

# TRIALS DIGEST®

THE COMPREHENSIVE SOURCE FOR CALIFORNIA CIVIL TRIAL RESULTS

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SETTLEMENT RESULT: \$675,000

## VEHICLE NEGLIGENCE

48 TD 13TH 31

### Two pedestrians struck in crosswalk settle for over policy limits

#### VEHICLE NEGLIGENCE

Pedestrian/Crosswalk/Intersection/Excessive Speed

#### NO COURT/UNFILED SETTLEMENT

*Perkins v. Hutcherson*, Trial type: Settlement. Settlement date: 11/28/2009.

**SETTLEMENT: \$675,000**

#### COUNSEL

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

**Defendant: Patrick McNicholas, McNicholas & McNicholas, Los Angeles. Shawn Chapman-Holley, Kinsella, Weitzman, Iser, Kump & Aldisert, Santa Monica.**

#### FACTS/CONTENTIONS

According to plaintiff: On March 2, 2009, in the evening, plaintiffs Jennifer Perkins, a 29-year-old production manager, and Stefanie Terrazas, a 37-year-old advertising director, were proceeding eastbound on the north side of Hollywood Boulevard, crossing the intersection at Vine, in Hollywood, California. As plaintiffs were legally in the crosswalk, defendant Joshua Hutcherson, a 16-year-old movie star, traveling eastbound on Hollywood Boulevard, attempted to negotiate a left turn onto northbound Vine. Defendant, who had been driving for less than five months in his 2008 Land Rover, collided with a 2002 Gold Buick proceeding westbound on Hollywood Boulevard operated by defendant Wilfredo. Defendant Hutcherson's Land Rover was forced to the left and struck both plaintiffs while they were in the crosswalk. Plaintiff Perkins was thrown through the air and landed on her buttock.

Plaintiff Terrazas was knocked to the ground, and the left rear tire of the Land Rover ran over her right lower leg.

Plaintiffs contended that defendant Hutcherson was the primary cause of the accident. Plaintiffs further contended that defendant Wilfredo had a small percentage of comparative negligence and may have been traveling faster than was safe for conditions and should have been able to avoid the collision.

Defendants disputed the nature and extent of plaintiffs' claimed injuries.

#### CLAIMED INJURIES

According to plaintiff: Plaintiff Perkins sustained three pelvic fractures that required no treatment and injuries to her neck, right shoulder, back, and right hip, requiring physical therapy.

Plaintiff Terrazas sustained injuries to her neck and back, requiring physical therapy. A right knee MRI demonstrated a medial meniscal tear, requiring arthroscopic surgery. A right ankle MRI demonstrated a calcaneus fracture and a lateral cuneiform fracture that may require future arthrodesis surgery.

#### CLAIMED DAMAGES

According to plaintiff: Perkins: \$22,544 past medical; \$0 future medical.

Terrazas: \$76,180 past medical; \$34,000 future medical.

#### SETTLEMENT DISCUSSIONS

According to plaintiff: Defendant Hutcherson had only a \$100,000/\$300,000 policy limits. Hutcherson's insurer tendered \$100,000 to each plaintiff. Plaintiffs discovered that Hutcherson was a child movie star and was earning upwards of \$400,000 per motion picture and had several deals in development.

Plaintiffs initially demanded \$800,000 above the policy limits personally from Hutcherson. Defendant Hutcherson's first attorney, Shawn Chapman-Holley, claimed that Hutcherson had no assets from which to contribute to an above-policy limits settlement.

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After a month of negotiations and the threat of litigation with the associated publicity that would ensue, Hutcherson retained new counsel, Patrick McNicholas, an expert in personal injury claims. After two short meetings, plaintiffs and defendants entered into a settlement in which defendant Hutcherson contributed a total of \$435,000 of his personal funds on top of the \$200,000 insurance policy limits. Defendant Wilfredo's insurer tendered its \$30,000 policy limits towards the settlement. Plaintiffs also collected \$5,000 each in medical payments coverage, bringing the total settlement to the reported \$675,000 on a \$200,000 insurance limited policy.

**EXPERTS**

None.