

# TRIALS DIGEST®

THE COMPREHENSIVE SOURCE FOR CALIFORNIA CIVIL TRIAL RESULTS

SEPTEMBER 18, 2006

Vol. 9, No. 38

**SETTLEMENT RESULT: \$100,000**

## VEHICLE NEGLIGENCE

38 TD 9th 25

### SETTLEMENT—Driver rear-ended while stopped in traffic

#### VEHICLE NEGLIGENCE

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

#### No COURT/UNFILED SETTLEMENT

*Lopez v. Eskin*. Settlement date: 12/15/2004.

**SETTLEMENT RESULT: \$100,000**

#### COUNSEL

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

Defendant: Mitchell Fenton, Lewis, Brisbois, Bisgaard & Smith, Los Angeles.

#### FACTS/CONTENTIONS

According to plaintiff: On October 14, 2003, plaintiff, a 26-year-old payroll assistant, was stopped in traffic eastbound on Palm Boulevard in the number two of two lanes in Los Angeles when defendant, who was also eastbound in the same lane, rear-ended plaintiff.

Plaintiff alleged that defendant was negligent in the operation of a motor vehicle and that all of plaintiff's claimed injuries were a direct result of the trauma that the patient sustained in the accident.

Defendant admitted liability but challenged whether the extent of plaintiff's claimed injuries and the alleged need for future surgery were all caused by the accident in question. Defendant further contended that plaintiff's injuries may have been related to prior neck trauma and other automobile accidents.

#### CLAIMED INJURIES

According to plaintiff: Plaintiff sustained cervical and lumbar strain and sprain injuries, requiring physical therapy. An MRI scan revealed C5-C6 broad-based 3-4 mm disk protrusion. Plaintiff underwent three epidural injections. Plaintiff may require surgical intervention in the form of an anterior cervical discectomy at the C5-C6 level in the future. Plaintiff missed only two weeks of work.

#### CLAIMED DAMAGES

According to plaintiff: \$24,209 past medical; \$40,000 future medical.

#### SETTLEMENT DISCUSSIONS

According to plaintiff: Plaintiff demanded defendant's \$100,000 policy limits. Defendant retained counsel and requested the deposition of plaintiff and an IME. Subsequent to the deposition and IME, defendant tendered its policy limits.

#### EXPERTS

None.

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/