

# TRIALS DIGEST®

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**SETTLEMENT RESULT: \$137,500**

## VEHICLE NEGLIGENCE

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### SETTLEMENT—Pedestrian struck in crosswalk by uninsured driver

#### VEHICLE NEGLIGENCE

Motor Vehicle v. Pedestrian/Crosswalk

#### No COURT/UNFILED SETTLEMENT

*Towles v. Lincoln*. Settlement date: 11/30/2001.

**SETTLEMENT RESULT: \$137,500**

#### COUNSEL

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

Defendant: None.

#### FACTS/CONTENTIONS

According to plaintiff: On March 18, 2001, plaintiff Towles, a 63-year-old truck driver, was crossing in a crosswalk at Figueroa Street at 57th Street. Defendant Lincoln, an uninsured driver, was driving southbound on Figueroa approaching 57th Street and was unable to stop for plaintiff, and, as a result, struck him. Plaintiff flew over the hood of defendant's vehicle and struck the ground. Plaintiff was treated at the scene by paramedics and then taken to the King/Drew Medical Center, where he was treated and released the same day.

Defendant admitted liability but disputed the nature and extent of plaintiff's claimed injuries and the need for future knee and back surgery. The uninsured motorist carrier contended that plaintiff's claimed injuries were pre-existing.

#### CLAIMED INJURIES

According to plaintiff: Plaintiff sustained cervical and lumbar strain and sprain injuries, which required physical therapy. He suffered left knee, lateral meniscus anterior and posterior tears, and medial meniscus posterior and full body tears, which required future surgery. Plaintiff also sustained exacerbation of pre-existing lumbar disk protrusions of 7-8 mm at L3-L4, 7 mm at L4-L5, and 5 mm at L5-S1, which required possible future lumbar multi-level laminectomy, discectomy, and fusion surgery.

#### CLAIMED DAMAGES

According to plaintiff: \$12,771 past medical; \$70,000 future medical; \$14,482 loss of earnings.

#### SETTLEMENT DISCUSSIONS

According to plaintiff: Plaintiff demanded the policy limits, which were tendered.

#### EXPERTS

None.

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