

# TRIALS DIGEST®

THE COMPREHENSIVE SOURCE FOR CALIFORNIA CIVIL TRIAL RESULTS

DECEMBER 27, 2010

Vol. 13, No. 50

**SETTLEMENT RESULT: \$2,300,000**

## VEHICLE NEGLIGENCE

**50 TD 13TH 27**

### City employee causes collision with police motorcycle

#### VEHICLE NEGLIGENCE

Motorcycle/Lane Change/Interstate/Freeway

VICARIOUS LIABILITY

#### LOS ANGELES COUNTY SUPERIOR COURT

*Rose v. City of Los Angeles*, Docket number: BC392289, Downtown. Judge: Teresa Sanchez-Gordon. Trial type: Settlement. Settlement date: 11/15/2009.

#### SETTLEMENT: \$2,300,000

Defendant attempted to spread the payments out over three years, which was refused by plaintiff. The final settlement was reduced to a stipulated judgment and required the first payment of 50 percent to be made by December 15, 2009 and the second payment by July 15, 2010. Both payments have been made.

#### COUNSEL

**Plaintiff: Scott J. Corwin, A Professional Law Corporation, Los Angeles.**

**Defendant: Carmen Trutanich, Office of City Attorney, Los Angeles. Thomas C. McLurkin Jr., Office of City Attorney, Los Angeles.**

#### FACTS/CONTENTIONS

According to plaintiff: On June 9, 2007, plaintiff Niles Rose, a 32-year-old off-duty Los Angeles County police officer, was driving to work on his 2005 Yamaha motorcycle northbound on the 101 Freeway in the #1 of 2 lanes. Defendant, a 70-year-old architect employed by defendant City of Los Angeles and driving a City of Los Angeles-owned 2004 Honda Civic, was northbound on the 101 Freeway in the #2 of 2 lanes when traffic ahead slowed.

Defendant slowed and swerved into the #1 lane, striking plaintiff's motorcycle and throwing plaintiff to the ground. Plaintiff slid along the pavement in the #1 lane for approximately 40 feet before he and his motorcycle came to rest.

Defendant disputed liability, claiming that plaintiff must have changed lanes into defendant. Defendant further disputed the nature and extent of plaintiff's claimed injuries. Defendant claimed that plaintiff was able to return to work as a police officer without any restrictions or limitations. Defendant contended that plaintiff suffered from multiple pre-existing injuries and work-related injuries that occurred during the course of plaintiff's 12-year career as a Los Angeles County police officer.

#### CLAIMED INJURIES

According to plaintiff: Plaintiff sustained multiple injuries, including a right knee internal derangement and anterior cruciate ligament tear. Plaintiff required a right knee ligament reconstruction surgery with Achilles allograft. Plaintiff also sustained a bilateral L5 and S1 nerve root stretch injury and a 4-5 mm L5-S1 disc herniation. Plaintiff may require an L5-S1 microdiscectomy surgery in the future. Plaintiff claimed that his injuries permanently disabled him from working again as a peace officer.

#### CLAIMED DAMAGES

According to plaintiff: \$134,502 past medical; \$30,000 future medical; \$59,331 past loss of earnings; \$2,934,397 future loss of earnings.

#### SETTLEMENT DISCUSSIONS

According to plaintiff: Plaintiff initially demanded \$6 million. Defendant initially offered nothing. After two mediations with Michael Moorhead, Esq., set at the request of defendant, defendant finally offered \$50,000. The case was set for trial, and a mandatory settlement conference was held two weeks prior to the initial trial date in front of the trial judge, Teresa Sanchez-Gordon, resulting in no additional offer from defendant. A second mandatory settlement conference was held one week prior to the initial tri-

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al date in front of the trial judge in which defendant offered \$250,000. On the date of trial, a third mandatory settlement conference was ordered by the trial judge. City attorney Carmen Trutanich appeared telephonically.

#### EXPERTS

Plaintiff: Tamorah G. Hunt, Ph.D., economist, Formuzis, Pickersgill & Hunt Inc., Santa Ana (714) 542-8853. Janice Wexler, Ph.D., vocational rehabilitation consultant, Vocational Identification Through Assessment Inc., Los Angeles (818) 766-0058. David J. King, P.E., accident reconstructionist, MEA Forensic Engineers & Scientists, Laguna Hills (949) 855-4632. Amir Vokshoor, M.D., neurosurgeon, Marina del Rey.

Defendant: Thomas L. Hedge, Jr., M.D., physiatrist, Northridge Hospital Medical Center, Northridge (818) 885-5342. Melvin H. Nutig, M.D., orthopedic surgeon, Beverly Hills (310) 659-2910. A. Jubin Merati, Ph.D., economist, Merati Economic Group Inc., Los Angeles (310) 888-0078. Michael S. Varat, accident reconstructionist, KEVA Engineering, Oxnard (805) 388-6016.

#### COMMENTS

According to plaintiff: The complaint was filed on June 9, 2008. A report on this case was published from court documents in 45 Trials Digest 13th 25, 2009 WL 7040349.