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SETTLEMENT RESULT: \$90,000

INSURANCE

49 TD 13TH 9

Insured rear-ended while stopped for crossing pedestrian

INSURANCE

Uninsured/Underinsured Motorist/Automobile Policy

VEHICLE NEGLIGENCE

Motor Vehicle v. Motor Vehicle/Rear-End/Parked/Stalled/Stopped Vehicle

No COURT/UNFILED SETTLEMENT

Sparks v. Vilella, Trial type: Settlement. Settlement date: 11/20/2009.

SETTLEMENT: \$90,000

Defendant paid his \$15,000 liability policy limits to settle the third-party claim. Plaintiff's underinsured motorist insurer initially offered \$5,000 additional to settle the UIM claim. The case ultimately settled for \$75,000 UIM, thereby reaching a total \$90,000 settlement.

COUNSEL

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

Defendant: None.

FACTS/CONTENTIONS

According to plaintiff: On October 24, 2008, plaintiff Kathryn Sparks, a 49-year-old stay-at-home mother, was operating her 2003 Mercedes vehicle east on Ocean Avenue when the vehicle ahead of her stopped for a pedestrian. Plaintiff also stopped. While stopped, plaintiff's vehicle was rear-ended by defendant Vilella in his 2003 Toyota Corolla.

Plaintiff alleged defendant was negligent in the operation of a motor vehicle and that all of plaintiff's claimed in-

juries were a direct result of the subject motor vehicle accident.

Defendants accepted liability but disputed the nature and extent of plaintiff's claimed injuries. Defendants further contended that plaintiff had a prior neck injury from an auto accident from several years before that was responsible for all but plaintiff's soft tissue injuries.

CLAIMED INJURIES

According to plaintiff: Neck; shoulders; lower back. Plaintiff received physical therapy to the injured areas. A cervical spine CT scan (plaintiff had a pacemaker and could not have an MRI) demonstrated a 3-mm C6-C7 disc protrusion.

CLAIMED DAMAGES

According to plaintiff: \$12,283 medical expenses.

SETTLEMENT DISCUSSIONS

Not reported.

EXPERTS

None.

COMMENTS

According to plaintiff: The insurance carrier was Titan Auto Insurance; the adjuster was Ann Jongema. The UIM carrier was Travelers; the adjuster was Anthony Keir.

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