

# TRIALS DIGEST®

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JANUARY 22, 2006

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**SETTLEMENT RESULT: \$173,000**

## VEHICLE NEGLIGENCE

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### SETTLEMENT—Driver sustains injuries in rear-end collision

#### VEHICLE NEGLIGENCE

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

VICARIOUS LIABILITY

#### LOS ANGELES COUNTY SUPERIOR COURT

*MacQueen v. Nixon*, Docket number: BC361086,  
Downtown. Judge: William F. Highberger.  
Trial type: Settlement. Settlement date: 1/2/2007.

**SETTLEMENT: \$173,000**

#### COUNSEL

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

Defendant: None.

#### FACTS/CONTENTIONS

According to plaintiff: On May 2, 2006, plaintiff Mary MacQueen, a 46-year-old elementary school music teacher employed by Los Angeles Unified School District, was operating her 1991 Toyota station wagon northbound on East Second St. in Los Angeles. While stopped and waiting to turn left onto Central Ave. she was rear-ended by defendant Jason Earl Nixon who was operating a delivery van owned by his employer, DHL.

Plaintiff alleged that defendant driver was negligent in the operation of his employer's vehicle and that all of her claimed injuries 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 contended plaintiff would not require surgery.

#### CLAIMED INJURIES

According to plaintiff: Plaintiff sustained cervical and lumbar strain and sprain injuries requiring physical therapy. She also sustained minor injuries to her head and shoulders. A cervical spine MRI demonstrated a 4-5 mm C5-C6 disc herniation and right C6 nerve root compression. She requires a C5-C6 decompression and fusion surgery as a direct result of the subject motor vehicle accident. Plaintiff has elected to deter surgery at this time.

#### CLAIMED DAMAGES

According to plaintiff: \$8,309 past medical; \$50,000 future medical.

#### SETTLEMENT DISCUSSIONS

According to plaintiff: Plaintiff's initial demand was \$250,000. Defendant's initial offer was \$60,000.

#### EXPERTS

None.

#### COMMENTS

According to plaintiff: The third-party insurance company was Zurich North America Insurance Company; the adjuster was Dan Kristic.

The complaint was filed on October 30, 2006.

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