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September 23, 2013

SETTLEMENT RESULT: \$500,000

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MOTOR VEHICLE

38 TD 16TH 25

Insurer agrees to settle with alleged jaywalking pedestrian for \$500K

VEHICLE NEGLIGENCE

Pedestrian/Jaywalking

NO COURT/UNFILED SETTLEMENT

Lewis v. Perzik, Docket number: Not reported. Judge: Not reported. Trial type: Settlement. Settlement date: 3/21/2013.

SETTLEMENT: \$500,000

\$500,000 to plaintiff for damages

COUNSEL

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

FACTS/CONTENTIONS

According to plaintiff: On April 11, 2012, plaintiff Scott Lewis, a 22-year-old personal trainer who was on vacation from Australia, was a pedestrian crossing the street southbound on Sunset Boulevard in Los Angeles in the middle of the block. Plaintiff crossed all three westbound lanes and was hit in the number three of three eastbound lanes by defendant Jordan Perzik, who was driving a 2005 Toyota Prius.

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

Defendant disputed liability, stating that the police report faulted plaintiff for jay "running" across the street, with two eyewitnesses who supported defendant's contention. The witnesses stated they had to slow down to avoid striking plaintiff, who was running across the street. Defendant further disputed the nature and extent of plaintiff's claimed injuries and the need for future surgery.

CLAIMED INJURIES

According to plaintiff: Plaintiff was transported by ambulance to Cedars-Sinai Medical Center and sustained a grade IIIA open comminuted fracture to the right tibia-fibula requiring urgent irrigation, debridement and placement of IM rod in the right tibia with proximal and distal locking screws. Plaintiff also sustained multiple abrasions to his upper back, right hip and right elbow. Plaintiff's open grade IIIA right tibia-fibula fracture did not heal properly and became an infected non-union. Plaintiff claimed the need for future surgery for remov-

CLAIMED DAMAGES

According to plaintiff: \$161, 165 past medical; \$65,000 future medical.

SETTLEMENT DISCUSSIONS

According to plaintiff: Plaintiff demanded defendant driver

EXPERTS

None.

COMMENTS

According to plaintiff: The insurance carrier was Progressive Insurance; the insurance adjuster was Debbie Castiglione.

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