

# TRIALS DIGEST®

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**SETTLEMENT RESULT: \$101,000**

## VEHICLE NEGLIGENCE

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### SETTLEMENT—Pedestrian struck and injured while crossing street

#### VEHICLE NEGLIGENCE

Motor Vehicle v. Pedestrian/Jaywalking

#### NO COURT/UNFILED SETTLEMENT

*Keener v. Felus*. Settlement date: 1/16/2003.

**SETTLEMENT RESULT: \$101,000**

#### TRIAL COUNSEL

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

Defendant: None.

#### FACTS/CONTENTIONS

According to plaintiff: On December 16, 2002, plaintiff Keener, a 57-year-old yacht salesman, was crossing Palowan Way in Marina del Rey, when he was struck by defendant Felus's vehicle. Plaintiff was knocked 10 feet in the air, struck the ground, and was rendered unconscious.

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

Defendant contended that plaintiff was jaywalking at dusk while wearing dark clothing and that plaintiff was 100 percent responsible for the accident and his own injuries.

#### CLAIMED INJURIES

According to plaintiff: Plaintiff was transported by paramedics to Daniel Freeman Memorial Hospital. He sustained multiple abrasions to his hands, elbows, and face, a concussion, a comminuted left knee fracture, a lateral meniscus and MCL tear, and a right medial meniscus tear. Plaintiff's orthopedic surgeon recommended bilateral arthroscopic knee surgeries.

#### CLAIMED DAMAGES

According to plaintiff: \$11,490 past medical; \$50,000 future medical.

#### SETTLEMENT DISCUSSIONS

According to plaintiff: Plaintiff demanded \$100,000 (policy limits), which was tendered within one month of the demand. Plaintiff also recovered \$1,000 in medical payments, reimbursement for which was waived by plaintiff's insurance carrier.

#### EXPERTS

None.

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