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JULY 31, 2006

Vol. 9, No. 31

SETTLEMENT RESULT: \$231,151

VEHICLE NEGLIGENCE

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SETTLEMENT—Bicyclist broadsides car that turns in his path

VEHICLE NEGLIGENCE

Motor Vehicle v. Bicycle/Right Turn/Broadside

LOS ANGELES COUNTY SUPERIOR COURT

Harvey v. Argent, No. SC077679, Santa Monica.
Settlement date: 8/15/2003.

SETTLEMENT RESULT: \$231,151

The parties settled at mediation with Jeffrey Krivis, Esq.

COUNSEL

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

Defendant: None.

FACTS/CONTENTIONS

According to plaintiff: On December 8, 2002, plaintiff Harvey, a 62-year-old business executive, was riding his bicycle eastbound on San Vicente Boulevard in the bicycle lane just east of 26th Street in Brentwood. Defendant Argent was traveling eastbound in the number two of two lanes in her Ford Mustang and abruptly attempted to make a right turn into a gas station parking lot. She cut directly in front of plaintiff, causing plaintiff's bike to broadside defendant's vehicle. Plaintiff flew off the bike and over the hood of defendant's vehicle, landing on the ground. Neither the police nor emergency vehicles were called to the scene. Plaintiff rode his bike from the scene of the accident. Plaintiff did not seek medical attention for at least three weeks, at which time he saw his internist. About four

weeks later, plaintiff was examined once by an orthopedist and underwent a right knee MRI. Plaintiff sought a second opinion from another orthopedist about two months later. Plaintiff had no other medical treatment.

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

Defendant disputed liability and claimed that plaintiff was inattentive and was traveling too fast for the conditions. She argued that plaintiff had substantial comparative negligence. Defendant further disputed the claimed injuries and the need for future surgery.

CLAIMED INJURIES

According to plaintiff: Plaintiff sustained several minor cuts and bruises. The MRI demonstrated a lateral meniscus tear of the right knee and a non-displaced fracture of the tibial plateau of the right knee. Plaintiff's entire medical treatment consisted of three visits to doctors for examination and an MRI scan. Plaintiff may require a right knee arthroscopic surgery in the future. Two of plaintiff's orthopedic surgeons provided written reports in which they stated that the injuries to plaintiff's right knee would result in severe arthritis, more likely than not. Plaintiff would need a total knee replacement at a cost of \$63,500.

CLAIMED DAMAGES

According to plaintiff: \$2,527 past medical; \$23,000 future medical.

SETTLEMENT DISCUSSIONS

According to plaintiff: Demand: \$300,000. Offer: \$175,000.

EXPERTS

None.