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SETTLEMENT RESULT: \$231,382

VEHICLE NEGLIGENCE

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SETTLEMENT—Tourist injured when vehicle she was entering pulls away from curb

VEHICLE NEGLIGENCE

Pedestrian/Abrupt Start/Stop/Passenger

No COURT/UNFILED SETTLEMENT

Nelson v. Yearty, Docket number: Not applicable.
Trial type: Settlement. Settlement date: 3/2/2007.

SETTLEMENT: \$231,382

COUNSEL

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

Defendant: None.

FACTS/CONTENTIONS

According to plaintiff: On June 27, 2006, in Juneau, Alaska, defendant Patricia Yearty offered to transport plaintiff Mary Nelson, a 63-year-old pedestrian tourist from California, to the salmon fish hatchery tourist attraction. Plaintiff opened the door to enter the vehicle. Before she was totally inside the vehicle, defendant pulled away from the curb, thereby causing her to fall out of the vehicle to the ground. Defendant then ran over plaintiff. As a result, plaintiff suffered many injuries, the most serious being a subcapital fracture of her right hip.

Defendant did not dispute liability.

CLAIMED INJURIES

According to plaintiff: On June 28, 2006, in Juneau, Alaska, plaintiff underwent open reduction internal fixation with three threaded cannulated screws to repair her subcapital fractured right hip. Upon her return to California on July 3, 2006, she had several months of physical and occupational therapy and home health care. Plaintiff consulted an orthopedic surgeon in Los Angeles who advised her that due to the location of the fracture being intracapsular with minor displacement, she was predisposed to developing early arthritis and avascular necrosis. Further, the orthopedist opined that her arthritis was severe enough that she might require a hip replacement.

CLAIMED DAMAGES

According to plaintiff: \$32,623 past medical; \$45,000 future medical.

SETTLEMENT DISCUSSIONS

According to plaintiff: Defendant had a \$100,000 liability policy limit. The law in Alaska permits the stacking of UIM and therefore there was an additional \$100,000 in available coverage. Plaintiff demanded and defendant tendered her \$200,000 in insurance coverage. An additional sum of \$31,382 was added to the settlement pursuant to Alaska law for pre-judgment interest and other fees, making the total policy limits settlement of \$231,382.

EXPERTS

None.

COMMENTS

According to plaintiff: The insurance company was United Services Automobile Association.