

# TRIALS DIGEST<sup>®</sup>

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October 7, 2013

**SETTLEMENT RESULT: \$225,000**

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## MOTOR VEHICLE

**40 TD 16TH 25**

**Pedestrian struck in crosswalk sustains knee fracture**

### VEHICLE NEGLIGENCE

Pedestrian/Crosswalk

### NO COURT/UNFILED SETTLEMENT

Moh v. Rowen, Docket number: Not reported. Judge: Not reported. Trial type: Settlement. Settlement date: 6/20/2013.

### SETTLEMENT: \$225,000

\$225,000 to plaintiff for damages

### COUNSEL

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

### FACTS/CONTENTIONS

According to plaintiff: On May 22, 2012, plaintiff Joy Moh, a 25-year-old publicist, was a pedestrian crossing the street in a marked crosswalk on Wilshire Boulevard in Los Angeles. As plaintiff was walking across the street, defendant David Rowen, who was driving a 2003 Lexus west on Wilshire Boulevard in the number two lane, struck plaintiff, throwing plaintiff approximately 10 feet onto the ground. Plaintiff was transported by ambulance to UCLA Medical Center.

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

Defendants accepted liability but disputed the nature and extent of plaintiff's claimed injuries. Defendant accepted the need for a knee arthroscopy but refused to accept plaintiff's claim or future total knee replacement surgeries.

### CLAIMED INJURIES

According to plaintiff: Plaintiff sustained cervical and lumbar strains and sprains that were treated with physical therapy; multiple right foot fractures; and right knee tibial plateau 2-mm displacement fracture. Plaintiff underwent an arthroscopic right knee surgery in the form of a total knee replacement.

### CLAIMED DAMAGES

According to plaintiff: \$66,133 past medical, \$75,000 future medical.

### SETTLEMENT DISCUSSIONS

According to plaintiff: Plaintiff demanded defendant Rowen's \$250,000 policy. Defendant initially offered and stood firm on an \$80,000 settlement offer for months. After an independent medical exam and defense counsel involvement in the investigation, the case ultimately settled for \$225,000.

### EXPERTS

None.

### COMMENTS

According to plaintiff: The insurance carrier was Progressive, the adjuster was Tyler Nguy.

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