

# TRIALS DIGEST<sup>®</sup>

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**SETTLEMENT RESULT: \$200,000**

## VEHICLE NEGLIGENCE

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### **Driver, asleep at the wheel, strikes minor pedestrian**

#### **VEHICLE NEGLIGENCE**

Pedestrian/Crosswalk

NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

#### **No COURT/UNFILED SETTLEMENT**

*Alvarado v. Lima*, Trial type: Settlement. Settlement date: 10/19/2008.

#### **SETTLEMENT: \$200,000**

Defendant tendered her \$100,000 insurance policy limits for minor plaintiff. Defendant initially offered \$50,000 for plaintiff Rick Alvarado for his *Dillon v. Legg* claim, but within days increased the offer to the \$100,000 policy limits. The case settled for the \$200,000 policy limits.

#### **COUNSEL**

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

Defendant: None.

#### **FACTS/CONTENTIONS**

According to plaintiff: On November 8, 2007, plaintiffs Rick Alvarado and minor plaintiff were crossing Moorpark Street at Elmer Avenue in Los Angeles in a marked crosswalk when defendant Lima, driving a 2003 Chrysler PT Cruiser west on Moorpark in the number one of two lanes, struck 11-year-old minor plaintiff, throwing him about 30 feet through the air and onto the pavement. Plaintiff Rick Alvarado, minor plaintiff's father, tried to pull minor plaintiff from the path of the vehicle but was unable to do so and witnessed his son being struck by defendant's vehicle. Defendant apparently fell asleep at the wheel.

Defendant did not dispute liability. Defendant was a self-employed Brazilian housekeeper and cook with no financial assets and a net income of less than \$300 per month.

#### **CLAIMED INJURIES**

According to plaintiff: Plaintiff minor: Closed-head trauma; temporary left side paralysis; sinus cavity fracture on right side; cervical, thoracic, and lumbar strain and sprain injuries that were treated conservatively by physical therapy.

#### **CLAIMED DAMAGES**

According to plaintiff: \$119,416 past medical expenses.

#### **SETTLEMENT DISCUSSIONS**

Not reported.

#### **EXPERTS**

None.

#### **COMMENTS**

According to plaintiff: The insurance carrier was Farmers Insurance; the agent was Mike Cassidy.

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