

# TRIALS DIGEST®

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**SETTLEMENT RESULT: \$1,250,000**

## VEHICLE NEGLIGENCE

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### **SETTLEMENT—Driver injured in collision with vehicle that crossed over into his lane**

#### VEHICLE NEGLIGENCE

Motor Vehicle v. Motor Vehicle/Head-On/  
Centerline Violation

#### LOS ANGELES COUNTY SUPERIOR COURT

*Cooper v. Friedman*, No. SC072096, Santa Monica.  
Settlement date: 10/22/2002.

**SETTLEMENT RESULT: \$1,250,000**

#### COUNSEL

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

Defendant: William C. Haggerty, Ford, Walker, Haggerty & Behar, Long Beach. Mark R. Weiner, Barry Bartholomew & Associates, Glendale.

#### FACTS/CONTENTIONS

According to plaintiff: On February 15, 2002, plaintiff Steven Cooper, a 61-year-old theatrical agent, was traveling northbound on Benedict Canyon in the number one lane. At the same time, defendant Bradley Friedman was driving southbound on Benedict Canyon and crossed over the center line, hitting plaintiff head on. Both drivers were transported by paramedics to UCLA Trauma Center.

There were no eyewitnesses to the accident, and plaintiff could not remember how the accident occurred, possibly

because he struck his head on the driver's side door. Plaintiff had no memory of events between shortly before the accident and waking up after the collision.

Defendant disputed liability and contended that it was plaintiff who crossed the double-yellow line. Defendant refused to accept liability until the accident reconstructionist examined both vehicles and the scene of the accident. Plaintiff's accident reconstructionist determined that the point of impact occurred six feet inside plaintiff's northbound lane of travel.

#### CLAIMED INJURIES

According to plaintiff: Right tibia and fibula fractures, requiring open reductions and external fixation, followed by an open reduction and internal fixation with removal of the external fixation; left proximal humerus fracture; multiple fractures of left shoulder, resulting in permanent limitations to the range of motion for which plaintiff may require left total shoulder replacement surgery; possible revision open reduction and internal fixation to right ankle fracture as result of non-union of the right fibular fracture; possible ankle fusion surgery.

#### CLAIMED DAMAGES

According to plaintiff: \$122,585 past medical. \$207,500 future medical.

#### SETTLEMENT DISCUSSIONS

According to plaintiff: Demand: \$1,250,000 policy limits (CCP § 998). Initially, defendant made no offer. Defendant requested several extensions, and on the day before the offer was set to expire, tendered his policy limits.

#### EXPERTS

None.

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