

# TRIALS DIGEST®

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**SETTLEMENT RESULT: \$105,000**

## VEHICLE NEGLIGENCE

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### **SETTLEMENT—Disabled attorney sustains back injuries when her vehicle is rear-ended by motorcycle**

#### **VEHICLE NEGLIGENCE**

Motor Vehicle v. Motor Vehicle/Motorcycle/Rear-End/  
Low Impact/Speed

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

*Burdick v. Castro*, Docket number: Not reported.  
Judge: Not reported. Trial type: Settlement.  
Settlement date: 12/15/2006.

**SETTLEMENT: \$105,000**

#### **COUNSEL**

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

Defendant: None.

#### **FACTS/CONTENTIONS**

According to plaintiff: On April 26, 2006, plaintiff Burdick, a 59-year-old disabled attorney, was driving her 2006 Lexus northbound on Broadway in the number two lane of two lanes in Los Angeles. Defendant Castro was operating his 1993 Honda motorcycle directly behind plaintiff, also traveling northbound on Broadway. Traffic started slowing, so plaintiff slowed to approximately 10 mph, when defendant struck plaintiff's vehicle. The impact was extremely minor, resulting in only \$800 in cosmetic damage to plaintiff's vehicle.

Plaintiff alleged defendant was negligent in the operation of his motorcycle and that all of her claimed injuries were a direct result of the accident.

Defendant accepted liability but disputed the nature and extent of plaintiff's claimed injuries, contending that plaintiff did not require surgery. Defendant also contended that plaintiff had pre-existing low back pain and symptoms, and that she had rheumatological disorders. Defendant further contended that this was an extremely low-impact minor accident and that the resulting impact from a motorcycle hitting a motor vehicle could not have caused any injury to plaintiff.

#### **CLAIMED INJURIES**

According to plaintiff: Plaintiff sustained cervical and lumbar strain and sprain requiring physical therapy. Plaintiff also sustained a 5-6 mm lumbar disc herniation at L4-L5. She may require an L4-L5 lumbar microdiscectomy surgery in the future, but elected to defer the surgery at this time.

#### **CLAIMED DAMAGES**

According to plaintiff: \$6,522 past medical; \$45,000 future medical.

#### **SETTLEMENT DISCUSSIONS**

According to plaintiff: Plaintiff demanded, and the underinsured third-party defendant Pacific Specialty Insurance Company tendered, its \$15,000 policy limits. Plaintiff demanded her available \$85,000 underinsured motorist coverage from Geico Direct. Her underinsured motorist carrier, Geico Direct, ultimately tendered its \$85,000 underinsured motorist limits. \$5,000 was also recovered in medical payments making the total settlement on this case \$105,000 policy limits.

#### **EXPERTS**

None.

#### **COMMENTS**

According to plaintiff: The adjuster for Pacific Specialty Insurance Company was Serena Rizzo.

The adjuster for Geico Direct was Christopher Dill.

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