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December 4, 2013

SETTLEMENT RESULT: \$100,000

JVR No. 1311200022

MOTOR VEHICLE

46 TD 16TH 21

Rear-ended driver suffers lumbar disc bulges, settles for \$100K

VEHICLE NEGLIGENCE

Parties Traveling in Same Direction-Lane Change or Merging

NO COURT/UNFILED SETTLEMENT

Hernandez v. Auster, Docket number: Not reported. Judge: Not reported. Trial type: Superior. Settlement date: 11/18/2013.

SETTLEMENT: \$100,000

\$100,000 to plaintiff for damages

COUNSEL

Plaintiff: Scott J. Corwin, Law Offices of Scott J. Corwin, Los Angeles.
Defendant: None.

FACTS/CONTENTIONS

Alejandro Hernandez, a 55-year-old unemployed handyman, reportedly suffered a lumbar compression fracture at L2 with a 20 percent loss of height and an L2-L3 disc protrusion, making him a candidate for future lumbar spine surgery, as a result of an automobile accident in which an eastbound vehicle driven by defendant Lorin Auster, which veered into the plaintiff's lane, caused the plaintiff's eastbound vehicle, which was traveling at about 65 mph in the number two lane of a freeway, to veer out of control and strike the center median wall. The plaintiff contended the defendant was negligent in the operation of her vehicle and all of the plaintiff's claimed injuries were a direct result of the defendant's negligence. The defendant denied liability and initially offered 50 percent comparative negligence; the defendant further contended the plaintiff had substantial pre-existing lumbar spine pathology.

CLAIMED INJURIES

According to plaintiff: Lumbar Vertebra Fracture; protruding disc

CLAIMED DAMAGES

According to Plaintiff: \$5,869 past medical; \$40,000 future medical.

SETTLEMENT DISCUSSIONS

According to plaintiff: The case was not filed before settlement. The plaintiff demanded defendant's \$100,000 policy, which was ultimately tendered in settlement after the defendant accepted 100 percent liability.

EXPERTS

None.

COMMENTS

State Farm Insurance insures the defendant.

Trials Digest, a Thomson West business, 425 Market Street, 4th Floor, San Francisco, CA 94105
415-344-6000 (ph) 415-344-4950 (fax) trialsdigest@thomson.com west.thomson.com/trialsdigest/