

# TRIALS DIGEST®

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**SETTLEMENT RESULT: \$230,000**

## NEGLIGENCE

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### SETTLEMENT—Finger crushed in door results in amputation

#### NEGLIGENCE-OTHER

#### No COURT/UNFILED SETTLEMENT

*Dickman v. Webb*. Settlement date: 9/18/2000.

#### SETTLEMENT RESULT: \$230,000

The case was mediated before retired Judge Irwin Nebron.

#### COUNSEL

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

Defendant: None.

#### FACTS/CONTENTIONS

According to plaintiff: On April 23, 2000, plaintiff, a 35-year-old makeup artist, entered her apartment behind her live-in boyfriend, the defendant. Plaintiff stopped in the doorway and placed her left hand on the inside door jamb in order to adjust her foot.

Defendant, not realizing that plaintiff had her hand on the door jamb, closed the door, smashing plaintiff's left index finger. Defendant rushed plaintiff to the ER, but, two weeks later, plaintiff had surgical amputation of a significant portion of her left index finger.

Plaintiff alleged that defendant was negligent in failing to look behind him to see if plaintiff had cleared the doorway before shutting the front door.

Defendant's insurer at first disputed coverage, claiming that plaintiff, as a resident of the premises, was excluded from coverage. Subsequently, defendant's insurer accepted coverage but disputed liability and argued that plaintiff was comparatively negligent for stopping in the doorway and placing her hand on the inside of the door jamb. Defendant further contended that plaintiff and defendant had been drinking. Defendant disputed the need for a future surgery to excise the neuroma.

#### CLAIMED INJURIES

According to plaintiff: Plaintiff sustained a severe crush avulsion injury to the distal portion of her left index finger. The emergency surgical repair failed, resulting in surgical amputation of a significant portion of the left index finger, in which the middle phalanx was shortened nearly to mid-shaft, with evidence of a neuroma in the scar tissue. Plaintiff is a candidate for surgical excision of the neuroma.

#### CLAIMED DAMAGES

According to plaintiff: \$5,425 past medical; \$15,000 future medical.

#### SETTLEMENT DISCUSSIONS

According to plaintiff: Demand: \$410,000.  
Offer: \$125,000.

#### EXPERTS

None.