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October 7, 2013

SETTLEMENT RESULT: \$100,000

Vol. 16 , No. 40

MOTOR VEHICLE

40 TD 16TH 22

Alleged drunk driver admits fault, settles for \$100K

VEHICLE NEGLIGENCE

Motor Vehicle v. Motor Vehicle/Impaired Driver/
Interstate/Freeway/Rollover/Rear-End

NO COURT/UNFILED SETTLEMENT

Mejia v. Abernathy, Docket number: Not reported.
Judge: Not reported. Trial type: Settlement. Settlement
date: 3/21/2013.

SETTLEMENT: \$100,000

\$100,000 to plaintiff for damages

COUNSEL

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

FACTS/CONTENTIONS

According to plaintiff: On June 22, 2012, plaintiff Oscar Mejia, a 36-year-old spa supervisor, was driving a 2012 Toyota Prius east on the 91 freeway in Corona, Calif., in the number 4 of five lanes going about 65 mph when defendant Brittany Abernathy, who was driving a 2009 Mini Cooper east on the 91 freeway in the number 4 lane, struck plaintiff's vehicle from behind, causing plaintiff to spin out of control, hit the center divider and flip over onto the westbound 91 freeway. Plaintiff's vehicle was then hit several times by vehicles traveling west on the 91 freeway.

Plaintiff alleged that defendant was negligent in the operation of her vehicle and that all of plaintiff's claimed injuries were a direct result of said negligence. Defendants accepted liability, but disputed the nature and extent of plaintiff's claimed injuries. Furthermore, defendant claimed that Cal. Civ Code § 3333 prohibited plaintiff from recovery of general damages for pain and suffering because he had no liability insurance in effect on the date of the accident.

However, defendant was arrested for driving under the influence

CLAIMED INJURIES

According to plaintiff: Plaintiff sustained a left ankle fracture, which required surgery, three fractured left ribs, a fractured right clavicle, a concussion, and a laceration to the back of the head with 19 staples. Plaintiff was transported by ambulance to Riverside Community Hospital.

CLAIMED DAMAGES

According to plaintiff: \$69,358 to plaintiff for past medical.

SETTLEMENT DISCUSSIONS

According to plaintiff: Plaintiff demanded defendant's \$100,000 policy, which was ultimately tendered.

EXPERTS

None.

COMMENTS

According to plaintiff: The insurance carrier was State Farm; the adjuster was Gaynor Richardson.

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