/Stalled/Stopped Vehicle

#### No COURT/UNFILED SETTLEMENT

*Butorovich v. Cerratto*. Settlement date: 2/1/2002.

#### SETTLEMENT RESULT: \$113,100

Plaintiff mother: \$100,000; plaintiff son: \$13,100.

#### COUNSEL

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

Defendant: None.

#### FACTS/CONTENTIONS

According to plaintiff: On June 6, 2001, plaintiffs Butorovich, a 30-year-old longshoreman, and his mother, a 62-year-old retired housewife, were traveling north-bound in the number one lane on Western Avenue and stopped at a red light at Capitol Avenue. Defendant Cerratto was unable to stop, and rear-ended plaintiffs' vehicle. Plaintiffs' vehicle sustained only minor cosmetic property damage.

Defendant's insurer admitted that the collision had occurred but denied that the collision could have resulted in any injury to the plaintiffs, in light of the minor visible property damage. Defendant's insurer assigned the claim to its special investigations unit. Defendant further disputed the nature and extent of the claimed injuries for both plaintiffs and maintained that plaintiff mother did not need surgery.

#### CLAIMED INJURIES

According to plaintiff: Plaintiff son sustained cervical, shoulder, and lumbar strain and sprain, requiring physical therapy. Plaintiff mother sustained cervical and lumbar strain and sprain injuries, requiring physical therapy, and exacerbation of a pre-existing 4-5 mm L5-S1 disk protrusion, with outer annular fiber tears, requiring lumbar epidural injections and possible future lumbar spine surgery.

#### CLAIMED DAMAGES

According to plaintiff: \$32,939 past medical; \$30,000 future medical.

#### SETTLEMENT DISCUSSIONS

According to plaintiff: Demand: \$100,000 (policy limits) for plaintiff mother and \$25,000 for plaintiff son. Offer: None initially. After a medical examination of plaintiff mother, defendant settled.

#### EXPERTS

None.

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