

TRIALS DIGEST®

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SETTLEMENT RESULT: \$212,000

VEHICLE NEGLIGENCE

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Hit-and-run driver rear-ends vehicle stopped at intersection

VEHICLE NEGLIGENCE

Motor Vehicle v. Motor Vehicle/Rear-End/Parked/Stalled/Stopped Vehicle/Intersection/Hit-and-Run

NO COURT/UNFILED SETTLEMENT

Hade-Franklin v. Homayun, Trial type: Settlement.
Settlement date: 11/3/2008.

SETTLEMENT: \$212,000

The case was mediated by Jeffrey Krivis, Esq., resulting in a \$212,000 settlement.

COUNSEL

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

Defendant: None.

FACTS/CONTENTIONS

According to plaintiff: On January 27, 2007, plaintiff Diedre Hade-Franklin, a self-employed Web designer, was driving her 1994 Volvo 850 west on Pico Boulevard in the number two of three lanes. She was stopped for a red light at the intersection with Veteran Avenue in West Los Angeles.

Defendant Homayun was driving her 2006 Mercedes Benz SUV also west on Pico Boulevard in the number two lane, and defendant rear-ended plaintiff's vehicle. Following the collision, the defendant fled the accident scene, but an alert witness was able to write down defendant's license plate, which assisted the LAPD in tracking down the defendant.

Defendant accepted liability but disputed the nature and extent of plaintiff's claimed injuries. Defendant further contended that plaintiff would not require surgery in the future. Defendant also claimed plaintiff had several prior auto accidents over the past 10 years and had previously claimed a need for surgery and then never had those surgeries.

CLAIMED INJURIES

According to plaintiff: Plaintiff sustained cervical, thoracic, and lumbar strain and sprain injuries that were treated conservatively with chiropractic care and physical therapy. Because of ongoing pain, plaintiff's orthopedist ordered a cervical MRI, which revealed a 3 mm disc protrusion at C5-C6 with protrusion at C6-C7 with moderate to severe bilateral C7 foraminal stenosis with probable C7 nerve root impingement. Plaintiff underwent two cervical epidural injections with no significant improvement. Plaintiff was advised she may require cervical spine surgery in the form of anterior cervical discectomy and fusion at C5-C6 and C6-C7 in the future.

CLAIMED DAMAGES

According to plaintiff: \$24,603 past medical; \$40,000 future medical.

SETTLEMENT DISCUSSIONS

According to plaintiff: Demand: \$250,000.

EXPERTS

None.

COMMENTS

According to plaintiff: The insurance carrier was Automobile Club of Southern California; the adjuster was Kelly Di Ciaramitaro.

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