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December 4, 2013

SETTLEMENT RESULT: \$225,000

JVR No. 1311200019

MOTOR VEHICLE

41 TD 16TH 18

Fork Lift Driver Runs Over Worker's Foot

VEHICLE NEGLIGENCE

Fork Lift Accident

NO COURT/UNFILED SETTLEMENT

Gonzalez v. Vast Enterprises', Docket number: TC026405. Judge: Not reported. Trial type: Superior. Settlement date: 9/16/2013.

SETTLEMENT: \$690,000

\$690,000 to plaintiff for damages

COUNSEL

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

Defendant: Wendy L. Wilcox, Los Angeles, CA. Meighan Cardenas, Los Angeles, CA.

FACTS/CONTENTIONS

Christina Gonzalez, a 23-year-old warehouse associate, reportedly suffered multiple left toe fractures requiring a closed reduction surgery to three of his toes; a second surgery, an exostectomy of his left third digit and extensor tenotomy release at the metatarsophalangeal joint of the fourth digit, when his toes did not heal properly; and a future revision surgery because of ongoing pain, and was reportedly disabled from work as a result of being struck by a forklift driven by defendant Vast Enterprises's employee, defendant John Doe, who ran over the plaintiff's foot as the plaintiff was walking away after he had a conversation with the forklift driver. The plaintiff contended the forklift driver was negligent in the operation of his forklift and that all of plaintiff's claimed injuries were a direct result of said negligent. The defendant denied liability and further disputed the nature and extent of the plaintiff's claimed injuries, including the need for any future surgery and the extent of plaintiff's claimed disability from work.

CLAIMED INJURIES

According to plaintiff: Multiple Toe Fractures

CLAIMED DAMAGES

According to Plaintiff: \$35,227 past medical.

SETTLEMENT DISCUSSIONS

According to plaintiff: The plaintiff initially demanded \$350,000 to settle; the defendants' highest pre-litigation offer was \$75,000. After a lawsuit was filed and extensive discovery, the plaintiff demanded \$1,000,000. The \$690,000 settlement included satisfaction of a workers' compensation lien in the amount of \$18,918.

EXPERTS

Plaintiff: Orthopedic Surgeon: Ouzounian, Tye, M.D., Tarzana, CA

Defendant: Orthopedic Surgeon: Pfeiffer, Glenn, M.D., San Francisco, CA; Anesthesiologist/Pain Management: Richeimer, Steven, M.D., Los Angeles, CA.

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