

# TRIALS DIGEST®

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**SETTLEMENT RESULT: \$100,000**

## VEHICLE NEGLIGENCE

24 TD 10TH 32

### SETTLEMENT — Passenger injured in rollover accident

#### VEHICLE NEGLIGENCE

Rollover/Sole Vehicle/Excessive Speed/Lane Change/Passenger/Passing

#### NO COURT/UNFILED SETTLEMENT

*Margot-Escott v. Sheehan*, Docket number: Not reported. Judge: Not reported. Trial type: Settlement. Settlement date: 5/23/2007.

**SETTLEMENT: \$100,000**

#### COUNSEL

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

Defendant: Confidential.

#### FACTS/CONTENTIONS

According to plaintiff: On November 3, 2006, plaintiff Sabree Margot-Escott, a 15-year-old high school student, was a seat-belted passenger in the back seat of a 2006 Mitsubishi Lancer four-door sedan being operated by defendant Crystal Estrada, a 16-year-old possessing a temporary Arizona driver's license with the permission of her parents, Sherrie L. and Greg Sheehan. Defendant was operating said vehicle on and along Arizona Farms Road, a two-lane rural road near Florence in Pinal County, Arizona. Defendant was operating her vehicle in excess of the posted speed limit and racing with another vehicle being operated by an acquaintance. Both drivers were traveling in excess of the speed limit, were darting in and out of their travel lane, and passing one another. At one point, defendant intended to pass the other vehicle and entered the lane of oncoming traffic. Defendant realized that she lacked room to maneuver, so she swerved back into her lane to avoid a head-on collision. However, in cutting back into her lane of travel, defendant braked hard to avoid col-

liding with another vehicle, and, in doing so, lost control of her vehicle, which veered off the road, hit an embankment, went airborne, flipped end-to-end, and eventually came to rest in a roadside ditch.

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

Defendants initially disputed liability and contended that plaintiff failed to wear a seatbelt. Ultimately, they accepted liability, but disputed the nature and extent of plaintiff's claimed injuries.

#### CLAIMED INJURIES

According to plaintiff: Plaintiff sustained a concussion, contusions, and abrasions over her entire body, especially her head and legs. She sustained a large hematoma and bruise to her forehead, deep lacerations in her left knee and leg, requiring butterfly sutures. She was air-lifted by helicopter from the accident site to the Maricopa Medical Center in Phoenix, where she was hospitalized for two days for observation. Plaintiff continues to experience numbness, decreased sensation, and weakness in her right leg and pain and discomfort in her low back. She experiences emotional and psychological effects and continues to experience flashbacks, nightmares, and great reluctance to ride in vehicles. No further treatment is indicated.

#### CLAIMED DAMAGES

According to plaintiff: \$38,020 past medical.

#### SETTLEMENT DISCUSSIONS

According to plaintiff: Plaintiff demanded defendants' \$100,000 policy. Defendants offered \$50,000, increased to \$75,000. Ultimately defendants tendered their \$100,000 policy.

#### EXPERTS

None.

#### COMMENTS

According to plaintiff: The insurance carrier was American Family Insurance Company; the adjuster was Michelle M. Stacknick.

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