

# TRIALS DIGEST®

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AUGUST 28, 2006

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**SETTLEMENT RESULT: \$100,000**

## VEHICLE NEGLIGENCE

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### **SETTLEMENT—Driver in stalled vehicle on freeway injured when intoxicated driver rear-ends his vehicle**

#### **VEHICLE NEGLIGENCE**

Motor Vehicle v. Motor Vehicle/Rear-End/Parked/Stalled/Stopped Vehicle/Impaired Driver: Alcohol

#### **No COURT/UNFILED SETTLEMENT**

*Leids v. Scott*. Settlement date: 4/22/2002.

**SETTLEMENT RESULT: \$100,000**

#### **COUNSEL**

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

Defendant: None.

#### **FACTS/CONTENTIONS**

According to plaintiff: On August 1, 2001, plaintiff, a 39-year-old attorney, was traveling northbound on the 170 freeway in the number four lane. Plaintiff's vehicle stalled and came to a complete stop. He activated his hazard lights and had been stopped for a few minutes when defendant rear-ended plaintiff's vehicle. Defendant was arrested and convicted for driving under the influence of alcohol. Plaintiff initially complained of pain to his right middle finger.

Approximately six months after the incident, plaintiff began to complain of neck pain. Approximately eight months after the accident, he first complained of lower back pain and radiating lower extremity symptoms. A lumbar MRI was performed eight months after the accident which showed lumbar disk injuries.

Plaintiff alleged that defendant was negligent in the operation of a motor vehicle and that all of his claimed injuries were a direct result of the accident. Plaintiff further alleged that defendant was liable for punitive damages for driving under the influence of alcohol.

Defendant admitted liability but disputed the nature and extent of plaintiff's claimed injuries and the need for future surgeries.

#### **CLAIMED INJURIES**

According to plaintiff: Plaintiff sustained cervical and lumbar strain and sprain injuries, requiring physical therapy; 5-6 mm L5-S1 herniated disk; 10 mm fully extended disk fragment at L5-S1, compressing the left S1 nerve root, for which he underwent two epidural steroid injections; partial tears right middle finger, collateral ligaments proximal interphalangeal joint; 6 mm C5-6 herniated disk; surgery was recommended for the neck, lower back, and right middle finger.

#### **CLAIMED DAMAGES**

According to plaintiff: \$19,087 past medical; \$110,000 future medical.

#### **SETTLEMENT DISCUSSIONS**

According to plaintiff: Plaintiff demanded the \$100,000 policy limits and gave defendant one week to tender those limits. Two days later, defendant offered \$50,000. Plaintiff declined, and stated that if the policy limits were not tendered within the one week deadline, the policy limits would be exposed. Defendant tendered its policy limits within 24 hours.

#### **EXPERTS**

None.

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