

# TRIALS DIGEST®

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**SETTLEMENT RESULT: \$143,000**

## VEHICLE NEGLIGENCE

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### **SETTLEMENT—Mother and daughter struck by vehicle that was pushed onto sidewalk by another vehicle**

#### VEHICLE NEGLIGENCE

Motor Vehicle v. Pedestrian/Motor Vehicle v. Motor Vehicle/ Rear-End/Chain Reaction Collision

#### LOS ANGELES COUNTY SUPERIOR COURT

*Dickinson v. Boyd*, No. BC21288, Downtown.  
Settlement date: 8/5/1999.

**SETTLEMENT RESULT: \$143,000**

#### COUNSEL

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

Defendant: Edward H. Meininger Jr., Barry Bartholomew & Associates, Glendale.

#### FACTS/CONTENTIONS

According to plaintiff: On February 15, 1999, plaintiff Dickinson, a 33-year-old senior accountant, was walking on the sidewalk with her two children eastbound on Ventura Boulevard. Traffic on westbound Ventura Boulevard next to where plaintiff was walking began to slow quickly.

Defendant Boyd rear-ended defendant Lisciandro, who was directly in front of her, forcing defendant Lisciandro up onto the sidewalk where defendant Lisciandro's vehicle struck another vehicle that was exiting a parking lot. That vehicle was then thrown into plaintiffs, who were walking on the sidewalk, striking plaintiff mother and daughter number one. Daughter number two was not physically injured but brought a claim for emotional distress under *Dillon v. Legg*.

Plaintiffs alleged that defendant Boyd was negligent in the operation of a motor vehicle. Plaintiffs also

alleged that defendant Lisciandro was also contributorily negligent in the operation of a motor vehicle and that all of plaintiffs' claimed injuries were a result of the accident.

Defendant Boyd disputed liability, blaming defendant Lisciandro for at least 35 percent of the comparative fault for the accident.

Defendant Lisciandro disputed that it was responsible for the accident and initially denied the claim.

#### CLAIMED INJURIES

According to plaintiff: Plaintiff mother sustained Grade II left collateral ligament tear, occult fracture right radial head, right ninth and tenth rib fractures, cervical, thoracic, and lumbar strain and sprain injuries, requiring physical therapy, and a claimed future surgery to repair the collateral ligament tear.

Daughter number one sustained minor soft tissue injuries that resolved with no treatment. Daughter number two sustained emotional distress.

#### CLAIMED DAMAGES

According to plaintiff: \$10,203 past medical (mother); \$2,380 past medical (daughter number one) \$850 past medical (daughter number two); \$20,000 future medical (mother).

#### SETTLEMENT DISCUSSIONS

According to plaintiff: Plaintiff mother demanded \$100,000 (policy limits) from defendant Boyd, which initially denied the claim. After depositions of many witnesses and parties, and immediately prior to plaintiff mother's scheduled surgery, defendant Boyd tendered his \$100,000 policy limits. Plaintiff mother demanded \$40,000 from defendant Lisciandro, which offered \$25,000, which was accepted. Plaintiff daughter also received a total of \$18,000 in settlement from the two defendants.

#### EXPERTS

None.

#### COMMENTS

According to plaintiff: This case was filed on July 1, 1999.

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