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FEBRUARY 27, 2006

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SETTLEMENT RESULT: \$155,000

VEHICLE NEGLIGENCE

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SETTLEMENT—Pedestrian struck by passenger-side mirror of SUV in parking lot

VEHICLE NEGLIGENCE

Motor Vehicle v. Pedestrian

ORANGE COUNTY SUPERIOR COURT

Rupp v. Wright, No. 05CC10129. Gregory Munoz.
Settlement date: 11/9/2005.

SETTLEMENT RESULT: \$155,000

COUNSEL

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

Defendant: Michael Bassett, Law Offices of Watten, Discoe, Bassett & McMains, Santa Ana.

FACTS/CONTENTIONS

According to plaintiff: On September 24, 2003, plaintiff Michael Rupp, a 39-year-old self-employed salesman, was walking through a parking lot in Garden Grove. As he walked down an aisle between the rows of spaces, defendant Angela Wright, driving an SUV, struck his right shoulder with the passenger-side mirror of her vehicle. He alleged that he did not see or hear her approaching.

Defendant contended that the accident was caused by plaintiff's own negligence. She contended that plaintiff was not paying attention and should have not been walking between the rows of spaces.

Defendant further contended that the impact was minor and could not have caused plaintiff significant injury, as he was able to walk away from the scene on his own and he did not seek medical attention for several days.

Defendant disputed the need for lower back surgery and argued that plaintiff had a pre-existing lower back condition which was degenerative and not related to this accident.

CLAIMED INJURIES

According to plaintiff: Plaintiff alleged he sustained a cervical and lumbar strain and sprain requiring physical therapy for three to four months. An MRI taken of his right shoulder was positive for traumatic impingement syndrome, and an MRI of the lumbar spine showed L4-L5 broad-based posterior 4 mm disk protrusion and posterior inferior annular fissure and an L5-S1 4 mm disk protrusion with a disruption of the posterior annulus. He may require right shoulder and low back surgery (L4-L5 and L5-S1 discectomy and fusion) in the future.

CLAIMED DAMAGES

According to plaintiff: \$13,815 past medical; \$55,000 future medical; pain and suffering.

SETTLEMENT DISCUSSIONS

Not reported.

EXPERTS

Plaintiff: Not Reported.

Defendant: Kendall S. Wagner, M.D., orthopedic surgeon, Fullerton Orthopedic Surgery Medical Group Inc., Fullerton (714) 879-0050.