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October 14, 2013

SETTLEMENT RESULT: \$2,100,000

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MOTOR VEHICLE

41 TD 16TH 24

Motorcyclist suffers brain injury in collision

VEHICLE NEGLIGENCE

Motorcycle/Signal/Violation/Intersection

NO COURT/UNFILED SETTLEMENT

Delgado v. Baird, Docket number: Not reported. Judge: Not reported. Trial type: Settlement. Settlement date: 5/20/2013.

SETTLEMENT: 2,100,000

\$2,100,000 to plaintiff for damages

The case settled within 60 days after plaintiff formally demanded defendant's \$2,100,000 policy.

COUNSEL

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

FACTS/CONTENTIONS

According to the plaintiff: On May 15, 2012, plaintiff Nain Delgado, a 34-year-old shipping clerk, was driving his 2008 Suzuki motorcycle north on San Fernando Road in the number one of two lanes and entered the intersection at Central Avenue in Glendale, Calif., when defendant Rebeccah Baird, driving a 2005 Ford Focus east on Central Avenue, ran a red light, causing the collision. Plaintiff was ejected from his motorcycle and landed on the ground.

Plaintiff alleged defendant was negligent in the operation of her vehicle and that all of plaintiff's claimed injuries were a direct result of defendant's negligence.

Defendant accepted liability but disputed the nature and extent of plaintiff's claimed injuries. The source of the dispute was plaintiff's contention that he suffered a moderate traumatic brain injury and the amount of residuals and how much it would affect his activities of daily living.

CLAIMED INJURIES

According to plaintiff: Plaintiff sustained a right acromioclavicular joint separation, left distal radius fracture with dislocation, bifrontal hemorrhagic contusion, comminuted fracture of posterior left maxillary sinus, bilateral rib fractures, and a non-displaced sterna fracture. Plaintiff's left distal radius fracture was treated with open reduction and internal fixation. Plaintiff also underwent a stabilization surgery of the right shoulder AC separation with cadaver allograft performed and received several months of physical therapy.

Plaintiff claimed a moderate traumatic brain injury and received neurological and neuropsychological counseling and testing. MRI studies of the brain revealed left frontal lobe post-traumatic encephalomalacia measuring 2 cm and hemorrhagic contusions documenting the injuries.

Plaintiff claimed significant future medical care, including medication and assistance with activities of daily living in the future. Plaintiff presented a future life care plan of \$3,154,087

CLAIMED DAMAGES

According to plaintiff: \$103,945 to plaintiff for past medical; \$3,154,087 for future medical; \$28,555 to plaintiff for loss of earnings

SETTLEMENT DISCUSSIONS

Not reported.

EXPERTS

Plaintiff: Not reported.

COMMENTS

According to plaintiff: The insurance carrier was State Farm Insurance. The adjuster was Al Oca.

Trials Digest, a Thomson West business, 425 Market Street, 4th Floor, San Francisco, CA 94105
415-344-6000 (ph) 415-344-4950 (fax) trialsdigest@thomson.com west.thomson.com/trialsdigest/