

# TRIALS DIGEST®

THE COMPREHENSIVE SOURCE FOR CALIFORNIA CIVIL TRIAL RESULTS

JUNE 11, 2007

Vol. 10, No. 24

**SETTLEMENT RESULT: \$260,000**

## PREMISES LIABILITY

24 TD 10TH 23

### SETTLEMENT — Supermarket patron's hand injured by metal fan blade in soda dispenser

#### PREMISES LIABILITY

Negligent Repair/Maintenance/Retail & Other Business Properties

#### NO COURT/UNFILED SETTLEMENT

*Dixon v. Confidential*, Docket number: Not reported. Judge: Not reported. Trial type: Settlement. Settlement date: 4/27/2007.

**SETTLEMENT: \$260,000**

#### COUNSEL

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

Defendant: Confidential.

#### FACTS/CONTENTIONS

According to plaintiff: On September 15, 2006, at approximately 8:15 a.m., plaintiff Jaimee Dixon, a 26-year-old newly admitted family law attorney, was a patron and business invitee legally upon the premises of defendant's supermarket located at 8985 Venice Boulevard in Los Angeles. Plaintiff opened the door of a refrigerated soda vending machine to obtain a soda. As plaintiff brought the soda out of the dispenser, she suffered severe and disabling injuries when her hand made contact with the vending machine's uncovered, unprotected, and unshielded metal fan blade.

Plaintiff alleged that defendant was negligent in its failure to properly inspect and repair the vending machine, even though it had notice and knowledge of its dangerous and unsafe condition. Plaintiff alleged that defendant failed to

notify her, as well as other patrons invited to shop at defendant's supermarket, of said dangerous condition.

Defendant accepted 100% liability, but disputed the nature and extent of plaintiff's claimed injuries and her need for a second finger surgery.

#### CLAIMED INJURIES

According to plaintiff: Plaintiff underwent surgical repair of the FDS tendon and ulnar digital nerve of her right index finger. Plaintiff is right hand dominant and experienced persistent symptoms with documented motion limitation, decreased sensation in the index finger, and diminished grip strength compared to the contra-lateral side. Plaintiff's physician opined that plaintiff will be required to undergo future surgery for lysis of adhesions, and that even if plaintiff has the surgery, she will always have some motion limitation in her right hand, which will minimize her grip strength and the dexterity of her right hand.

#### CLAIMED DAMAGES

According to plaintiff: \$26,914 past medical; \$18,000 future medical; \$17,000 future loss of earnings.

#### SETTLEMENT DISCUSSIONS

According to plaintiff: Plaintiff's initial settlement demand was \$325,000. The adjuster from Sedgwick Claims Management Services Inc. flew from Atlanta to Los Angeles to meet with plaintiff and personally inspect her injured finger. Defendant's initial settlement offer was \$100,000.

#### EXPERTS

None.