

# TRIALS DIGEST®

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September 5, 2011

**SETTLEMENT RESULT: \$115,000**

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## VEHICLE NEGLIGENCE

**36 TD 14TH 32**

**Pedestrian struck by vehicle backing up in parking lot**

### VEHICLE NEGLIGENCE

Pedestrian/Reverse Collision/Parking Lot  
VICARIOUS LIABILITY

### NO COURT/UNFILED SETTLEMENT

*Weinberg v. Gonzalez*, Trial type: Settlement. Settlement date: 6/20/2011.

**SETTLEMENT: \$115,000**

### COUNSEL

Plaintiff: Scott J. Corwin, Law Offices of Scott J. Corwin, Los Angeles.  
Defendant: None.

### FACTS/CONTENTIONS

According to plaintiff: On June 10, 2011, plaintiff Lillian Weinberg, an 89-year-old retiree, was a pedestrian walking in a strip mall parking lot at Coldwater Canyon and Magnolia Boulevard in Sherman Oaks, California after just exiting a vehicle driven by her friend. Defendant Raul Garcia, driving a 1997 Toyota in the course and scope of his employment with his employer, defendant Irma Gonzalez, backed out of a parking space and hit plaintiff. Defendant Garcia was moving his employer's vehicle at the time.

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

Defendants disputed liability, claiming that plaintiff negligently "hopped" out of her vehicle, did not pay attention, and walked directly behind defendant's vehicle while it was already in motion.

### CLAIMED INJURIES

According to plaintiff: Fractured left humerus; left shoulder, cervical, and lumbar strain and sprain injuries.

### CLAIMED DAMAGES

According to plaintiff: \$69,702 medical.

### SETTLEMENT DISCUSSIONS

According to plaintiff: Plaintiff demanded defendant Garcia's \$15,000 policy and employer Gonzalez's \$100,000 policy, which were both eventually tendered by defendants.

### EXPERTS

Not reported.

### COMMENTS

According to plaintiff: The insurance carriers were Explorer Insurance (adjuster Edith Doradea) and Access General (adjuster Jason Arnold).

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