

# TRIALS DIGEST®

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JULY 31, 2006

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**SETTLEMENT RESULT: \$230,000**

## VEHICLE NEGLIGENCE

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### SETTLEMENT—Driver rear-ended twice within same month

#### VEHICLE NEGLIGENCE

Motor Vehicle v. Motor Vehicle/Rear-End/  
Chain Reaction Collision/Parked/Stalled/  
Stopped Vehicle

#### LOS ANGELES COUNTY SUPERIOR COURT

*Chavez v. Slovak*, No. BC199573, Downtown. Edward M.  
Ross. Settlement date: 10/27/1998.

**SETTLEMENT RESULT: \$230,000**

#### COUNSEL

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

Defendant: None.

#### FACTS/CONTENTIONS

According to plaintiff: On April 10, 1998, plaintiff, a 68-year-old retired male, was traveling westbound on Santa Monica Boulevard in the number one of two lanes. There was an accident ahead of him in the number two lane. Plaintiff went around the accident, stopped for traffic, and defendant rear-ended plaintiff and pushed his vehicle into the one stopped in front of plaintiff.

On April 20, 1998, plaintiff, driving in a rental car (as his vehicle was in the shop), was traveling eastbound on Sunset Boulevard. He stopped at the intersection of Gower in the City of Hollywood in his 1988 Ford Taurus. Defendant, driving a large Ford truck, was also eastbound on Sunset Boulevard, and rear-ended it, pushing it into the vehicle ahead. Plaintiff did not seek medical treatment until four days following the second accident.

Plaintiff alleged that each defendant in the two accidents was negligent in the operation of a motor vehicle.

Defendant in accident number one contended that plaintiff's injuries were all a result of accident number two, since plaintiff received no medical treatment after the first accident and prior to the second accident.

Defendant in accident number two contended that a majority of plaintiff's claimed injuries were a result of the first accident, since the first accident was a substantial impact that resulted in a total loss of plaintiff's vehicle.

Both defendants further disputed the nature and extent of plaintiff's claimed injuries.

#### CLAIMED INJURIES

According to plaintiff: Plaintiff sustained cervical strain, sprain, and right knee injuries, requiring physical therapy. Plaintiff further sustained 5 mm L4-L5 and 5-6 mm L5-S1 disk protrusions with displacement of the left S1 nerve root with radiculopathy, superimposed upon pre-existing degenerative changes with the need for future lumbar laminectomy and fusion surgery.

#### CLAIMED DAMAGES

According to plaintiff: \$14,973 past medical. \$50,000 future medical.

#### SETTLEMENT DISCUSSIONS

According to plaintiff: Plaintiff settled with the first defendant for his \$15,000 policy limits on July 31, 1998. Plaintiff demanded \$250,000 from the second defendant, who initially offered \$150,000, then increased his offer to \$215,000 after the filing of the lawsuit.

#### EXPERTS

None.

#### COMMENTS

According to plaintiff: The case was settled four days after the filing of the lawsuit.

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