



## Plaintiff claims defendant's speed a factor in rear-ending

**Type:** Verdict-Plaintiff

**Amount:** \$374,500

**Actual Award:** \$578,255

**State:** California

**Venue:** Los Angeles County

**Court:** Superior Court of Los Angeles County, Los Angeles, CA

**Injury Type(s):**

- *back* - herniated disc, lumbar; herniated disc at L4-5; herniated disc, lumbar; herniated disc at L5-S1
- *other* - physical therapy; epidural injections
- *surgeries/treatment* - discectomy

**Case Type:**

- *Motor Vehicle* - Speeding; Rear-ender; Multiple Vehicle

**Case Name:** Walter D. Soberanis Solorzano v. Elizabeth Dana, No. BC705877

**Date:** September 06, 2023

**Plaintiff(s):**

- Walter D Soberanis Solorzano , (Male, 43 Years)

**Plaintiff Attorney(s):**

- Allan Dollison; Law Offices of John Ye; Los Angeles CA for Walter D Soberanis Solorzano

**Plaintiff Expert (s):**

- George Rappard M.D.; Neuroradiology; Los Angeles, CA called by: Allan Dollison

**Defendant(s):**

- Elizabeth Dana

**Defense  
Attorney(s):**

- Gabriel Wainfield; Law Offices of York & Wainfeld, APC; Chatsworth, CA for Elizabeth Dana

**Defendant  
Expert(s):**

- Keith Liberman M.D.; Orthopedic Surgery; Beverly Hills, CA called by: for Gabriel Wainfield
- Lawrence P. Harter M.D.; Radiology; Santa Barbara, CA called by: for Gabriel Wainfield

**Insurers:**

- Mercury Ins.

**Facts:**

On May 18, 2016, plaintiff Walter Soberanis Solorzano, 43, a small business owner, was taking the Wilshire Boulevard exit off of I-405 in Santa Monica, when a sedan driven by Elizabeth Dana, rear-ended his pickup truck.

Solorzano claims to have injured his back as a result of the accident. He sued Dana, alleging negligence while operating a motor vehicle.

According to plaintiff's counsel, Dana was driving 60 mph, well above the standard 30-35 mph speed limit typical of an exit ramp, and did not apply her brakes before crashing into Solorzano. The plaintiff's counsel contended that the accident, which left both vehicles with significant damage, could have been avoided if not for the negligence of the defendant.

Dana admitted liability for the accident but disputed the plaintiff's damages.

**Injury:**

Solorzano sustained herniations at L4-5 and L5-S1, and underwent a lumbar discectomy. For treatment, he attended physical therapy, and was given epidural injections for three years following the accident. He claimed to have still been in pain at the time of the trial.

Additionally, Solorzano claims that his treatment required him to miss three months of work, which impacted him financially.

The plaintiff sought damages for past medical costs and both past and future pain and suffering. He did not ask for any compensation to cover any future medical costs.

Defense contested the severity of the plaintiff's alleged injuries, pointing out that Solorzano had a year and a half long gap between treatments.

**Result:**

The jury found in favor of the plaintiff and awarded him damages totaling \$374,500.

Walter Soberanis Solorzano

\$ 70,000 Past Medical Cost

\$ 100,000 Future Pain Suffering

\$ 204,500 Past Pain Suffering

**\$ 374,500 Plaintiff's Total Award**

**Trial Information:**

**Judge:** Mark H. Epstein

**Demand:** \$100,000

**Offer:** \$100,000

**Trial Length:** 2 weeks

**Trial  
Deliberations:** 7 hours

**Post Trial:** The court awarded plaintiff expert witness fees, interests and court costs totaling \$203,755.44 which will be added to the judgment.

**Editor's  
Comment:** This report is based on information that was provided by plaintiff's counsel. Defense counsel could not be reached for comment.

**Writer** Jason Cohen

## Employer sued after truck driver runs over brother

**Type:** Settlement

**Amount:** \$999,000

**State:** California

**Venue:** Los Angeles County

**Court:** Superior Court of Los Angeles County, Los Angeles, CA

**Injury Type(s):**

- *leg* - fracture, leg; fracture, femur
- *knee* - fracture, knee

**Case Type:**

- *Motor Vehicle* - Truck; Pedestrian

**Case Name:** Eliezer Molina v. Pacific Gateway Transportation Inc., No. 21STCV34534

**Date:** May 16, 2023

**Plaintiff(s):**

- Eliezer Molina, (Male, 66 Years)

**Plaintiff Attorney(s):**

- Greg Jackson; The Simon Law Group, LLP; Santa Ana CA for Eliezer Molina

**Defendant(s):**

- Heliodoro Molina
- DOES 1 through 30, inclusive
- Pacific Gateway Transportation Inc.

**Defense Attorney(s):**

- David V. Roth; Manning & Kass, Ellrod, Ramirez, Trester, LLP; San Francisco, CA for DOES 1 through 30, inclusive, Pacific Gateway Transportation Inc., Heliodoro Molina

**Insurers:**

- CoAction Specialty Insurance

**Facts:** On Nov. 10, 2020, plaintiff Eliezer Molina, 66, an independent truck driver and contractor for defendant Pacific Gateway Inc., was walking around a truck at the Pacific Gateway Transportation terminal grounds on Wilmington Avenue, Los Angeles, when one of the Pacific Gateway Inc. 's drivers, and Eliezer Molina's brother, Heliodoro Molina, suddenly drove forward, running him over.

Eliezer Molina sued Heliodoro Molina, alleging negligence in the operation of a vehicle, as well as Pacific Gateway Inc., claiming that as owners of the truck, was vicariously liable.

Defense argued that there was comparative negligence on behalf of Eliezer Molina for failing to notice the truck start to move and walking in front of the truck.

**Injury:** Eliezer Molina took an ambulance to Harbor-UCLA Medical Center where it was found he had fractured his femur and his knee. He was hospitalized for two days and he had a right femur intramedullary nail insertion procedure wherein the nail was inserted through the hip into his femur.

Then he had to undergo a nail dynamization with removal of a right hip implant. He also had a right knee arthroscopy and partial medial meniscectomy.

Eliezer Molina attended physical therapy for five months.

He alleged \$73,000 in past loss of earnings, \$172,000 in past medical expenses and future pain and suffering due to the hardware in his leg.

**Result:** This case settled prior to trial for \$999,000.

Eliezer Molina

**Trial Information:**

**Trial Length:** 0

**Trial Deliberations:** 0

**Editor's  
Comment:**

This report is based on information obtained from plaintiff's counsel. Defense counsel did not respond to requests for comment.

**Writer**

Yawana Fields

## Plaintiff claimed crash caused need for back treatment

**Type:** Verdict-Plaintiff

**Amount:** \$613,300

**State:** California

**Venue:** Los Angeles County

**Court:** Superior Court of Los Angeles County, Los Angeles, CA

**Injury Type(s):**

- *back* - spasm, lumbar; bulging disc, lumbar; disc protrusion, lumbar
- *other* - physical therapy; epidural injections; trigger point injection

**Case Type:**

- *Motor Vehicle* - Broadside; Multiple Vehicle

**Case Name:** Ana Foster v. Bruce Richard Dixon, No. 20STCV08297

**Date:** October 17, 2022

**Plaintiff(s):**

- Ana Foster, (Female, 40 Years)

**Plaintiff Attorney(s):**

- Adam J. Savin; Savin Bursk Law; Encino CA for Ana Foster
- Maureen K. Hennessey; Savin Bursk Law; Encino CA for Ana Foster

**Plaintiff Expert (s):**

- Dr. Troy I. Mounts M.D.; Orthopedic Surgery; San Luis Obispo, CA called by: Adam J. Savin, Maureen K. Hennessey

**Defendant(s):**

- Bruce Richard Dixon

**Defense Attorney(s):**

- William G. Barrett; Law Offices of Robyn S. Hosmer; Glendale, CA for Bruce Richard Dixon
- Robert J. Dagmy; Law Offices of Robyn S. Hosmer; Glendale, CA for Bruce Richard Dixon

**Defendant  
Expert(s):**

- Dr. Todd D. Moldawer M.D.; Orthopedic Surgery; Van Nuys, CA called by: for William G. Barrett, Robert J. Dagmy

**Insurers:**

- Allstate Insurance Co.

**Facts:**

On March 18, 2018, plaintiff Ana Foster, 40, a personal trainer, was driving on Copper Hills Drive, in Santa Clarita, when her vehicle was broadsided by a pickup truck operated by Bruce Dixon. Foster claimed injuries to her back.

Foster sued Dixon, alleging that he was negligent in the operation of his vehicle.

According to Foster, Dixon's vehicle darted out of a parking lot in an attempt to make a left turn, resulting in the collision with her driver's side door. Foster claimed that Dixon crossed over four lanes of traffic before impacting her vehicle.

Dixon refused to admit any negligence on his part and disputed liability throughout the litigation in an attempt to shift some blame onto Foster.



**Injury:**

Foster sought immediate treatment at a nearby Facey Urgent Care location, which was followed by a course of physical therapy and a few rounds of trigger point injections in her lumbar spine for muscle spasms. She claimed she sustained a bulging lumbar disc.

Foster was discharged from care, and she claimed she attempted to return to her work as a personal trainer and fitness guru. Foster did not deny her very active lifestyle, but explained that she had to modify daily from her usual routine prior to the collision.

Foster claimed that she was avoiding more aggressive care and attempting to stretch and strengthen her body on her own, rather than rack up bills with doctors. However, approximately two years after the collision and one year prior to trial, Foster went to a pain management doctor on a lien basis and was administered a single epidural injection to her lumbar spine.

The plaintiff's retained orthopedic surgery expert opined that there was objective evidence on the MRI of a left paracentral disc protrusion and some neuroforaminal stenosis at L4-5 and L5-S1 that correlated with Foster's subjective complaints and the physical exams of all treating physicians. The expert opined that after 4.5 years in that chronic condition — that is now worsening — additional conservative care would only provide temporary relief. The expert suggested that it would be reasonable for Foster to eventually have a microdecompression surgery in the future, when she is ready, to relieve the irritated nerve.

Foster sought recovery for her past and future medical costs and her past and future pain and suffering.

Defense counsel argued that the impact was not significant and that only the initial conservative treatment would be reasonable and necessary. Counsel maintained that the matter involved a minor-impact, soft-tissue-injury case with nothing more than sprains and strains, and an unremarkable MRI with no objective evidence of any real injury. Defense counsel contended that during the time Foster was not being treated for her alleged injuries, she was traveling, hiking for miles, being physically active, participating in gym routines, and working, seemingly, without significant limitations or issues. Thus, the defense argued that Foster's epidural injection was attorney driven, unnecessary and for the purpose of trial. In addition, counsel argued that Foster could have gone back to pain management, but made no attempts to do so.

The defense's retained orthopedic surgery expert did not consider any treatment reasonable or necessary beyond the discharge of care at Facey Medical Center by her primary care physician, nearly four years prior to trial. The expert agreed that Foster suffered some injuries and that her conservative care was reasonable, but the expert would not submit on the issue of substantial factor. According to plaintiff's counsel, the defense expert was unable to provide full opinions on the post-care and lien treatment for Foster on account that defense counsel failed to provide the expert with all of the pertinent records.

**Result:** The jury found that Dixon was negligent and that his negligence was a substantial factor in causing harm to Foster. It also found that Foster was not negligent. The jury determined that Foster's damages totaled \$613,300.

Ana Foster

\$ 28,300 Past Medical Cost

\$ 160,000 Future Medical Cost

\$ 375,000 Future Pain Suffering

\$ 50,000 Past Pain Suffering

**\$ 613,300 Plaintiff's Total Award**

**Trial Information:**

**Judge:** Gregory W. Alarcon

**Demand:** \$75,159 (C.C.P. § 998)

**Offer:** \$11,656.40

**Trial Length:** 5 days

**Trial  
Deliberations:** 3 hours

**Jury  
Composition:** During trial, several jurors were lost, so there were only 11 jurors right before closing. Defense counsel would not stipulate to a 6 out of 8 jury, so plaintiff's counsel had to agree to a 9 out of 11 to reach a verdict. Interestingly, the jury was composed of four individuals who went to law school, two of which were still practicing attorneys.

**Post Trial:** The plaintiff is seeking recovery of C.C.P. § 998 interest and cost in excess of \$100,000. Plaintiff's counsel is also filing a motion for sanction prove up of Request for Admission denials. After cost, interest and RFA prove up fees, the anticipated judgment will be in excess of \$800,000.

**Editor's  
Comment:**

This report is based on information that was provided by plaintiff's counsel. Defense counsel did not respond to the reporter's phone calls.

**Writer**

Priya Idiculla

## Crash aggravated previously asymptomatic back injury: plaintiff

**Type:** Verdict-Plaintiff

**Amount:** \$797,981

**State:** California

**Venue:** Los Angeles County

**Court:** Superior Court of Los Angeles County, Pasadena, CA

**Injury Type(s):**

- *back* - lower back; spondylolysis; fusion, lumbar; herniated disc, lumbar; herniated disc at L5-S1
- *neck* - spondylolysis
- *other* - chiropractic; physical therapy; epidural injections; aggravation of pre-existing condition

**Case Type:**

- *Motor Vehicle* - Left Turn; Intersection; Multiple Vehicle

**Case Name:** Jesus Javier Cruz v. Yosef Perez and Robert Calgav, No. BC711916

**Date:** August 10, 2022

**Plaintiff(s):**

- Jesus Cruz, (Male, 24 Years)

**Plaintiff Attorney(s):**

- Geoffrey S. Hickey; Ardalan & Associates, PLC; Thousand Oaks CA for Jesus Cruz
- Mark K. Drew; Ardalan & Associates, PLC; Thousand Oaks CA for Jesus Cruz

**Plaintiff Expert(s):**

- Rami Hashish Ph.D., D.P.T.; Biomechanical; Los Angeles, CA called by: Geoffrey S. Hickey, Mark K. Drew
- Todd Gravori M.D.; Neurosurgery; Los Angeles, CA called by: Geoffrey S. Hickey, Mark K. Drew
- Felix Lee M.S., P.E.; Accident Reconstruction; Los Angeles, CA called by: Geoffrey S. Hickey, Mark K. Drew

**Defendant(s):**

- Josef Perez
- Robert Calgav

**Defense  
Attorney(s):**

- K. Robert Gonter; Gates Gonter Guy Proudfoot & Muench, LLP; Irvine, CA for Josef Perez
- Elham R. Rabbani; Gates Gonter Guy Proudfoot & Muench, LLP; Irvine, CA for Josef Perez, Robert Calgav

**Defendant  
Expert(s):**

- Arya Nick Shamie M.D.; Orthopedic Surgery; Los Angeles, CA called by: for K. Robert Gonter, Elham R. Rabbani
- Agnes Grogan R.N.; Coding & Billing (Medical); Huntington Beach, CA called by: for K. Robert Gonter, Elham R. Rabbani
- Isaac Ikram; Accident Investigation & Reconstruction/ Failure Analysis/Product Liability; Los Angeles, CA called by: for K. Robert Gonter, Elham R. Rabbani
- Richard B. Rhee M.D.; Neuroradiology; Newport Beach, CA called by: for K. Robert Gonter, Elham R. Rabbani

**Insurers:**

- State Farm Insurance Cos.

**Facts:**

On July 1, 2016, plaintiff Jesus Cruz, 24, a construction worker, was driving on Balboa Boulevard, in Encino. When he entered the intersection with Ventura Boulevard, his vehicle was struck by a vehicle operated by Yosef Perez, who was attempting to make a left turn onto Ventura Boulevard. Cruz claimed injuries to his lower back.

Cruz sued Perez and the owner of Perez's vehicle, Robert Calgav. Cruz alleged that Perez was negligent in the operation of his vehicle and that Calgav was vicariously liable for Perez's actions.

Plaintiff's counsel contended that Perez failed to respect Cruz's right of way at the subject intersection.

Perez admitted liability for the accident, and the matter proceeded to a trial on damages.

**Injury:**

Five days after the accident, Cruz presented a chiropractor with complaints of pain to his neck, lower back and a shoulder. He claimed he suffered a herniated lumbar disc at the L5-S1 level with an underlying pars defect, or spondylolysis, which is a stress fracture of the bones of the lower spine. Initial X-rays revealed a pre-existing pars defect in his lower back at the L5 level. Cruz claimed that the defect was asymptomatic before the crash, but that he had significant pain after the accident.

Cruz underwent four months of physical therapy and chiropractic care. He was then referred to a pain management doctor, who performed three epidural injections. After the third epidural injection, Cruz reported 95 percent relief. However, he claimed his lower back pain returned a few weeks following the last epidural. As a result, Cruz presented to his treating neurosurgery expert, who ultimately recommended a single level fusion.

Cruz put off the surgery for approximately three years. He eventually underwent the lumbar fusion on June 1, 2019. He then underwent additional physical therapy and chiropractic care for six to eight weeks following the surgery. Cruz claimed he had a positive outcome following the surgery, but that he would require additional treatment.

Cruz sought recovery for his past and future medical costs, and past and future pain and suffering. Specifically, he sought recovery of \$5,415,727.46 in total damages.

Defense counsel argued that all of Cruz's injuries were pre-existing and not causally related to the collision. Counsel also argued that Cruz did not need surgery.

**Result:**

The jury found that the accident was a substantial factor in causing Cruz's injuries. It determined that Cruz's damages totaled \$797,981.

Jesus Cruz

\$ 397,981.91 Past Medical Cost

\$ 200,000 Future Medical Cost

\$ 100,000 past non-economic loss

\$ 100,000 future non-economic loss

**\$ 797,981.91 Plaintiff's Total Award**

**Trial Information:**

**Judge:** Margaret L. Oldendorf

**Demand:** \$1,500,000

**Offer:** \$70,000

**Trial Length:** 11 days

**Trial  
Deliberations:** 5 hours

**Jury Vote:** 11-1 (substantial factor); 9-3 (damages)

**Editor's  
Comment:** This report is based on information that was provided by plaintiff's and defense counsel.

**Writer** Yawana Fields

## Sideswipe crash caused injuries to shoulder and spine: plaintiff

**Type:** Verdict-Plaintiff

**Amount:** \$292,975

**State:** California

**Venue:** Los Angeles County

**Court:** Superior Court of Los Angeles County, Los Angeles, CA

**Injury Type(s):**

- *back*
- *neck*
- *other* - soft tissue; chiropractic; epidural injections; acromioclavicular joint impingement
- *wrist*
- *shoulder* - shoulder impingement
- *surgeries/treatment* - arthroscopy

**Case Type:**

- *Motor Vehicle* - Sideswipe; Lane Change; Multiple Vehicle

**Case Name:** Rogelio Ruiz v. Deanna Pollard, No. 18STCV05807

**Date:** July 18, 2022

**Plaintiff(s):**

- Rogelio Ruiz, (Male, 48 Years)

**Plaintiff Attorney(s):**

- Steven L. Mazza; Carpenter & Zuckerman; Beverly Hills CA for Rogelio Ruiz
- Benjamin G. Berkley; Law Offices of Stuart Berkley; Encino CA for Rogelio Ruiz
- Stuart B. Berkley; Law Offices of Stuart Berkley; Encino CA for Rogelio Ruiz

**Plaintiff Expert(s):**

- Arthur Kreitenberg M.D.; Orthopedic Surgery; Los Angeles, CA called by: Steven L. Mazza, Benjamin G. Berkley, Stuart B. Berkley

**Defendant(s):**

- Deanna Pollard



**Defense  
Attorney(s):**

- Jose R. Paz; Mark R. Weiner & Associates; Glendale, CA for Deanna Pollard

**Defendant  
Expert(s):**

- Henry W. Lubow M.D.; Coding & Billing (Medical); Los Angeles, CA called by: for Jose R. Paz
- Lloyd Martin; Injury Biomechanics; La Verne, CA called by: for Jose R. Paz
- Robert M. Wilson M.D.; Orthopedic Surgery; Los Angeles, CA called by: for Jose R. Paz
- Richard B. Rhee M.D.; Radiology; Newport Beach, CA called by: for Jose R. Paz

**Insurers:**

- State Farm Insurance Cos.

**Facts:**

On Jan. 5, 2018, plaintiff Rogelio Ruiz, 48, a police officer for the U.S. Department of Veterans Affairs, was driving on northbound Interstate 405, also known as the San Diego Freeway, in Los Angeles, when his vehicle was sideswiped by a vehicle operated by Deanna Pollard, who was attempting to change lanes. Ruiz claimed injuries to his neck, back, right shoulder and right wrist.

Ruiz sued Pollard, alleging that Pollard was negligent in the operation of her vehicle.

Pollard admitted liability. Thus, the trial addressed the damages claims.

**Injury:**

Later that evening, on the day of the accident, Ruiz brought himself to a hospital, where he claimed pain to his neck, back, right shoulder and right wrist. He initially claimed soft tissue injuries to his neck, back, right shoulder and right wrist, but he later claimed he suffered an impingement of his right shoulder with acromioclavicular joint issues to that shoulder. Ruiz underwent pain management, including chiropractic treatment, an epidural injection to his cervical spine, and cortisone injections to his right shoulder. Ultimately, he underwent arthroscopic surgery to the right shoulder, including a subacromial decompression and an acromioclavicular joint resection.

Ruiz claimed that the shoulder surgery resolved most of his issues, but that he was left with minor residual injuries. He also claimed that the cervical epidural injection resolved his neck pain for the most part. However, Ruiz claimed that had issues with work, as he trained employees of tactics and could not do the exercises because of pain to his right shoulder.

Ruiz's expert orthopedic surgeon opined that Ruiz's treatments were reasonable and caused by the subject collision. The expert also opined that the accident likely aggravated an asymptomatic, pre-existing condition to the right shoulder.

Ruiz sought recovery of past medical costs, and damages for his past and future pain and suffering. (Despite his claims, Ruiz did not seek recovery for future medical costs or for lost earnings.)

Defense counsel contended that Ruiz only sustained minor soft tissue injuries and that there was no mechanism of injury to the right shoulder. Counsel further contended that all treatment for Ruiz's shoulder was medically indicated, but that the shoulder injury was just not caused by the subject collision.

**Result:**

The jury found that Pollard's negligence was a substantial factor in causing harm to Ruiz. It determined that Ruiz's damages totaled \$292,974.89.

Rogelio Ruiz

\$ 77,974.89 Past Medical Cost

\$ 15,000 Future Pain Suffering

\$ 200,000 Past Pain Suffering

**\$ 292,974.89 Plaintiff's Total Award**

**Trial Information:**

**Judge:** Gregory W. Alarcon

**Demand:** \$250,000

**Offer:** \$75,000

**Trial Length:** 5 days

**Trial  
Deliberations:** 2 hours

**Jury Vote:** 12-0

**Editor's  
Comment:** This report is based on information that was provided by plaintiff's counsel. Defense counsel declined to contribute.

**Writer** Priya Idiculla

## Prior disc injuries were aggravated by crash, per plaintiff

**Type:** Verdict-Plaintiff

**Amount:** \$435,000

**State:** California

**Venue:** Los Angeles County

**Court:** Superior Court of Los Angeles County, Los Angeles, CA

**Injury Type(s):**

- *back*
- *neck* - herniated disc, cervical; herniated disc at C4-5; herniated disc, cervical; herniated disc at C5-6
- *other* - epidural injections; aggravation of pre-existing condition

**Case Type:**

- *Motor Vehicle* - Rear-ender; Multiple Vehicle

**Case Name:** Ibrahim Mohammed v. John Nylund and Andrea Nylund, No. 19STCV26387

**Date:** June 20, 2022

**Plaintiff(s):**

- Ibrahim Mohammed, (Male, 38 Years)

**Plaintiff Attorney(s):**

- Harry Nalbandyan; Levin & Nalbandyan, LLP; Los Angeles CA for Ibrahim Mohammed
- Beth E. Graff; Chudacoff, Friedman, Simon, Graff & Cher; Los Angeles CA for Ibrahim Mohammed

**Plaintiff Expert (s):**

- Stepan O. Kasimian M.D.; Orthopedic Surgery; Glendale, CA called by: Harry Nalbandyan, Beth E. Graff

**Defendant(s):**

- John Nylund
- Andrea Nylund

**Defense Attorney(s):**

- Judith S. Lindner; Mark R. Weiner & Associates; Glendale, CA for John Nylund, Andrea Nylund

**Defendant  
Expert(s):**

- Steven Nagelberg M.D.; Orthopedic Surgery; Downey, CA called by: for Judith S. Lindner

**Insurers:**

- State Farm Insurance Cos.

**Facts:**

On Sept. 17, 2017, plaintiff Ibrahim Mohammed, 38, a ride-hailing driver and videographer, was operating his vehicle on Aviation Boulevard, in Torrance. His vehicle was struck in the rear by a trailing vehicle operated by John Nylund. Mohammed claimed injuries to his neck and back.

Mohammed sued John Nylund, as well as Andrea Nylund, who owned the vehicle. Mohammed alleged that John Nylund was negligent in the operation of the vehicle and that Andrea Nylund was vicariously liable.

Andrea Nylund was dismissed from the case before trial.

Nylund admitted liability for the accident. The case proceeded to a trial that addressed causation.

**Injury:**

Mohammed presented to an urgent-care facility on the day of the accident. He was discharged with instructions to follow up with his primary care physician.

Mohammed claimed back pain and an aggravation of preexisting cervical disc herniations at C4-5 and C5-6.

Mohammad was ultimately recommended for an artificial disc replacement at C4-C5, but did not undergo the surgery. He had two epidural injections for his C5-6 injury. In 2019, surgery was recommended for the C5-6 injury, but he had not undergone surgery at the time of trial.

Mohammad sought future medical costs for the C5-6 surgery, which his expert testified would cost \$250,000. He also sought recovery for past medical costs and for past and future pain and suffering.

The defense disputed injury causation and the cost of future surgery. The defense's expert testified that the C5-6 surgery would cost \$50,000.

**Result:**

The jury found that Nylund's negligence was a substantial factor in causing harm to Mohammed. It determined that Mohammed's damages totaled \$435,000.

Ibrahim Mohammed

\$ 175,000 Future Medical Cost

\$ 200,000 Future Pain Suffering

\$ 60,000 Past Pain Suffering

**\$ 435,000 Plaintiff's Total Award**

**Trial Information:**

**Judge:** Richard J. Burdge Jr.

**Demand:** \$250,000

**Offer:** \$125,000

**Trial Length:** 0

**Trial  
Deliberations:** 3 hours

**Editor's  
Comment:** This report is based on information that was provided by plaintiff's counsel. Defense counsel did not respond to the reporter's phone calls.

**Writer** Priya Idiculla

## Auto accident caused neck injury, plaintiff claimed

**Type:** Verdict-Plaintiff

**Amount:** \$750,000

**State:** California

**Venue:** Los Angeles County

**Court:** Superior Court of Los Angeles County, Van Nuys, CA

**Injury Type(s):**

- *neck* - herniated disc, cervical; herniated disc at C5-6
- *other* - epidural injections

**Case Type:**

- *Motor Vehicle* - Broadside; Red Light; Intersection; Multiple Vehicle

**Case Name:** Selim Helvacioğlu v. Lawrence Madaras, No. 18STCV04584

**Date:** December 03, 2021

**Plaintiff(s):**

- Selim Helvacioğlu, (Male, 30 Years)

**Plaintiff Attorney(s):**

- Harry Nalbandyan; Levin & Nalbandyan, LLP; Los Angeles CA for Selim Helvacioğlu

**Plaintiff Expert(s):**

- Stepan O. Kasimian M.D.; Orthopedic Surgery; Glendale, CA called by: Harry Nalbandyan

**Defendant(s):**

- Lawrence Madaras

**Defense Attorney(s):**

- Donna M. Maryanski; Mark Weiner & Associates; Glendale, CA for Lawrence Madaras

**Defendant Expert(s):**

- Brian D. Rudin M.D.; Orthopedic Surgery; Westlake Village, CA called by: for Donna M. Maryanski

**Insurers:**

- State Farm Insurance Cos.

**Facts:**

On Dec. 1, 2017, plaintiff Selim Helvacioğlu, a product designer in his 30s, was driving on South Martel Avenue, near its intersection at West Third Street, in Santa Monica. While he was proceeding through the intersection, his vehicle's right side was struck by a vehicle that was being driven by Lawrence Madaras, who was traveling on West Third Street. Helvacioğlu claimed that he suffered an injury of his neck.

Helvacioğlu sued Madaras. The lawsuit alleged that Madaras was negligent in the operation of his vehicle.

Helvacioğlu claimed that a green traffic signal permitted his entrance to the intersection. He claimed that Madaras ignored a red signal.

Defense counsel conceded liability. The trial addressed damages.

**Injury:**

Helvacioğlu claimed that he suffered a herniation of his C5-6 intervertebral disc. He underwent administration of epidural injections of steroid-based painkillers.

Helvacioğlu claimed that he suffers residual pain and limitations. He claimed that he requires replacement of his C5-6 disc. He sought recovery of future medical expenses, and he also sought recovery of damages for past and future pain and suffering.

Defense counsel contended that Helvacioğlu's injury predated the accident. The defense's expert orthopedist opined that the C5-6 disc was desiccated and that Helvacioğlu does not require surgery.

**Result:**

The jury found that Helvacioğlu's damages totaled \$750,000.



Selim Helvacioğlu

\$ 250,000 Future Medical Cost

\$ 300,000 Future Pain Suffering

\$ 200,000 Past Pain Suffering

**\$ 750,000 Plaintiff's Total Award**

**Trial Information:**

**Judge:** Valerie Salkin

**Trial Length:** 4 days

**Trial  
Deliberations:** 3 hours

**Editor's  
Comment:** This report is based on information that was provided by plaintiff's counsel. Defense counsel did not respond to the reporter's phone calls.

**Writer** Priya Idiculla

## Plaintiff complained of ongoing pain after intersection crash

**Type:** Verdict-Plaintiff

**Amount:** \$832,798

**State:** California

**Venue:** Los Angeles County

**Court:** Superior Court of Los Angeles County, Los Angeles, CA

**Injury Type(s):**

- *back* - fusion, lumbar; herniated disc, lumbar; herniated disc at L4-5
- *neck* - herniated disc, cervical; herniated disc at C5-6
- *surgeries/treatment* - discectomy; laminotomy; laminectomy; laminectomy, lumbar

**Case Type:**

- *Motor Vehicle* - Broadside; Intersection; Multiple Vehicle

**Case Name:** Thomas Lee v. Elaine Sumi, No. BC680301

**Date:** November 15, 2021

**Plaintiff(s):**

- Thomas Lee, (Male, 49 Years)

**Plaintiff Attorney(s):**

- Christopher Montes de Oca; Law Offices of Christopher Montes de Oca; Whittier CA for Thomas Lee
- Esegbe A. Omofoma; The Omofoma Law Firm; Los Angeles CA for Thomas Lee

**Plaintiff Expert(s):**

- Amer Khalil M.D.; Neurosurgery; Newport Beach, CA called by: Christopher Montes de Oca, Esegbe A. Omofoma
- Jeff Sarkisian M.S.; Vocational Rehabilitation; Fresno, CA called by: Christopher Montes de Oca, Esegbe A. Omofoma
- Helen Chung M.D.; Physical Medicine; Los Angeles, CA called by: Christopher Montes de Oca, Esegbe A. Omofoma
- Roman Garagulagian Ph.D.; Economics; Los Angeles, CA called by: Christopher Montes de Oca, Esegbe A. Omofoma
- Andrew Morris D.C.; Coding & Billing (Medical); Torrance, CA called by: Christopher Montes de Oca, Esegbe A. Omofoma
- Khyber Zaffarkhan D.O.; Life Care Planning; Newport Beach, CA called by: Christopher Montes de Oca, Esegbe A. Omofoma
- Matthew W. Hwang M.D.; Orthopedic Surgery; Downey, CA called by: Christopher Montes de Oca, Esegbe A. Omofoma

**Defendant(s):**

- Elaine Sumi

**Defense Attorney(s):**

- Jennifer L. Russell; Ford Walker Haggerty & Behar, LLP; Long Beach, CA for Elaine Sumi
- Win D. Doan; Ford Walker Haggerty & Behar, LLP; Long Beach, CA for Elaine Sumi

**Defendant Expert(s):**

- Mary E. Jesko Ed.D., M.S.; Life Care Planning; San Diego, CA called by: for Jennifer L. Russell, Win D. Doan,
- Allen S. Chen M.D., M.P.H.; Physical Medicine; Santa Monica, CA called by: for Jennifer L. Russell, Win D. Doan,
- David S. Karlin M.D.; Radiology; Newport Coast, CA called by: for Jennifer L. Russell, Win D. Doan,
- Thomas C. Chen M.D.; Neurosurgery; Los Angeles, CA called by: for Jennifer L. Russell, Win D. Doan,
- Stephanie R. Rizzardi Pearson M.B.A.; Economics; San Marino, CA called by: for Jennifer L. Russell, Win D. Doan,

**Insurers:**

- American Automobile Association

**Facts:**

On Dec. 29, 2015, plaintiff Thomas Lee, 49, a machinist, was driving in Gardena, near the Torrance boarder. As he entered the intersection of West 190th Street and Normandie Avenue, the passenger side of his vehicle was broadsided by a vehicle operated by Elaine Sumi. Lee claimed injuries to his neck and back.

Lee sued Sumi, alleging that Sumi was negligent in the operation of her vehicle.

Sumi admitted liability for the accident, and the parties agreed that the collision consisted of a heavy impact.

**Injury:**

Lee claimed he sustained herniated cervical and lumbar discs at the C5-6 and L4-5 level. He first sought treatment from a chiropractor and underwent 1.5 years of chiropractic care. During that time, he also presented to a Kaiser location and had multiple injections to his back and neck. When Lee continued to complain of pain, he ultimately underwent an anterior cervical discectomy with fusion and instrumentation surgery on the C5-6 level on July 12, 2017. He then underwent a right laminotomy on the L3-4 level and a laminectomy with posterior fusion on the L4-5 level on Nov. 1, 2017.

Lee claimed that he was an “eggshell” plaintiff and that the subject accident was the final straw, causing him to begin having symptoms that resulted in multiple surgeries. He alleged that after the surgeries, he continued to suffer pain. He also alleged that he suffers from a foot drop and that he requires the use of a cane to walk. Lee alleged that as a result, he no longer hikes and cannot go camping, as he once did.

Lee's treating doctor opined that Lee is “basically disabled” from normal daily activities.

Lee's life care plan projected that Lee will require life care starting on Aug. 16, 2021, and ending on Dec. 11, 2046, with a life expectancy of 25.32 years, when he would be the age of 80.79. The plan consisted of physical and psychological therapies; aids for increasing independent function; medical provider visits; surgery and procedures; and imaging, labs and studies. Specifically, in regard to the future surgeries, Lee claimed that it was recommended that he undergo the implantation of a spinal cord stimulator for his ongoing pain. He also claimed that he would need to undergo a microdecompression surgery at the L3-4 level with an excision of the right facet joint cyst since the L3-4 level showed signs of stenosis. Lee further claimed that he would eventually require an anterior cervical disc replacement at the C4-5 level.

The plaintiff's expert life care planner testified that, based on Lee's economic assessment, the present value cost of the life care plan totaled \$1,504,962.

Thus, Lee sought recovery of \$2,535,630 in total economic losses for his past and future medical specials. He also sought recovery of non-economic damages for his past and future pain and suffering. Lee did not bring a claim for lost earnings or loss of earning capacity. In closing, plaintiff's counsel asked the jury to award Lee \$1,168,000 for his past non-economic damages and \$5.84 million for his future non-economic damages.

Defense counsel argued that all of Lee's injuries were soft tissue in nature and that Lee only sustained a sprain and strain. Counsel also argued that Lee's surgeries were due to his pre-existing, degenerative disc disease and that they not related to the subject accident.

**Result:**

The jury found that Sumi's negligence was a substantial factor in causing harm to Lee. It determined that Lee's damages totaled \$832,797.78.

Thomas Lee

\$ 770,088.83 Economic Damages

\$ 48,439.36 Past Non-Economic Damages

\$ 14,269.55 Future Non-Economic Damages

**\$ 832,797.74 Plaintiff's Total Award**

**Trial Information:**

**Judge:** Peter J. Mirich

**Demand:** \$999,999 (C.C.P. § 998)

**Offer:** \$450,000.01 (C.C.P. § 998)

**Trial Length:** 10 days

**Trial  
Deliberations:** 3 days

**Jury Vote:** 9-3

**Jury  
Composition:** 1 male, 11 female

**Post Trial:** The plaintiff's memorandum of costs bill of \$69,131.22 is pending. Defense counsel moved for a new trial and for judgment notwithstanding verdict, but both motions were denied. The defendant is now appealing the judgment.

**Editor's  
Comment:** This report is based on information that was provided by plaintiff's and defense counsel.

**Writer** Priya Idiculla

## Intersection crash aggravated prior back condition, plaintiff alleged

**Type:** Verdict-Plaintiff

**Amount:** \$600,000

**State:** California

**Venue:** Los Angeles County

**Court:** Superior Court of Los Angeles County, Long Beach, CA

**Injury Type(s):**

- *back*
- *other* - aggravation of pre-existing condition
- *epidermis* - contusion

**Case Type:**

- *Motor Vehicle* - Stop Sign; Intersection; Multiple Vehicle

**Case Name:** Andrea Cornea v. Leslie E. Briseno and Robert Jake Stirzel, No. 19STCV29043

**Date:** November 12, 2021

**Plaintiff(s):**

- Andrea Cornea, (Female, 43 Years)

**Plaintiff Attorney(s):**

- Robert M. Mansour; Law Office of Robert Mansour; Santa Clarita CA for Andrea Cornea

**Plaintiff Expert(s):**

- Robert D. Louie D.P.T.; Physical Therapy; Santa Clarita, CA called by: Robert M. Mansour
- Jonathan Falakassa M.D.; Orthopedic Surgery; Van Nuys, CA called by: Robert M. Mansour
- Christopher Eddy D.C.; Chiropractic; Canyon Country, CA called by: Robert M. Mansour

**Defendant(s):**

- Robert Jake Stirzel
- Leslie Emely Briseno

**Defense  
Attorney(s):**

- Lindsay Joachim; Law Offices of Robyn S. Hosmer; Glendale, CA for Leslie Emely Briseno, Robert Jake Stirzel

**Defendant  
Expert(s):**

- Todd D. Moldawer M.D.; Orthopedic Surgery; Van Nuys, CA called by: for Lindsay Joachim

**Facts:**

On Sept. 27, 2017, plaintiff Andrea Cornea, 43, an office manager at a dental office, was driving north on Sierra Highway, in Santa Clarita. As she continued straight on Sierra Highway and entered the T-intersection with Davenport Road, the front of her vehicle collided with the side of a vehicle operated by Leslie Briseno, who entered the intersection from westbound Davenport Road. Cornea claimed injuries to her back.

Cornea sued Briseno and the owner of Briseno's vehicle, Robert Stirzel. Cornea alleged that Briseno was negligent in the operation of her vehicle and that Stirzel was vicariously liable for Cornea's actions.

Stirzel was dismissed from the case prior to trial.

Cornea claimed that Briseno was stopped at a stop sign on Davenport Road before pulling into to intersection, but that Briseno was inattentive to oncoming traffic and pulled in front of her vehicle, causing the crash.

Briseno accepted liability at the beginning of trial.

**Injury:**

Emergency personnel arrived at the scene, but Cornea declined going to a hospital because she was uninsured and worried about the medical costs. However, a friend later took Cornea to a general practitioner in the building where they work, and the general practitioner told Cornea to go to an emergency room because he was concerned about her abdominal injuries. Cornea was determined to have sustained multiple contusions to her abdomen, chest, right wrist, neck and back, resulting in pain to those areas.

Cornea started treating with an expert chiropractor and most of her initial injuries resolved during that time. However, she claimed that after a few months of treatment, her back pain remained. The chiropractor also noted that Cornea reported pain from her lower back shooting into her leg, so he referred her to a podiatrist because he thought Cornea possibly had a foot injury.

The podiatrist concluded that there was nothing wrong with Cornea's foot, but told her to start physical therapy. Cornea then began treating with a physical therapy expert and underwent a few months of treatment. She eventually saw a spine specialist, who concluded that Cornea had a lumbar injury and referred her to an expert orthopedic surgeon.

The plaintiff's expert orthopedic surgeon opined that Cornea had a permanent lumbar

injury at the L3-4 level. The expert opined that the L3-4 disc was bad and that not much was remaining prior to the subject accident, so it could not withstand the load of the impact. The expert further opined that as a result of the crash, Cornea was left with pain from either the disc itself or the facet joints on the vertebrae.

Based on the expert orthopedic surgeon's opinion, plaintiff's counsel argued that Cornea was an eggshell plaintiff, in that Cornea was more susceptible to injury because of her spinal condition, and that the subject accident made her condition worse.

Cornea claimed that she cannot sit for longer than 15 minutes at a time and that as a result, she cannot drive for long periods of time. She also claimed that she can no longer participate in kickboxing, hiking and jogging, all of which she loved and used to do prior to the subject accident. Cornea further claimed that she has to sit on a tennis ball at her desk at work to alleviate pain in her buttocks area. In addition, plaintiff's counsel contended that Cornea's colleague at work has to push Cornea's feet into her chest while Cornea lays down, or has to pull Cornea's legs while Cornea lays down, in order to alleviate the pain in Cornea's lumbar spine while at work. Cornea's colleague also testified about that routine.

The plaintiff's expert orthopedic surgeon opined that Cornea's injury was permanent and that although she was not a surgical candidate, Cornea would need future pain management, possibly for the rest of her life.

Cornea claimed that she had a pain management consultation and learned about her future treatment, which would include numerous epidural injections. However, Cornea ultimately decided against pursuing the suggested pain management treatment, as she felt it would not permanently solve her problem.

Cornea waived her past and future medical costs, and only sought recovery of damages for her past and future pain and suffering. Plaintiff's counsel asked the jury to award Cornea \$1.2 million in total damages.

Defense counsel argued that Cornea's back pain was pre-existing, and not caused or aggravated by the accident. Counsel noted that Cornea had complained of back pain before the subject accident, and argued that any back complaints that Cornea had after the accident was related to Cornea's previous back condition.

Defense counsel contended that Cornea's own doctor wanted to perform injections as a diagnostic tool to determine the extent of the injury, but that Cornea refused the treatment. Thus, counsel argued that Cornea did not mitigate her damages by following her own doctor's suggestions. Defense counsel also argued that the effects the alleged pain had on Cornea's life were exaggerated, as Cornea did not suffer a disc protrusion. Counsel further questioned whether Cornea had ongoing pain, noting that there were gaps in treatment between each provider.



Defense counsel argued that Cornea should be awarded \$0 because she failed to mitigate her damages. However, counsel argued that if the jury found that Cornea should be awarded past damages, it should only award between \$10,000 and \$20,000.

In response, Cornea claimed that while she did have prior lower back pain six months before the subject accident, it was nothing significant, as her pain was resolved after only two chiropractic visits. Plaintiff's counsel also contended that the delays in treatment were due to Cornea being told by each provider that there was nothing else that could be done for her, which Cornea believed until she saw the next provider, and that the decision to not pursue pain management was Cornea's to make.

Plaintiff's counsel noted that defense's expert orthopedic surgeon was a colleague and friend of the plaintiff's expert orthopedic surgeon and that the defense's expert hired the plaintiff's expert to work at the same practice. Counsel also noted that the defense's expert testified that he thought the plaintiff's expert was an excellent surgeon and that he only disagreed with the plaintiff's expert's opinion about how much Cornea's daily life would be affected by her pain. In addition, counsel noted that the plaintiff's expert orthopedic surgeon testified that there does not need to be a disc protrusion for Cornea to have pain.

**Result:** The jury found that Briseno's negligence was a substantial factor in causing harm to Cornea. It determined that Cornea's damages totaled \$600,000.

Andrea Cornea

\$ 500,000 Future Pain Suffering

\$ 100,000 Past Pain Suffering

**\$ 600,000 Plaintiff's Total Award**

**Trial Information:**

**Judge:** Patrick T. Madden

**Demand:** \$100,000 policy limit

**Offer:** \$49,500

**Trial Length:** 0

**Trial  
Deliberations:** 4.5 hours

**Post Trial:** Post-trial motions are anticipated, as defense counsel claimed that the jurors ignored the jury instruction regarding mitigation of damages.

**Editor's  
Comment:** This report is based on information that was provided by plaintiff's and defense counsel.

**Writer** Priya Idiculla

## Plaintiff could have avoided crash, if paying attention: defense

**Type:** Verdict-Plaintiff

**Amount:** \$392,806

**Actual Award:** \$212,993

**State:** California

**Venue:** Los Angeles County

**Court:** Superior Court of Los Angeles County, Van Nuys, CA

**Injury Type(s):**

- *back*
- *neck*
- *other* - ablation; chiropractic; lumbar facet injury
- *wrist*

**Case Type:**

- *Motor Vehicle* - Broadside; Passenger; Intersection; Multiple Vehicle

**Case Name:** Sandra Manzo v. Katherine Nhulieu Ky, No. 18STCV07730

**Date:** October 26, 2021

**Plaintiff(s):**

- Sandra Manzo, (Female, 30 Years)
- Jonathan Valdivia Manzo, (Male, 0 Years)

**Plaintiff Attorney(s):**

- Alex D. Guerrero; Mendez & Sanchez APC; Los Angeles CA for Sandra Manzo,, Jonathan Valdivia Manzo
- Michael A. Sanchez; Mendez & Sanchez APC; Los Angeles CA for Sandra Manzo,, Jonathan Valdivia Manzo
- Arya M. Tahmassebi; Mendez & Sanchez APC; Los Angeles CA for Sandra Manzo,, Jonathan Valdivia Manzo

**Plaintiff Expert (s):**

- Reekesh Patel M.D.; Pain Management; Hawthorne, CA called by: Alex D. Guerrero, Michael A. Sanchez, Arya M. Tahmassebi

**Defendant(s):**

- Katherine Nhulieu Ky

**Defense Attorney(s):**

- M. Mary Margaryan; Mark R. Weiner & Associates; Glendale, CA for Katherine Nhulieu Ky

**Defendant Expert(s):**

- David J. King P.E.; Accident Reconstruction; Los Angeles, CA called by: for M. Mary Margaryan
- Michael G. Hannon M.D.; Orthopedic Surgery; Los Angeles, CA called by: for M. Mary Margaryan

**Facts:**

On Dec. 9, 2016, plaintiff Sandra Manzo, a food preparation worker in her 30s who worked at a Jack in the Box restaurant, was driving on Hawthorne Boulevard, in Torrance. In the backseat, sat her three children, including her teenaged son, plaintiff Jonathan Valdivia Manzo. As their vehicle entered the intersection with West 116th Street, it broadsided a vehicle operated by Katherine Ky, who was driving on West 116th Street and had entered the intersection in an attempt to cross Hawthorne Boulevard. The Manzo vehicle impacted the rear, passenger side of Ky's vehicle, causing Ky's vehicle to spin out of control. Ms. Manzo claimed injuries to her neck and back, and her son, Jonathan, claimed injuries to his neck, back and a wrist.

Ms. Manzo and Jonathan sued Ky, alleging that Ky was negligent in the operation of her vehicle.

Ms. Manzo testified that she did not see Ky's vehicle crossing Hawthorne Boulevard at any time before the impact.

Ky claimed that she had crossed halfway to the other side of Hawthorne Boulevard, and was almost to the other side of the intersection, when she paused before continuing on, but her vehicle was struck by Ms. Manzo's vehicle.

The defense's accident reconstruction expert opined that Ky had crossed 90 percent of Hawthorne Boulevard when Ky's vehicle was struck on the right side, toward the rear, by Ms. Manzo's vehicle. The expert also opined that if Ms. Manzo was paying attention to the roadway, she would have seen Ky's vehicle and could have just taken her foot off the accelerator, which would have allowed Ky to clear the intersection.

Thus, Ky's counsel argued that Ms. Manzo was at least comparatively fault for the accident because Ms. Manzo was not paying attention and should have seen Ky's vehicle, which was already in the intersection, prior to the collision.

**Injury:**

Ms. Manzo and her children were taken by ambulance to an emergency room. Six to seven days later, Ms. Manzo presented to a chiropractor.

Ms. Manzo claimed that she sustained injuries to her neck and back. She underwent

chiropractic care until she was discharged by her chiropractor. For the next nine months, she did not undergo any treatment. However, she eventually presented to a pain management specialist, per her attorneys suggestion. Ms. Manzo then received two or three facet injections to her lower back. She then underwent a radiofrequency ablation two weeks before trial.

Ms. Manzo claimed that the facet injections were not giving her permanent relief and that she needed the ablation. She also claimed that despite the treatment, she still has issues with her lower back.

The plaintiff's treating pain management expert opined that Ms. Manzo would need repeat ablations for years to come because nerves grow back in the area of the alleged lower back injury.

Thus, Ms. Manzo sought recovery of past and future medical costs, and damages for her past and future pain and suffering.

Jonathan claimed he suffered injuries to his neck and back, which ultimately resolved. He also claimed he suffered from wrist pain as a result of the subject accident. Although he claimed he hurt his wrist in the crash, he was not sure how and stated that he believes he may have hit it against the passenger seat or something else in the vehicle.

There was no evidence presented in regard to a possible need of future medical treatment for Jonathan. Thus, Jonathan only sought recovery of past medical costs, and damages for his past and future pain and suffering.

Defense counsel noted that although Ms. Manzo claimed she hurt her wrist and neck, Ms. Manzo's workers' compensation physician, who treated Ms. Manzo for carpal tunnel syndrome in her wrist, was deposed and opined that Ms. Manzo's wrist condition was a cumulative injury as a result of working at Jack in the Box for years. The physician also claimed that Ms. Manzo did not mention the subject accident in regard to her neck and wrist, and only claimed she hurt her back in the crash. As such, Ms. Manzo waived her claims regarding her alleged wrist and neck injuries.

Defense counsel contended that MRIs performed on Ms. Manzo after this accident were normal, and showed no degenerative changes or bulges. Counsel also noted the major gaps in Ms. Manzo's medical treatment, and contended that Ms. Manzo was able to keep bending and moving after the accident. Defense counsel argued that if Ms. Manzo was really hurt, Ms. Manzo should not be able to lift 25-pound crates at work, which she was doing, and blaming her ongoing issues on the subject accident.

The defense's expert orthopedic surgeon testified that he found no issues with any facet or arthritis and that he would not have referred Ms. Manzo to pain management, but would

have tried physical therapy and anti-inflammatory medications. The expert also testified that he found nothing in Ms. Manzo's MRIs or physical exam that suggested facet joint issues. As a result, the expert questioned why Ms. Manzo was sent to a pain management physician.

In regard to Jonathan, defense counsel contended that Jonathan had a pre-existing wrist fracture, which he sustained while playing soccer, and that the fracture had not healed properly, which left Jonathan with some limitations and pain.

**Result:**

The jury found that Ky was negligent and that her negligence was a substantial factor in causing harm to Ms. Manzo and Jonathan. It determined that the plaintiffs' damages totaled \$392,806.36. The jury also found that Ms. Manzo was negligent and that her negligence was a substantial factor in causing her own harm. As a result, it apportioned 50 percent responsibility for Ms. Manzo's harm to Ms. Manzo and 50 percent responsibility for Ms. Manzo's harm to Ky. As a result, only Ms. Manzo's damages would be reduced.

After the comparative liability offset, the plaintiffs' recovery would total \$212,993.06.

Jonathan Manzo

\$ 13,179.76 Past Medical Cost

\$ 8,000 Future Pain Suffering

\$ 12,000 Past Pain Suffering

**\$ 33,179.76 Plaintiff's Total Award**

Sandra Manzo

\$ 99,626.60 Past Medical Cost

\$ 100,000 Future Medical Cost

\$ 60,000 Future Pain Suffering

\$ 100,000 Past Pain Suffering

**\$ 359,626.60 Plaintiff's Total Award**

**Trial Information:**

**Judge:** James E. Blancarte

**Demand:** None reported

**Offer:** \$70,000 (C.C.P. § 998)

**Trial Length:** 0

**Trial** 0  
**Deliberations:**

**Post Trial:** After the defense's motion to tax costs was heard, the plaintiffs, as the prevailing party, were awarded an additional \$44,617.15 in costs.

Defense counsel noted that the jury awarded Johnathan for future pain and suffering, even though there was zero testimony from either side that Jonathan had any ongoing complaints or need for future care. As a result, post-trial motions and a possible appeal are anticipated.

**Editor's Comment:** This report is based on information that was provided by plaintiffs' and defense counsel.

**Writer** Priya Idiculla



## Rear-ender caused need for three neck surgeries: plaintiff

**Type:** Mediated Settlement

**Amount:** \$755,000

**State:** California

**Venue:** Los Angeles County

**Court:** Superior Court of Los Angeles County, Los Angeles, CA

**Injury Type(s):**

- *back* - herniated disc, lumbar; herniated disc at L5-S1
- *neck* - fusion, cervical; herniated disc, cervical; herniated disc at C3-4; herniated disc, cervical; herniated disc at C5-6; herniated disc, cervical; herniated disc at C6-7
- *other* - arthroplasty; sacroiliac joint; decreased range of motion
- *neurological* - radiculopathy
- *surgeries/treatment* - discectomy

**Case Type:**

- *Motor Vehicle* - Cell Phone; Rear-ender; Multiple Vehicle

**Case Name:** Nina M. Garcia v. Light It LLC and George S. Ball, No. BC670002

**Date:** October 20, 2021

**Plaintiff(s):**

- Nina M. Garcia, (Female, 43 Years)

**Plaintiff Attorney(s):**

- Mark J. Leonardo; of counsel, Kuzyk Law, LLP; Lancaster CA for Nina M. Garcia

**Plaintiff Expert(s):**

- Ted C. Bloomquist M.S.; Biomechanical; San Diego, CA called by: Mark J. Leonardo
- Andrew S. Morris D.C.; Coding & Billing (Medical); Torrance, CA called by: Mark J. Leonardo
- Kamran Parsa D.O.; Neurosurgery; Palmdale, CA called by: Mark J. Leonardo
- Deborah L. Weiner Katz O.T.R./L.; Life Care Planning; Wayne, PA called by: Mark J. Leonardo
- Tamorah Hunt M.B.A., Ph.D.; Economics; Santa Ana, CA called by: Mark J. Leonardo

**Defendant(s):**

- Light It LLC
- George S. Ball

**Defense Attorney(s):**

- Daniel R. Friedenthal; Friedenthal, Heffernan & Brown, LLP; Pasadena, CA for Light It LLC, George S. Ball

**Defendant Expert(s):**

- Babak Barcohana M.D.; Orthopedic Surgery; Van Nuys, CA called by: for Daniel R. Friedenthal
- Tamara G. Rockholt R.N.; Coding & Billing (Medical); Portland, OR called by: for Daniel R. Friedenthal
- Thomas F. Fugger P.E.; Accident Reconstruction; Valencia, CA called by: for Daniel R. Friedenthal
- Kenneth R. Brown C.P.A.; Economics; Rancho Cucamonga, CA called by: for Daniel R. Friedenthal

**Insurers:**

- Hartford Insurance Group

**Facts:**

On Sept. 9, 2015, plaintiff Nina Garcia, 43, a sales manager at an automobile dealership, was driving in the southbound, high-occupancy vehicle (HOV) lane on Interstate 5, also known as the Golden State Freeway, in Los Angeles, near Glendale, when her midsize sedan was rear-ended by a pickup truck operated by George Ball. Garcia claimed injuries to her neck and back.

Garcia sued Ball and Ball's business, Light It! LLC, which owned his vehicle. Garcia alleged that Ball was negligent in the operation of his vehicle and that Light It! was vicariously liable for Ball's actions.

Garcia claimed that prior to the crash, she was driving in the southbound HOV lane of State Route 14 and then continued in the southbound HOV lane on the I-5 when traffic slowed to a stop. She alleged that moments before the collision, she looked in her rear view mirror and observed Ball taking a picture with his cellphone. Garcia claimed that she determined that Ball was not going to stop, so she braced herself with her arms locked in the 9/3 position on the steering wheel.

Ball admitted that he was at fault for the collision, and ultimately admitted that he was taking a photo with his cellphone.

**Injury:**

Garcia first presented to her primary care physician two days after the collision. She claimed she sustained herniated cervical discs at the C3-4, C5-6 and C6-7 levels, as well as a herniated lumbar disc at the L5-S1 level. She underwent X-rays of her cervical spine, which revealed straightening of the cervical lordosis and retrolisthesis at C3 and C4.

Garcia began physical therapy and was examined again on Oct. 26, 2015. At that time, her primary care physician noted that Garcia had neck pain with radiculopathy radiating into her upper, right arm and right shoulder. As a result, the doctor ordered a cervical MRI, which revealed Modic type 1 endplate signal change at C4-5, which the physician opined was indicative of recent trauma. The MRI also revealed Schmorl's nodes -- a common spinal disc herniation in which the soft tissue of the intervertebral disc bulges out into the adjacent vertebrae through an endplate defect -- at C4-5 and C5-6. As a result, Garcia treated with two orthopedic surgeons and two neurosurgeons. Garcia also claimed that because her cervical pain was so bad, she presented to an emergency room on two occasions. Ultimately, her neurosurgeon performed a total cervical disc arthroplasty and discectomy at the C6-7 level on Aug 4, 2017.

Garcia claimed that despite the cervical surgery, her neck pain arose again, so she had to undergo multiple CT scans and MRIs. She then received facet blocks to alleviate the pain, but she claimed the pain returned. On Oct. 14, 2019, Garcia underwent an anterior cervical discectomy and fusion at the C4-5 level. She claimed that her lower back symptoms then became severe, so she underwent multiple platelet-rich plasma injections to the sacroiliac joint in 2020. She alleged that, eventually, her neck pain returned once more and became severe, which led to another emergency room visit. As a result, her neurosurgeon performed another anterior cervical discectomy and fusion, this time at the C5-6 level.

Garcia claimed that her billed medical specials totaled \$762,768, but that the amount was reduced to \$226,333 following liens and medical insurance payments.

Although Garcia returned to work after only two weeks of recovery, she claimed that she later had to take four months off from work while she recovered from her surgeries and that she nearly lost her six-figure income job at the dealership. She further claimed that she had to take out a home equity line of credit (HELOC) (a second mortgage that gives the borrower access to cash based on the value of his/her home) for \$73,000 to help her sustain herself due to the loss of income.

Garcia claimed that despite her three cervical surgeries, she continues to suffer from neck pain and range of motion limitations in her cervical spine.

The plaintiff's treating neurosurgeon indicated that Garcia would likely need an L5-S1 fusion surgery once the injections lose their effectiveness. The neurosurgeon estimated that the cost of those injections would total \$120,000.

The plaintiff's life care planning expert opined that Garcia's future costs, including the cost of surgery, would total \$1,099,570.

Garcia sought recovery of \$69,539 in lost earnings, \$226,333 in past medical costs, and \$1,099,570 in future medical costs. She also sought recovery of damages for her past and future pain and suffering.

Defense counsel contended that Garcia had suffered an injury in her bathroom seven weeks before the subject accident and that the injuries to Garcia's cervical and lumbar spine were already pre-existing. Counsel also contended that the surgeries Garcia underwent after the subject accident and the injuries to Garcia's lumbar spine and sacroiliac joint were all unrelated to the subject accident.

**Result:**

The parties agreed to a \$755,000 settlement prior to trial. The settlement was finalized via the guidance of mediator Gary Donovan, of Judicate West.

Nina Garcia

**Trial Information:**

**Judge:** Gary N. Donovan

**Trial Length:** 0

**Trial  
Deliberations:** 0

**Editor's  
Comment:** This report is based on information that was provided by plaintiff's and defense counsel.

**Writer** Priya Idiculla

## Truck entering highway from wrong side, caused crash: plaintiff

**Type:** Verdict-Plaintiff

**Amount:** \$554,287

**State:** California

**Venue:** Los Angeles County

**Court:** Superior Court of Los Angeles County, Chatsworth, CA

**Injury Type(s):**

- *knee* - fracture, knee; fracture, patella
- *ankle* - fracture, ankle
- *other* - nondisplaced fracture
- *foot/heel* - fracture, foot; fracture, talus

**Case Type:**

- *Motor Vehicle* - Wrong Way; Motorcycle; Multiple Vehicle

**Case Name:** Hector Aleman v. James Goetze and MG Plumbing Inc., No. 18STCV00591

**Date:** August 27, 2021

**Plaintiff(s):**

- Hector Aleman, (Male, 45 Years)

**Plaintiff Attorney(s):**

- Justin K. Strassburg; Strassburg, Gilmore & Wei, LLP; Pasadena CA for Hector Aleman
- William R. Gilmore; Strassburg, Gilmore & Wei, LLP; Pasadena CA for Hector Aleman
- Simon P. Etehad; Etehad Law Firm; Beverly Hills CA for Hector Aleman
- Steven Berkowitz; Etehad Law Firm; Beverly Hills CA for Hector Aleman

**Plaintiff Expert(s):**

- Shahin S. Rad M.D.; Orthopedic Surgery; Encino, CA called by: Justin K. Strassburg, William R. Gilmore, Simon P. Etehad, Steven Berkowitz,
- Jennifer "Jenn" Craigmyle R.N.; Life Care Planning; Mira Loma, CA called by: Justin K. Strassburg, William R. Gilmore, Simon P. Etehad, Steven Berkowitz,

**Defendant(s):**

- James Goetze
- MG Plumbing Inc.

**Defense Attorney(s):**

- Stephen I. Hsu; Mark R. Weiner & Associates; Glendale, CA for James Goetze, MG Plumbing Inc.
- Bryan C. Zaverl; Mark R. Weiner & Associates; Glendale, CA for James Goetze, MG Plumbing Inc.

**Defendant Expert(s):**

- Eric S. Millstein M.D.; Orthopedic Surgery; Los Angeles, CA called by: for Stephen I. Hsu, Bryan C. Zaverl

**Insurers:**

- State Farm Insurance Cos.

**Facts:**

On March 29, 2018, plaintiff Hector Aleman, 45, a salesman and service provider, was motorcycling on the eastbound side of State Route 1, the Pacific Coast Highway, south of Carbon Canyon and near Malibu. He struck the left side of a truck that was being driven by James Goetze, who had been parked on the eastbound shoulder and was attempting to cross to the westbound side of the roadway. Aleman fell onto the roadway, and he suffered injuries of an ankle and a knee.

Aleman sued Goetze and the truck's registered owner, Goetze's business, MG Plumbing Inc. The lawsuit alleged that Goetze was negligent in the operation of his vehicle. The lawsuit further alleged that MG Plumbing was vicariously liable for Goetze's actions.

Aleman's counsel contended that Goetze had been parked facing traffic and was therefore liable for having entered the roadway in the wrong direction.

Defense counsel conceded liability. The trial addressed damages.

**Injury:**

Aleman suffered a nondisplaced fracture of his left knee's patella. He also suffered a nondisplaced fracture of his left ankle's talus. He was transported to a hospital, where he underwent minor treatment. He did not require surgery.

Aleman claimed that he suffers residual joint pain, that he would require replacement of his left knee, and that he would require fusion of his left ankle. He sought recovery of future medical expenses, damages for past pain and suffering, and damages for future pain and suffering.

The defense's expert orthopedist opined that Aleman would not require further treatment.

**Result:**

The jury found that Goetze's negligence was a substantial cause of harm to Aleman. It determined that Aleman's damages totaled \$554,287.21.

Hector Aleman

\$ 94,287.21 Future Medical Cost

\$ 210,000 Future Pain Suffering

\$ 250,000 Past Pain Suffering

**\$ 554,287.21 Plaintiff's Total Award**

**Trial Information:**

**Judge:** Graciela Freixes

**Demand:** \$850,000 (total, from both defendants)

**Offer:** \$400,000 (total, by both defendants)

**Trial Length:** 4 days

**Trial  
Deliberations:** 0

**Editor's  
Comment:** This report is based on information that was provided by plaintiff's counsel. Defense counsel did not respond to the reporter's phone calls.

**Writer** Priya Idiculla



## Auto accident caused spinal injury, defense contended

**Type:** Verdict-Plaintiff

**Amount:** \$740,060

**Actual Award:** \$1,000,000

**State:** California

**Venue:** Los Angeles County

**Court:** Superior Court of Los Angeles County, Los Angeles, CA

**Injury Type(s):**

- *neck* - herniated disc, cervical; herniated disc at C4-5
- *other* - chiropractic; epidural injections
- *surgeries/treatment* - discectomy

**Case Type:**

- *Motor Vehicle* - Speeding; Left Turn; Intersection; Multiple Vehicle

**Case Name:** Jonathan Carl Arellano v. Avatek Inc.; Penske Truck Leasing Co.; and Yee Chun Lam, No. 18STCV07212

**Date:** July 27, 2021

**Plaintiff(s):**

- Jonathan Carl Arellano, (Male, 24 Years)

**Plaintiff Attorney(s):**

- Daniel S. DeSantis; Wilshire Law Firm, PLC; Los Angeles CA for Jonathan Carl Arellano
- Elliot R. Zarabi; The Zarabi Firm, APC; Los Angeles CA for Jonathan Carl Arellano

**Plaintiff Expert(s):**

- Kamran Parsa D.O.; Neurosurgery; Palmdale, CA called by: Daniel S. DeSantis, Elliot R. Zarabi

**Defendant(s):**

- Avatek Inc.
- Yee Chun Lam
- Penske Truck Leasing Co.

**Defense  
Attorney(s):**

- Cleidin Z. Atanous; Law Offices of Cleidin Z. Atanous; Fullerton, CA for Avatek Inc., Yee Chun Lam
- None reported for Penske Truck Leasing Co.

**Defendant  
Expert(s):**

- Jay S. Tsuruda M.D.; Radiology; Pasadena, CA called by: for Cleidin Z. Atanous
- Mary E. Jesko Ed.D., M.S.; Life Care Planning; San Diego, CA called by: for Cleidin Z. Atanous
- Nitin N. Bhatia M.D.; Orthopedic Surgery; Long Beach, CA called by: for Cleidin Z. Atanous

**Insurers:**

- Mercury Insurance Group

**Facts:**

On Dec. 13, 2016, plaintiff Jonathan Arellano, 24, a production supervisor, was driving on the eastbound side of Arenth Avenue, near its intersection at Fullerton Road, in the City of Industry. While he was proceeding through the intersection, his car's left side was struck by a box truck that was being driven by Yee Chun Lam, who was executing a left turn onto the southbound side of Fullerton Road, from the westbound side of Arenth Avenue. Arellano claimed that he suffered injuries of his neck.

Arellano sued Lam; the owner of Lam's truck, Penske Truck Leasing Co.; and Lam's employer, Avatek Inc. The lawsuit alleged that Lam was negligent in the operation of his vehicle, that Penske Truck Leasing was vicariously liable for Lam's actions, and that Avatek was liable because the accident occurred during Arellano's performance of his job's duties.

Penske Truck Leasing was dismissed. The matter proceeded to a trial against Lam and Avatek.

Arellano claimed that Lam was speeding and failed to yield the right of way.

Defense counsel conceded liability. The trial addressed damages.

**Injury:** Arellano was transported to a hospital. He underwent minor treatment.

Arellano ultimately claimed that he suffered a herniation of his C4-5 intervertebral disc. He underwent chiropractic treatment and the administration of three epidural injections of steroid-based painkillers, but he claimed that he suffered ongoing pain related to the accident. He ultimately underwent a discectomy, which involved replacement of his C4-5 disc.

Arellano claimed that he suffers residual pain and limitations. He also claimed that he would require further treatment. He sought recovery of past and future medical expenses, and he sought recovery of damages for past and future pain and suffering.

Defense counsel contended that Arellano exaggerated the extent of his injury. Defense counsel suggested an award of less than \$50,000.

**Result:** The jury determined that Arellano's damages totaled \$740,060.

Jonathan Arellano

\$ 250,000 Past Medical Cost

\$ 85,420 Future Medical Cost

\$ 134,880 Future Pain Suffering

\$ 269,760 Past Pain Suffering

**\$ 740,060 Plaintiff's Total Award**

**Trial Information:**

**Judge:** Ernest M. Hiroshige

**Trial Length:** 10 days

**Trial** 0  
**Deliberations:**

**Post Trial:** The parties negotiated a settlement. The defendants' insurer agreed to pay \$1 million, which represented the damages award, prejudgment interest and other costs.

**Editor's Comment:** This report is based on information that was provided by plaintiff's counsel. Defense counsel did not respond to the reporter's phone calls.

**Writer** Priya Idiculla

## Longshoreman claimed he lost work after vehicle accident

**Type:** Settlement

**Amount:** \$500,000

**State:** California

**Venue:** Los Angeles County

**Court:** Superior Court of Los Angeles County, Los Angeles, CA

**Injury Type(s):**

- *other* - SLAP lesion/tear
- *shoulder* - glenoid labrum, tear; shoulder impingement
- *surgeries/treatment* - arthroscopy; debridement

**Case Type:**

- *Motor Vehicle* - Head-On; Multiple Vehicle; Alcohol Involvement

**Case Name:** Tomas DeLeon v. Jefferey David Thorpe, No. 19STCV19407

**Date:** August 13, 2020

**Plaintiff(s):**

- Tomas DeLeon (Male, 65 Years)

**Plaintiff Attorney(s):**

- Michael D. Waks; Law Offices of Michael D. Waks; Long Beach CA for Tomas DeLeon

**Plaintiff Expert (s):**

- William J. Mealer M.D.; Orthopedic Surgery; Manhattan Beach, CA called by: Michael D. Waks

**Defendant(s):**

- Jefferey David Thorpe

**Defense Attorney(s):**

- Ravi K. Lally; Macdonald & Cody, LLP; Irvine, CA for Jefferey David Thorpe

**Insurers:**

- American Automobile Association

**Facts:** On March 24, 2018, plaintiff Tomas DeLeon, 65, a longshoreman, was driving north on the Terminal Island Freeway, also known as State Route 103, in Wilmington, when his vehicle was struck head-on by a vehicle operated by Jefferey Thorpe, who was driving while under the influence of alcohol and traveling in the wrong direction, heading south on northbound CA-103. Thorpe was arrested at the scene, and he later pleaded guilty to a misdemeanor charge of driving under the influence. As a result of the crash, DeLeon sustained injuries to his right shoulder.

DeLeon sued Thorpe, alleging that Thorpe was negligent in the operation of his vehicle.

Thorpe admitted liability.

**Injury:** DeLeon sustained a type II tear of the superior labrum from anterior to posterior (a SLAP tear) in his right, dominant shoulder. He was not taken to a hospital from the scene, but his wife came to pick him up. He was later diagnosed with the tear and impingement of the same shoulder, and he underwent arthroscopic surgery. DeLeon ultimately underwent a right shoulder debridement, open subpectoral bicep tenodesis, an arthroscopic excision of the distal clavicle, and an arthroscopic subacromial decompression procedure.

DeLeon claimed he lost income from his job as a longshoreman, as he is no longer working on the docks, as he did previously. He alleged that he was eventually able to return to work after eight months, but that his old job was no longer available, so he had to obtain a new position working at a desk. However, he claimed he is making slightly less at the desk position.

DeLeon sought recovery of \$133,500 in past loss of earnings and \$100,000 in future loss of earnings. He also sought recovery of damages for his past and future pain and suffering.

Defense counsel disputed the value of DeLeon's alleged damages.

**Result:** After an unsuccessful mediation, DeLeon filed a motion to amend the complaint to add a cause of action for punitive damages. In his motion, DeLeon alleged that Thorpe violated California Vehicle Code § 23152, which states that it is unlawful for a person who is under the influence of any alcoholic beverage to drive a vehicle.

The parties agreed to a \$500,000 settlement before DeLeon's motion to amend the complaint was heard.

### **Trial Information:**

**Editor's Comment:** This report is based on information that was provided by plaintiff's and defense counsel.

**Writer** Priya Idiculla

## Crash caused concussion and aggravated anxiety: plaintiff

<b>Type:</b>	Settlement
<b>Amount:</b>	\$300,000
<b>State:</b>	California
<b>Venue:</b>	Los Angeles County
<b>Court:</b>	Superior Court of Los Angeles County, Los Angeles, CA
<b>Injury Type(s):</b>	<ul style="list-style-type: none"><li>• <i>head</i> - concussion; closed head injury</li><li>• <i>other</i> - aggravation of pre-existing condition</li><li>• <i>mental/psychological</i> - anxiety</li></ul>
<b>Case Type:</b>	<ul style="list-style-type: none"><li>• <i>Motor Vehicle</i> - Broadside; Intersection; Multiple Vehicle; Question of Lights</li></ul>
<b>Case Name:</b>	George Diaz v. Maxwell Sandquist, No. 19STCV25926
<b>Date:</b>	July 08, 2020
<b>Plaintiff(s):</b>	<ul style="list-style-type: none"><li>• George Diaz, (Male, 77 Years)</li></ul>
<b>Plaintiff Attorney(s):</b>	<ul style="list-style-type: none"><li>• Jason D. Cohn; Cohn &amp; Swartzon, P.C.; Santa Ana CA for George Diaz</li><li>• Brandon J. Simon; The Simon Law Group; Santa Ana CA for George Diaz</li></ul>
<b>Defendant(s):</b>	<ul style="list-style-type: none"><li>• Maxwell Sandquist</li></ul>
<b>Defense Attorney(s):</b>	<ul style="list-style-type: none"><li>• Louisa Markarian; Law Offices of Marvin P. Velastegui; Glendale, CA for Maxwell Sandquist</li></ul>
<b>Insurers:</b>	<ul style="list-style-type: none"><li>• Government Employees Insurance Co.</li></ul>

**Facts:** On Aug. 27, 2017, plaintiff George Diaz, 77, a retiree, was driving north on State Route 90, also known as the Marina Freeway, in Los Angeles, when it was broadsided by a vehicle operated by Maxwell Sandquist, who entered the intersection from westbound Culver Boulevard. Diaz sustained injuries to his head.

Diaz sued Sandquist, alleging that Sandquist was negligent in the operation of his vehicle.

Diaz's counsel contended that Sandquist caused the collision by failing to yield at the intersection of Culver Boulevard and SR-90, which was governed by traffic lights.

Sandquist denied causing the accident, and claimed that he had the right of way when he entered the intersection.

**Injury:** Diaz was not taken to a hospital after the collision, and he first presented for medical care three weeks after the accident. Diaz claimed he sustained a closed head injury, resulting in a concussion. He subsequently treated his condition with outpatient neurological follow-ups. In addition, Diaz, who had pre-existing anxiety, claimed that the collision aggravated his condition, causing his anxiety to worsen whenever he is driving or riding in vehicles.

Diaz sought recovery of \$3,000 in past medical costs for his visits with neurologists and the imaging studies he underwent. He also sought recovery of damages for his past and future physical and emotional pain and suffering.

Defense counsel asserted that Diaz's condition had resolved and that any complaints Diaz had beyond six months after the accident were not due to the crash.

**Result:** The parties agreed to a \$300,000 settlement during trial.

### **Trial Information:**

**Judge:** Thomas D. Long

**Trial Length:** 0



**Trial** 0  
**Deliberations:**

**Editor's** This report is based on information that was provided by plaintiff's counsel. Defense  
**Comment:** counsel did not respond to the reporter's phone calls.

**Writer** Priya Idiculla

## Defendant driving too close caused collision, plaintiff alleged

**Type:** Settlement

**Amount:** \$495,000

**State:** California

**Venue:** Los Angeles County

**Court:** Superior Court of Los Angeles County, Los Angeles, CA

**Injury Type(s):**

- *back*
- *head*
- *neck*
- *other* - soft tissue
- *mental/psychological* - cognition, impairment

**Case Type:**

- *Government* - Counties
- *Motor Vehicle* - Rear-ender; Multiple Vehicle

**Case Name:** Ren Zheng v. County of Los Angeles and Ray Anthony Davidson, No. BC670331

**Date:** May 29, 2020

**Plaintiff(s):**

- Ren Zheng (Male, 43 Years)

**Plaintiff Attorney(s):**

- Scott E. Spell; Law Office of Scott E. Spell; Los Angeles CA for Ren Zheng
- Denis Alexandroff; Law Offices of Denis Alexandroff; Woodland Hills CA for Ren Zheng

**Defendant(s):**

- Los Angeles County
- Ray Anthony Davidson

**Defense Attorney(s):**

- Laura E. Inlow; Collinson, Daehnke, Inlow & Greco; Torrance, CA for Los Angeles County, Ray Anthony Davidson

**Facts:** On July 27, 2016, plaintiff Ren Zheng, 43, a sushi chef, was stopped in traffic due to a red light on northbound Railroad Avenue, near the intersection with 12th Street, in Santa Clarita. When the traffic began to move again, Zheng's minivan was rear-ended by an unmarked sport utility vehicle operated by an on-duty deputy sheriff, Ray Davidson, who was traveling behind Zheng's vehicle. Zheng claimed injuries to his head, neck and back.

Zheng sued Davidson and Davidson's employer, the county of Los Angeles. Zheng alleged that Davidson was negligent in the operation of his SUV and that the county was vicariously liable for Davidson's actions while in the course and scope of his employment.

Plaintiff's counsel contended that Davidson was following too closely and failed to stop in time.

Defense counsel contended that Zheng initially proceeded forward when the traffic began to move, but then suddenly stopped for no reason.

In response, Zheng claimed that the non-party vehicle traveling in front of him braked suddenly, causing him to make an abrupt stop. However, he claimed the accident still could have been avoided if Davidson had not been following too close.

**Injury:** Immediately after the collision, Zheng complained of dizziness, neck pain, and a headache. Paramedics were summoned to the scene, and Zheng was transported to Henry Mayo Newhall Hospital, in Valencia, for a medical evaluation and treatment. Zheng claimed he sustained soft tissue injuries to his neck and back. He also claimed he suffers from cognitive impairment as a result of the crash.

Zheng sought recovery of \$277,000 in past medical expenses and an unspecified amount of future medical expenses. He also sought recovery for his pain and suffering.

Defense counsel noted that it was low-speed collision, that Zheng was wearing his seat belt and that the air bags did not deploy in either vehicle.

**Result:** The parties agreed to a \$495,000 settlement prior to trial. The settlement was paid by the county on behalf of itself and Davidson.

### **Trial Information:**

**Editor's Comment:** This report is based on information that was provided by defense counsel. Plaintiff's counsel did not respond to the reporter's phone calls.

**Writer** Priya Idiculla

## Passenger claimed crash caused cognition impairments

**Type:** Settlement

**Amount:** \$821,333

**State:** California

**Venue:** Los Angeles County

**Court:** Superior Court of Los Angeles County, Los Angeles, CA

**Injury Type(s):**

- *arm*
- *leg* - fracture, leg; fracture, tibia
- *back*
- *head* - ear
- *knee*
- *brain* - traumatic brain injury
- *chest*
- *other* - seizure; hematoma; abrasions; laceration; compression fracture
- *wrist*
- *pelvis* - fracture, pelvis
- *epidermis* - ecchymosis
- *face/nose* - facial laceration
- *sensory/speech* - vision, impairment; communicative impairment
- *arterial/vascular* - acidosis; hemorrhage
- *mental/psychological* - emotional distress; cognition, impairment; post-concussion syndrome; post-traumatic stress disorder

**Case Type:**

- *Motor Vehicle* - Truck; Speeding; Passenger; Parked Car; Multiple Vehicle

**Case Name:** Diego Castillo v. Vernola's Towing, Inc., a California corporation; Frederick Michael Domingo-Adams, Jr., an individual; Austin Redden, an individual; Grace Redden, an individual; and Does 1 through 20, inclusive, No. 19STCV38173

**Date:** May 19, 2020

**Plaintiff(s):**

- Diego Castillo (Male, 19 Years)

**Plaintiff  
Attorney(s):**

- Christopher Montes de Oca; Law Offices of Christopher Montes de Oca; Los Angeles CA for Diego Castillo
- Artin Yadegarian; Law Offices of Artin Yadegarian; Glendale CA for Diego Castillo

**Plaintiff Expert  
(s):**

- Jeff Sarkisian M.S.; Vocational Rehabilitation; Fresno, CA called by: Christopher Montes de Oca, Artin Yadegarian
- John R. Brault M.S.; Biomechanical; Mission Viejo, CA called by: Christopher Montes de Oca, Artin Yadegarian
- Brady Held; Automobile Accident Animation; Los Angeles, CA called by: Christopher Montes de Oca, Artin Yadegarian
- Brian P. Jacks M.D.; Psychiatry; Beverly Hills, CA called by: Christopher Montes de Oca, Artin Yadegarian
- David M. Lechuga Ph.D.; Neuropsychology; Lake Forest, CA called by: Christopher Montes de Oca, Artin Yadegarian
- Roman Garagulagian Ph.D.; Economics; Los Angeles, CA called by: Christopher Montes de Oca, Artin Yadegarian
- Michael A. Lobatz M.D.; Neurology; Encinitas, CA called by: Christopher Montes de Oca, Artin Yadegarian
- Michael A. Callahan B.S.M.E.; Accident Reconstruction; El Segundo, CA called by: Christopher Montes de Oca, Artin Yadegarian

**Defendant(s):**

- Grace Redden
- Austin Redden
- Vernola's Towing Inc.
- Frederick Michael Domingo-Adams Jr.

**Defense  
Attorney(s):**

- Patrick J. Gibbs; Ford, Walker, Haggerty & Behar, LLP; Long Beach, CA for Austin Redden
- David M. Phillips; Mavredakis Cranert Crawford; Pasadena, CA for Vernola's Towing Inc., Frederick Michael Domingo-Adams Jr.
- Stephen E. Fresch; Ford, Walker, Haggerty & Behar, LLP; Long Beach, CA for Austin Redden
- Scott L. Macdonald; Macdonald & Cody, LLP; Irvine, CA for Grace Redden
- Michele M. Spencer; Macdonald & Cody, LLP; Irvine, CA for Grace Redden

**Defendant  
Expert(s):**

- David E. Raymond Ph.D., P.E.; Injury Biomechanics; Redondo Beach, CA called by: for David M. Phillips
- Jason Zeitler M.S.; Accident Reconstruction; Greenwood Village, CO called by: for David M. Phillips
- Nathan Rose M.S.; Engineering; Greenwood Village, CO called by: for David M. Phillips
- Thomas F. Fugger, Jr. P.E.; Accident Reconstruction; Valencia, CA called by: for Patrick J. Gibbs, Stephen E. Fresch

**Insurers:**

- Zurich North America
- Alliance United Insurance Co.
- American Automobile Association

**Facts:**

On May 13, 2019, plaintiff Diego Castillo, 19, was a passenger in a vehicle operated by Austin Redden. Jacob Scianni, 20, and Andrea Sandoval, 19, were also passengers in the vehicle. As they were traveling on Rosecrans Avenue, in Norwalk, Redden lost control of his vehicle and collided with an illegally parked flatbed tow truck. Castillo claimed injuries to his head, back, right leg, left wrist, face, chest, pelvis and right arm. Sandoval also claimed she was injured, and Scianni died in the collision.

Castillo sued Austin Redden; the owner of Mr. Redden's vehicle, Grace Redden; the operator of the illegally parked tow truck, Frederick Domingo-Adams Jr.; and Domingo-Adams' employer, the owner of the tow truck, Vernola's Towing Inc. Castillo alleged that Mr. Redden and Domingo-Adams were negligent in the operation of their respective vehicles. He also alleged that Ms. Redden was vicariously liable for Mr. Redden's actions and that Vernola's Towing was vicariously liable for Domingo-Adams' actions.

Scianni's family members and Sandoval filed separate actions against the Reddens, Domingo-Adams and Vernola's Towing.

Castillo's counsel contended that Mr. Redden was negligent for driving at a very high rate of speed, causing him to lose control of the vehicle. Counsel also contended that Domingo-Adams was negligent for parking his tow truck in an area that only allows parking in times of a serious emergency and that Domingo-Adams' illegally parked vehicle caused the accident to be catastrophic.

Defense counsel for Domingo-Adams and Vernola's Towing asserted that Mr. Redden's unsafe driving was the sole cause of the accident.

**Injury:**

Castillo and Sandoval were taken to a hospital, while Scianni died at the scene of the accident.

Castillo sustained a traumatic brain injury, a diffuse brain injury, a thoracic fracture, a closed compression fracture of the thoracic vertebra, a left eyelid laceration, a right knee abrasion, a left wrist laceration, a right ear hematoma, an occult bowel injury, blunt chest trauma, spinal cord damage, a forehead abrasion, a pelvic fracture, an intracranial hemorrhage, a closed fracture of the shaft of his right tibia, and a right, frontal parietal scalp hematoma. He alleged that he had moderate facial bleeding, post-concussion syndrome, and developed lactic acidosis as a result of the accident. Castillo underwent an ear bolster placement.

Castillo claimed that he is left with a cognitive communication deficit, seizures and right arm ecchymosis, which is a discoloration of the skin due to bleeding underneath, typically caused by bruising. He alleged that he has problems with dexterity and average-to-impaired complex attention skills. He also alleged that his complex visual attention was impaired over a prolonged period of time with slow response speed and inconsistency. Emotionally, Castillo claimed that he suffers from grief and post-traumatic stress disorder. He alleged that he was upset about his injuries, but that there was some suspiciousness associated with his psychological presentation.

For future care, Castillo claimed that he will require follow-up neurology evaluations for his alleged seizure disorder and post-traumatic headaches and that he requires anticonvulsant medication (Keppra) management. He also claimed that he will require psychological counseling, sleep study evaluations, cognitive remediation therapy, routine follow-ups with orthopedics, physical therapy, an outpatient brain injury rehabilitation program, outpatient mental healthcare, family therapy services, psychiatric evaluations and treatments, vocational rehabilitation evaluations, and further neuropsychological testing and evaluations.

Castillo sought recovery of \$217,889.19 in past medical costs and an unspecified amount in future medical costs. He also sought recovery of past loss of earnings, future loss of earning capacity, and damages for his past and future pain and suffering.

**Result:**

After filing their separate lawsuits, and prior to the matters being potentially joined for trial, Castillo, Sandoval and Scianni's mother made a global settlement demand for the defendant's policy limit, which was accepted by the defendants. Thus, the parties agreed to \$3.08 million global settlement, of which Mr. Redden's insurer agreed to tender its \$30,000 policy limit, Ms. Redden's insurer agreed to tender its \$50,000 policy limit, and the insurer of Domingo-Adams and Vernola's Towing agreed to tender its \$3 million policy limit.

Of the total global settlement, Castillo will recover \$821,333.33, which will include \$8,000 from Mr. Redden's insurer, \$13,333.33 from Ms. Redden's insurer, and \$800,000 from the insurer of Domingo-Adams and Vernola's Towing.

**Trial Information:**

**Editor's  
Comment:**

This report is based on information that was provided by plaintiff's counsel, and defense counsel for Austin Redden and Grace Redden. Defense counsel for Vernola's Towing Inc. and Domingo-Adams declined to contribute.

**Writer**

Priya Idiculla



## Plaintiff claimed rear-end crash caused lower back injury

**Type:** Verdict-Plaintiff

**Amount:** \$641,860

**State:** California

**Venue:** Los Angeles County

**Court:** Superior Court of Los Angeles County, Los Angeles, CA

**Injury Type(s):**

- *back* - herniated disc, lumbar; herniated disc at L5-S1
- *neck*
- *other* - chiropractic; epidural injections
- *surgeries/treatment* - decompression surgery

**Case Type:**

- *Motor Vehicle* - Rear-ender; Multiple Vehicle

**Case Name:** Sandra Luciano v. Edward Knopf and Jennifer Friedrichs Knopf, No. BC639099

**Date:** March 10, 2020

**Plaintiff(s):**

- Sandra Luciano (Female, 43 Years)

**Plaintiff Attorney(s):**

- Greyson M. Goody; The Simon Law Group, LLP; Hermosa Beach CA for Sandra Luciano
- Jonathan H. Davidi; Lederer & Nojima, LLP; Los Angeles CA for Sandra Luciano

**Plaintiff Expert(s):**

- Fardad Mobin M.D.; Neurosurgery; Los Angeles, CA called by: Greyson M. Goody, Jonathan H. Davidi

**Defendant(s):**

- Edward Knopf
- Jennifer Friedrichs Knopf

**Defense  
Attorney(s):**

- Michael J. Cody; Macdonald & Cody, LLP; Irvine, CA for Edward Knopf
- Elizabeth C. Tingen; Macdonald & Cody, LLP; Irvine, CA for Edward Knopf
- None reported for Jennifer Friedrichs Knopf

**Defendant  
Expert(s):**

- Henry W. Lubow M.D.; Coding & Billing (Medical); Calabasas, CA called by: for Michael J. Cody
- Scott C. Lederhaus M.D.; Neurosurgery; Pomona, CA called by: for Michael J. Cody

**Facts:**

On Dec. 16, 2014, plaintiff Sandra Luciano, 43, was driving in bumper-to-bumper traffic on westbound State Route 91, in Los Angeles. Her vehicle was rear-ended by a vehicle operated by Edward Knopf. Luciano claimed injuries to her neck and back.

Luciano sued Knopf and the owner of Knopf's vehicle, Jennifer Friedrichs Knopf. Luciano alleged that Mr. Knopf was negligent in the operation of his vehicle and that Ms. Knopf was vicariously liable for Mr. Knopf's actions.

Ms. Knopf was ultimately removed from the case, and Mr. Knopf admitted liability for the collision.

**Injury:**

Luciano claimed she sustained a herniated disc at L5-S1. She presented to a hospital the morning after the accident with complaints of neck and back pain. She later treated with chiropractic care, pain management and epidural injections. After treating for approximately 1.5 years, Luciano told her doctors that she had no more pain in her lower back and then only treated for neck pain and did not seek further treatment to her lower back for more than a year. However, she claimed she had a flare-up 13 months later, in which her lower back pain was worse than before. As a result her physician recommended lumbar decompression surgery, which Luciano ultimately underwent on May 13, 2019.

Luciano's expert neurosurgeon opined that Luciano's injury was traumatic and that even if it was degenerative, Luciano was asymptomatic before the accident. The expert also opined that Luciano's treatment was reasonable and necessary.

Luciano claimed that she will need future conservative care.

According to plaintiff's counsel, the court, based on pretrial motions in limine rulings, only allowed \$116,860 out of \$320,000 for Luciano's past medical costs. So, Luciano sought recovery of \$116,860 in past medical costs and an unspecified amount in future medical costs. She also sought recovery of damages for her past and future pain and suffering.

Defense disputed the nature and extent of Luciano's injuries. Counsel contended that Luciano's back injury was degenerative and that there was a one year gap in Luciano's treatments. Counsel also contended that Luciano told police that she was fine after the crash. As a result, defense counsel argued that Luciano's back injury was not caused by the subject accident.

The defense's expert neurosurgeon opined that there was no nerve compression in Luciano's lower back and that the surgery was unreasonable.

The defense's medical billing expert opined that Luciano's bills were inflated and that only \$29,000 in medical costs would be reasonable and customary.

Defense counsel presented a sub rosa video of Luciano picking up a 24 pack of beer, going to the gym and attending her daughter's cheer practice, despite Luciano claiming that she had issues going to the store and had to have help with lifting heavy objects. Four separate investigators testified on the last day of trial.

**Result:**

The jury found that Knopf's negligence was the cause of Luciano's harm. It determined that Luciano's damages totaled \$641,860.

## **Sandra Luciano**

\$116,860 Personal Injury: Past Medical Cost

\$300,000 Personal Injury: Future Medical Cost

\$75,000 Personal Injury: Past Pain And Suffering

\$150,000 Personal Injury: Future Pain And Suffering

### **Trial Information:**

**Judge:** Stephen M. Moloney

**Demand:** \$300,000 (C.C.P. § 998)

**Offer:** None

**Post Trial:** According to plaintiff's counsel, after pre-judgment interest and costs were added, the judgment total was close to \$1 million.

**Editor's Comment:** This report is based on information that was provided by plaintiff's counsel. Defense counsel did not respond to the reporter's phone calls.

**Writer** Priya Idiculla

## Plaintiffs: Car dealership failed to repair suspension defect

**Type:** Verdict-Plaintiff

**Amount:** \$355,841

**State:** California

**Venue:** Los Angeles County

**Court:** Superior Court of Los Angeles County, Santa Monica, CA

**Case Type:**

- *Motor Vehicle - Lemon Law*
- *Consumer Protection - Lemon Law*
- *Products Liability - Breach of Warranty*

**Case Name:** Israel Gonzales and Darmont Construction Corp. v. Mercedes-Benz USA, LLC, No. SC128379

**Date:** February 27, 2020

**Plaintiff(s):**

- Israel Gonzales (Male)
- Darmont Construction Corp.

**Plaintiff Attorney(s):**

- Brian T. Murray; Law Offices of Michael H. Rosenstein; Los Angeles CA for Israel Gonzales, Darmont Construction Corp.
- Gregory Sogoyan; Strategic Legal Practices, A.P.C.; Los Angeles CA for Israel Gonzales, Darmont Construction Corp.

**Plaintiff Expert (s):**

- Gregory J. Barnett B.S., A.S.E.; Automobile Sales & Repairs; Orange, CA called by: Brian T. Murray, Gregory Sogoyan

**Defendant(s):**

- Mercedes-Benz USA, LLC

**Defense Attorney(s):**

- Benson Y. Douglas; The Lehrman Law Group; Los Angeles, CA for Mercedes-Benz USA, LLC

**Defendant Expert(s):**

- Clark Bauman; Automotive; Burbank, CA called by: for Benson Y. Douglas

**Facts:**

On Nov. 18, 2016, plaintiffs Israel Gonzales and his company, plaintiff Darmont Construction Corp., purchased a new 2015 Mercedes S63 AMG, which had 306 miles on it. Approximately two months later, Gonzales hit a pothole and presented the vehicle, which then had 3,600 miles on it, to a Mercedes-Benz-authorized dealership to replace the front tire. The dealership did not cover the repair. It claimed that under Mercedes-Benz's written warranty, the repair was not covered because the flat tire was caused by an outside influence: the pothole.

Gonzales claimed that in the months and years following the tire repair, his vehicle experienced suspension issues that caused premature and abnormal tire wear. He claimed that he brought the vehicle back to the dealership multiple times, but that it failed to properly repair the issue under warranty.

Gonzales and Darmont Construction sued the vehicle's distributor, Mercedes-Benz USA, LLC. The lawsuit alleged that that vehicle's poor condition constituted a violation of the state's "lemon law," the Song-Beverly Consumer Warranty Act, which states that when a manufacturer cannot repair consumer goods after a reasonable number of attempts, it must either replace the defective product or refund the consumer's money. The lawsuit also alleged that Mercedes-Benz USA breached the implied warranty, in that the vehicle was "not the same quality as those generally acceptable in the trade," and breached the express warranty, as it was unable to conform the vehicle to warranty within 30 days.

Plaintiffs' counsel contended that when the vehicle was first brought back to the dealership in January 2017, the dealership failed to inform Gonzales that the technician noted premature and uneven tire wear during the tire repair. Counsel also contended that Gonzales presented the vehicle to a Mercedes-Benz-authorized dealership on May 25, 2017, at 9,367 miles, because he noticed that the front tires were excessively worn and that the dealership kept the vehicle for 35 days while it tried to diagnose and repair it. Although Mercedes-Benz blamed the delay on a "software update," the plaintiffs' expert in automobile sales and repairs opined that Mercedes-Benz could not properly diagnose and repair the suspension.

Gonzales claimed that on April 25, 2018, when his vehicle was at 22,000 miles, he noticed that the tires were excessively worn again and that, as a result, he had all four tires replaced at a third-party tire shop. He also claimed that, on March 29, 2019, when his vehicle was at 33,000 miles, he brought the vehicle to a Mercedes-Benz-authorized dealership to have his keys reprogrammed and that he was informed by the service adviser that that the vehicle had an unrepaired suspension issue. Plaintiff's counsel contended that while the dealership made no reference to any of Gonzales' recurring suspension issues on the face of the repair order, the issue was mentioned in the technician's notes and in text messages between Gonzales and the service adviser at the dealership.

The plaintiffs' automobile sales and repairs expert testified that he was present at a legal inspection of the vehicle, which was conducted by Mercedes-Benz on Aug. 19, 2019, when the vehicle was at 45,353 miles, and that he opined that the suspension was still out of specification.

Defense counsel argued that any defects to Gonzales' vehicle were caused by the pothole.

**Injury:** Gonzales claimed that his vehicle continually experienced suspension issues that caused premature and abnormal tire wear. He also claimed that despite bringing in his vehicle to be repaired multiple times, the issue was never resolved. He sought recovery in the form of restitution and civil penalties.

**Result:** The jury found in favor of Gonzales and Darmont Construction on all of their claims. It determined that the plaintiffs' damages totaled \$355,841.07, including \$118,613.69 in restitution damages for the plaintiffs' total down payment for the vehicle and \$237,227.38 in civil penalties. Judge Mark Young also ruled that the plaintiffs have no obligation to return the vehicle.

**Trial Information:**

**Judge:** Mark A. Young

**Demand:** None

**Offer:** \$110,000 (C.C.P. § 998)

**Trial Length:** 4 days

**Trial  
Deliberations:** 4.5 hours

**Jury Vote:** 12-0 (30-day violation); 10-2 (breach of implied warranty and breach of express warranty); 9-3 (restitution damages and civil penalty damages)

**Editor's  
Comment:** This report is based on information that was provided by plaintiffs' counsel. Defense counsel did not respond to the reporter's phone calls.

**Writer** Priya Idiculla

## Driver traveling too close to vehicle, caused crash: plaintiff

**Type:** Settlement

**Amount:** \$500,000

**State:** California

**Venue:** Los Angeles County

**Court:** Superior Court of Los Angeles County, Los Angeles, CA

**Injury Type(s):**

- *back* - herniated disc, lumbar
- *neck* - herniated disc, lumbar; herniated disc, cervical
- *other* - microdiscectomy; foraminotomy/foraminectomy
- *surgeries/treatment* - discectomy; laminectomy; laminectomy, lumbar

**Case Type:**

- *Motor Vehicle* - Rear-ender; Multiple Vehicle

**Case Name:** Noemi Perez v. County of Los Angeles, City of Los Angeles and Sergio Hernandez, No. BC706761

**Date:** February 06, 2020

**Plaintiff(s):**

- Noemi Perez (Female, 38 Years)

**Plaintiff Attorney(s):**

- Laura L. Davidson; Jacoby & Meyers; Los Angeles CA for Noemi Perez

**Plaintiff Expert (s):**

- Anthony Virella M.D.; Neurosurgery; Agoura Hills, CA called by: Laura L. Davidson

**Defendant(s):**

- Sergio Hernandez
- Los Angeles County
- City of Los Angeles



**Defense Attorney(s):**

- None reported; Los Angeles, CA for City of Los Angeles
- Ashlee P. Clark; Seki, Nishimura & Watase, LLP; Los Angeles, CA for Los Angeles County, Sergio Hernandez

**Defendant Expert(s):**

- Thomas J. Grogan M.D.; Orthopedic Surgery; Santa Monica, CA called by: for Ashlee P. Clark

**Facts:** On June 22, 2017, plaintiff Noemi Perez, 38, a financial aid director, was driving in the number one lane of westbound Beverly Boulevard, in Los Angeles, when her sport utility vehicle was rear-ended by a pickup truck operated by Sergio Hernandez, an employee of the county of Los Angeles.

Perez sued Hernandez and the owner of Hernandez's vehicle, Hernandez's employer, the county of Los Angeles. Perez alleged that Hernandez was negligent in the operation of his pickup truck and that the county was vicariously liable for Hernandez's actions.

The city of Los Angeles was initially also named as a defendant, but it was erroneously sued and ultimately dismissed from the case.

Plaintiff's counsel contended that Hernandez was traveling too close to Perez's vehicle and that Hernandez should have been driving slower.

Hernandez claimed that there was a vehicle traveling in between his vehicle and Perez's SUV, but that the vehicle quickly switched into the number two lane, which is when he noticed Perez's vehicle stopped in front of him. He claimed that as a result, he braked hard and sounded his horn, but was unable to avoid the collision.

**Injury:** Perez claimed that she sustained herniated cervical and lumbar discs. She did not require emergency care, but she ultimately underwent a lumbar laminectomy, a microdiscectomy and a microforaminotomy, which resolved her lower back pain.

Perez sought recovery for her medical costs and pain and suffering.

**Result:** The parties agreed to a \$500,000 settlement prior to trial. The county agreed to pay the settlement on behalf of itself and Hernandez.

### **Trial Information:**

**Editor's Comment:** This report is based on information that was provided by plaintiff's counsel. Defense counsel did not respond to the reporter's phone calls.

**Writer** Priya Idiculla

## Plaintiff claimed company knew of oil consumption problems

**Type:** Verdict-Plaintiff

**Amount:** \$294,998

**State:** California

**Venue:** Los Angeles County

**Court:** Superior Court of Los Angeles County, Los Angeles, CA

**Case Type:**

- *Motor Vehicle - Lemon Law*
- *Consumer Protection - Lemon Law*

**Case Name:** Tyree Newton v. BMW of North America, LLC, No. BC672414

**Date:** December 11, 2019

**Plaintiff(s):**

- Tyree Newton (Male)

**Plaintiff Attorney(s):**

- Michael H. Rosenstein; Law Offices of Michael H. Rosenstein; Los Angeles CA for Tyree Newton
- Brian T. Murray; Law Offices of Michael H. Rosenstein; Los Angeles CA for Tyree Newton

**Plaintiff Expert (s):**

- Dan Calef; Automobile Sales & Repairs; Norco, CA called by: Michael H. Rosenstein, Brian T. Murray

**Defendant(s):**

- BMW of North America, LLC

**Defense Attorney(s):**

- Blake H. Ramsay; Lehrman Law Group LLP; Los Angeles, CA for BMW of North America, LLC
- Daniel R. Villegas; Lehrman Law Group LLP; Los Angeles, CA for BMW of North America, LLC

**Defendant  
Expert(s):**

- Jose Grijalva; Automobile Sales & Repairs; Torrance, CA called by: for Blake H. Ramsay, Daniel R. Villegas

**Facts:**

On Oct. 27, 2012, plaintiff Tyree Newton purchased a used 2012 BMW 750Li. At the time of sale, the vehicle had 12,506 miles on it. In addition to the \$108,218.16 total sale price, the purchase included the remainder of the written new vehicle limited warranty, sometimes referred to as a bumper-to-bumper warranty, which covered defects in materials or workmanship for four years or 50,000 miles, whichever came first.

Newton claimed that the vehicle consumed an abnormal amount of oil and that he would regularly present the vehicle to a BMW-authorized repair facility because the "low oil" light was on. He claimed that the BMW-authorized repair facility would regularly top off his vehicle with oil, without creating a repair order, and that he would regularly top off his vehicle with oil in between trips to the dealership.

On March 7, 2015, at 41,291 miles, Newton's vehicle began hesitating and bucking on acceleration, and the drivetrain malfunction light became illuminated. Newton presented the vehicle to a BMW-authorized repair facility to address the issues. The facility identified a misfire in cylinder eight, and it replaced all of the fuel injectors and crankcase vent hoses. Newton claimed that the repairs did not resolve the problems with his vehicle and, on July 25, 2015, at 46,562 miles, he again presented the vehicle for hesitation on acceleration. On that occasion, the BMW-authorized repair facility replaced the high-pressure fuel pumps in connection with an open campaign, but it allegedly did nothing to address the drivability concerns.

On Feb. 14, 2017, Newton called the vehicle's North American manufacturer, BMW of North America, LLC, and requested that BMW repurchase or replace the vehicle. However, BMW refused the vehicle. The vehicle was brought back to the dealership on Feb. 16, 2016, at 54,112 miles, because the drivetrain malfunction light was on, there was jerking on acceleration and the vehicle was leaking oil. Once again, the BMW-authorized repair facility identified a misfire in cylinder eight and replaced the coil. To address the leaking oil concern, the dealership replaced the entire motor as "goodwill." Newton claimed that the replaced motor did not solve the leaking oil concern and that as a result, he presented the vehicle again on Feb. 28, 2017, at 67,117 miles, because the low engine oil light remained constantly illuminated.

Newton sued BMW of North America, LLC. He alleged that that vehicle's poor condition constituted a violation of the state's "lemon law," the Song-Beverly Consumer Warranty Act, which states that when a manufacturer cannot repair consumer goods after a reasonable number of attempts, it must either replace the defective product or refund the consumer's money. He also alleged that BMW's actions constituted breaches of implied and express warranties.

Newton testified that the "low engine oil" light was constantly illuminated throughout his ownership of the vehicle and that BMW was unable to conform the vehicle to warranty.

Plaintiff's counsel relied on BMW's own internal documents to show that BMW was aware of known oil consumption problems with its N63 engines as early as March 11, 2011, and that by Feb. 13, 2013, internal documents revealed that the oil consumption issue was a "growing problem" and resulting in repurchases of vehicles. Counsel also provided evidence that BMW's response to the growing problem of oil consumption was

to change the oil consumption specifications to allow vehicles installed with the N63 engine to simply use more oil. In addition, counsel provided evidence that BMW modified its Condition Based Service parameters to require vehicles installed with the N63 engines to be serviced more often and that BMW issued a Service Information Bulletin to its dealerships to simply add more oil when topping off vehicles with the N63 engine. Plaintiff's counsel argued that BMW also advised its authorized repair facilities not to write repair orders when topping off vehicles and that BMW issued a bulletin to replace various parts associated with the N63 engine rather than actually replace the entire engine.

Defense counsel argued that the vehicle was consuming oil as designed by BMW. Counsel also contended that after Newton filed his initial complaint, BMW performed several oil consumption tests on the vehicle and that the vehicle passed every oil consumption test, meaning that the vehicle was consuming oil within BMW's specification. However, on cross-examination, BMW's automotive expert admitted that he has never seen a vehicle fail BMW's oil consumption test.

**Injury:**

Newton claimed that the vehicle leaked oil, causing it to consume an abnormal amount of oil and causing the "low oil" light to be constantly illuminated. He claimed that the vehicle began hesitating and bucking on acceleration, and the drivetrain malfunction light became illuminated, causing the need for the engine to be replaced, but the replacement did not resolve the oil issue. Newton claimed that as a result, the problems compromised the vehicle's safety and performance.

Newton sought restitution based on the difference between what he actually paid for the vehicle, which was a total sale price of \$108,218.16, and what he would have paid, at the time of purchase, if he had known about the vehicle's alleged defect. He also sought a civil penalty against BMW, alleging that BMW willingly violated the law and failed to meet its obligations.

**Result:**

The jury found for Newton on all causes of action. On the claim of a breach of implied warranty, the jury found that the vehicle was not the same quality as those generally acceptable in the trade. As a result, it determined that Newton's vehicle was valued at \$109,229.27 at the time of purchase. On the claim of a breach of express warranty, the jury found that BMW was unable to conform the vehicle to warranty within a reasonable number of repair attempts. As a result, it determined that Newton should recover \$98,332.80 as restitution for the vehicle due to the miles driven and number of repairs it underwent. In addition, the jury found that BMW was willful in its failure to repurchase or replace the subject vehicle. As a result, the jury issued a civil penalty against BMW in the amount of \$196,665.60. Based on the reduced restitution amount of \$98,332.80 and the civil penalty of \$196,665.60, Newton's recovery totaled \$294,998.40.

**Tyree Newton**

\$98,333 Commercial: restitution

\$196,666 Commercial: civil penalty

**Trial Information:**

**Judge:** Daniel S. Murphy

**Demand:** None

**Offer:** \$20,000 (C.C.P. § 998)

**Trial Length:** 5 days

**Trial  
Deliberations:** 3 hours

**Jury Vote:** 12-0

**Jury  
Composition:** 7 male, 5 female

**Editor's  
Comment:** This report is based on information that was provided by plaintiff's counsel. Defense counsel did not respond to the reporter's phone calls.

**Writer** Priya Idiculla

## Plaintiff claimed back injuries require additional treatment

**Type:** Verdict-Plaintiff

**Amount:** \$296,311

**State:** California

**Venue:** Los Angeles County

**Court:** Superior Court of Los Angeles County, Alhambra, CA

**Injury Type(s):**

- *back* - herniated disc, lumbar
- *neck* - herniated disc, lumbar
- *other* - chiropractic; physical therapy; epidural injections

**Case Type:**

- *Motor Vehicle* - Rear-ender; Multiple Vehicle

**Case Name:** Jaide Lynn Rogers v. Cody Tyler Drew and John M. Drew, No. BC654305

**Date:** November 05, 2019

**Plaintiff(s):**

- Jaide Lynn Rogers (Female, 37 Years)

**Plaintiff Attorney(s):**

- Robert S. Fink; Law Office of Robert S. Fink; Los Angeles CA for Jaide Lynn Rogers

**Plaintiff Expert (s):**

- Michael L. Schiffman M.D.; Orthopedic Surgery; Los Angeles, CA called by: Robert S. Fink

**Defendant(s):**

- John M. Drew
- Cody Tyler Drew

**Defense Attorney(s):**

- Johnbull I. Aboiralor; Law Office of Robyn N. Jones-Williams; Torrance, CA for Cody Tyler Drew, John M. Drew

**Defendant  
Expert(s):**

- Stephen A. Mikulak M.D.; Orthopedic Surgery; Newport Beach, CA called by: for Johnbull I. Aboiralor

**Insurers:**

- Allstate Insurance Co.

**Facts:**

On May 11, 2015, plaintiff Jaide Rogers, 37, an employee of See's Candies, was driving on Interstate 405, also known as the San Diego Freeway, near Gardena, when her vehicle was rear-ended by a vehicle operated by Cody Drew. Rogers claimed injuries to her back.

Rogers sued Cody Drew and the owner of Cody Drew's vehicle, John Drew. Rogers alleged that Cody Drew was negligent in the operation of his vehicle and that John Drew was vicariously liable for Cody Drew's actions.

The defendants accepted liability for the accident.

**Injury:**

Rogers claimed she sustained herniated lumbar discs. She presented to a hospital a few days after the accident and then treated with chiropractic care and physical therapy. Rogers' chiropractor referred her to an expert orthopedic surgeon, who administered epidural injections and recommended surgery on Rogers' lower back. However, Rogers did not undergo the surgery.

Rogers claimed that she continues to suffer pain when bending down and picking up things. However, she admitted that she did not take time off from work.

The plaintiff's treating orthopedic surgery expert opined that a future back surgery will be necessary to treat Rogers' condition.

Rogers sought recovery for her past and future medical costs, and past and future pain and suffering.

The defense's expert orthopedic surgeon opined that Rogers did not need the back surgery and that Rogers overtreated her condition.

**Result:**

The jury determined that Rogers' damages totaled \$296,311.

**Jaide Lynn Rogers**

\$81,311 Personal Injury: Past Medical Cost

\$130,000 Personal Injury: Future Medical Cost

\$85,000 Personal Injury: past and future pain and suffering

## **Trial Information:**

**Judge:** Armen Tamzarian

**Demand:** \$200,000 (C.C.P. § 998)

**Offer:** \$30,000 (C.C.P. § 998)

**Post Trial:** The defendants paid expert fees, interest and costs due to the plaintiff for beating his C.C.P. § 998 demand.

**Editor's Comment:** This report is based on information that was provided by plaintiff's counsel. Defense counsel did not respond to the reporter's phone calls.

**Writer** Priya Idiculla



## Intersection crash caused back and knee injuries, plaintiff alleged

**Type:** Verdict-Plaintiff

**Amount:** \$513,500

**State:** California

**Venue:** Los Angeles County

**Court:** Superior Court of Los Angeles County, Los Angeles, CA

**Injury Type(s):**

- *back* - bulging disc, lumbar
- *knee* - meniscus, tear
- *neck*
- *other* - acupuncture; chiropractic; microdiscectomy; epidural injections
- *neurological* - radiculopathy
- *surgeries/treatment* - discectomy; knee surgery; meniscectomy

**Case Type:**

- *Motor Vehicle* - Broadside; Stop Sign; Intersection; Multiple Vehicle

**Case Name:** William Ochoa v. County of Los Angeles, Randy Keith Brown and Matthew Houston, No. BC688739

**Date:** October 29, 2019

**Plaintiff(s):**

- William Ochoa (Male, 61 Years)

**Plaintiff Attorney(s):**

- Jake Douglass; Panish, Shea & Boyle, LLP; Los Angeles CA for William Ochoa

**Plaintiff Expert(s):**

- P. Richard Emmanuel M.D.; Orthopedic Surgery; Culver City, CA called by: Jake Douglass
- Fardad Mobin M.D.; Neurosurgery; Los Angeles, CA called by: Jake Douglass

**Defendant(s):**

- Matthew Houston
- Randy Keith Brown
- Los Angeles County

**Defense  
Attorney(s):**

- Brian K. Stewart; Collins Collins Muir + Stewart LLP; South Pasadena, CA for Los Angeles County, Randy Keith Brown
- Adam A. Ainslie; Collins Collins Muir + Stewart LLP; South Pasadena, CA for Los Angeles County, Randy Keith Brown
- None reported for Matthew Houston

**Defendant  
Expert(s):**

- Marc Hammarstrom; Accident Reconstruction; Pasadena, CA called by: for Brian K. Stewart, Adam A. Ainslie
- Mark J. Spoonamore M.D.; Orthopedic Surgery; Los Angeles, CA called by: for Brian K. Stewart, Adam A. Ainslie
- Martin Cooper M.D.; Neurosurgery; Los Angeles, CA called by: for Brian K. Stewart, Adam A. Ainslie
- Stephen L.G. Rothman M.D.; Neuroradiology; Los Angeles, CA called by: for Brian K. Stewart, Adam A. Ainslie

**Facts:**

On Oct. 26, 2016, plaintiff William Ochoa, 61, a hairdresser, was driving through a four-way-stop intersection, in Los Angeles, when the front, passenger side of his vehicle was struck by a vehicle being driven by Randy Brown. Ochoa claimed that he suffered injuries of his back, a knee and his neck.

Ochoa sued Brown and Brown's employer, the county of Los Angeles. Ochoa alleged that Brown was negligent in the operation of his vehicle and that the county was liable for Brown's actions while in the course and scope of his employment.

Matthew Houston was also named as a defendant, but he was erroneously sued and ultimately let out of the case.

Ochoa's counsel contended that Brown was negligent for entering the intersection before it was clear.

The county admitted liability and sole responsibility.

**Injury:**

Ochoa claimed he sustained a partial meniscus tear of his right knee. He also claimed he suffered a soft tissue injury to his neck and bulging lumbar discs.

Ochoa did not immediately seek medical treatment, and he visited a chiropractor five days after the incident, when he complained of neck and lower back pain. He claimed his lower back pain resulted in radiculopathy. He also complained of knee pain at that time. An MRI taken several months after the accident revealed disc changes in the lumbar spine, including bulging lumbar discs. Ochoa treated with chiropractors and an acupuncturist for approximately eight months, and he received a series of epidural injections in mid-2017. After an MRI in May 2017 revealed a partial meniscus tear, Ochoa underwent a partial meniscectomy for the lateral meniscus in February 2019. He also underwent a lumbar microdiscectomy at the L4-5 level in April 2019.

Ochoa claimed he still continues to have variable lower back pain with radiculopathy and right knee pain. He alleged that as a result, he needs to eventually undergo a lumbar fusion with stabilization at the L4-5 level and a total right knee replacement.

Ochoa sought recovery of past and future medical costs, and damages for his past and future pain and suffering. The parties stipulated to Ochoa's property damage.

Defense counsel contended that the vehicles were traveling at 8 mph at the time of the crash. As a result, counsel argued that the low-speed collision did not cause any structural injuries to Ochoa. Counsel further argued that the MRI taken several months after the accident revealed only degenerative disc changes in the lumbar spine and that the May 2017 MRI only revealed a partial degenerative meniscus tear. As a result, defense counsel argued that Ochoa's knee and lower back injuries were pre-existing degenerative conditions and that the collision only caused a soft-tissue sprain to Ochoa's back.

**Result:**

The jury found that Brown's negligence was a substantial cause of Ochoa's injuries. It determined that Ochoa's injury-related damages totaled \$500,000, and it agreed with the additional \$13,485.22 in stipulated property damage. As a result, Brown's recovery totaled \$513,485.22.

**William Ochoa**

\$80,000 Personal Injury: Past Medical Cost

\$175,000 Personal Injury: Future Medical Cost

\$45,000 Personal Injury: Past Pain And Suffering

\$200,000 Personal Injury: Future Pain And Suffering

\$13,485 Personal Injury: property damage (stipulated)

## **Trial Information:**

**Judge:** Mark A. Borenstein

**Demand:** \$900,000 (total, from Brown and Los Angeles County)

**Offer:** \$15,000 (total, by Brown and Los Angeles County)

**Trial Length:** 5 days

**Trial  
Deliberations:** 1 days

**Jury Vote:** 12-0 (Brown's negligence was a substantial cause of Ochoa's injuries; damages for past medical expenses); 10-2 (damages for future medical expenses; damages for past pain and suffering); 9-3 (future pain and suffering)

**Jury  
Composition:** 7 male, 5 female

**Editor's  
Comment:** This report is based on information that was provided by plaintiff's and defense counsel.

**Writer** Priya Idiculla

## Plaintiff claimed her back injury requires future care

**Type:** Verdict-Plaintiff

**Amount:** \$365,000

**State:** California

**Venue:** Los Angeles County

**Court:** Superior Court of Los Angeles County, Los Angeles, CA

**Injury Type(s):** • *other* - lumbar facet injury

**Case Type:** • *Motor Vehicle* - Broadside; Red Light; Intersection; Multiple Vehicle

**Case Name:** Diana Iriarte v. Chad Weaver and Jessie Dale, No. BC619310

**Date:** August 13, 2019

**Plaintiff(s):** • Diana Iriarte (Female, 25 Years)

**Plaintiff Attorney(s):** • John W. Noland; NP Law Firm; Valencia CA for Diana Iriarte  
• Lee W. Previant; NP Law Firm; Valencia CA for Diana Iriarte

**Plaintiff Expert(s):** • Amy M. Sutton Ph.D.; Life Care Planning; Anaheim, CA called by: John W. Noland, Lee W. Previant  
• Carl A. Hess M.D.; Pain Management; Fullerton, CA called by: John W. Noland, Lee W. Previant  
• Richard H. Andersen M.S., C.V.E.; Vocational Rehabilitation; Westminster, CA called by: John W. Noland, Lee W. Previant  
• Tamorah G. Hunt M.B.A., Ph.D.; Economics; Santa Ana, CA called by: John W. Noland, Lee W. Previant

**Defendant(s):** • Chad Weaver  
• Jessie Dale

**Defense  
Attorney(s):**

- Cary L. Wood; Lewis Brisbois Bisgaard & Smith LLP; Los Angeles, CA for Chad Weaver
- None reported; Los Angeles, CA for Jessie Dale

**Defendant  
Expert(s):**

- Steve Molina Ph.D.; Vocational Rehabilitation; Santa Ana, CA called by: for Cary L. Wood
- Andrea Nebel; Life Care Planning; San Diego, CA called by: for Cary L. Wood
- Jennie M. McNulty C.P.A., M.B.A.; Economics; Los Angeles, CA called by: for Cary L. Wood
- Stephen A. Mikulak M.D.; Orthopedic Surgery; Newport Beach, CA called by: for Cary L. Wood

**Facts:**

On Dec. 8, 2015, plaintiff Diana Iriarte, 25, a nursing student, was driving west on East Spring Street, in Long Beach. As she attempted to make a left onto the on-ramp for northbound Interstate 605, her vehicle was broadsided by a vehicle operated by Chad Weaver, who was driving east on East Spring Street with the owner of the vehicle, Jessie Dale, as a passenger. Iriarte claimed that she sustained injuries to her lower back.

Iriarte sued Weaver and Dale. Iriarte alleged that Weaver was negligent in the operation of his vehicle and that Dale was vicariously liable for Weaver's actions.

Dale was dismissed from the case prior to trial after his insurer agreed to tender its policy.

Plaintiff's counsel contended that Iriarte was making a left turn on a green light and that Weaver caused the collision by running a red light on eastbound East Spring Street.

Weaver admitted liability on the eve of trial.

**Injury:**

Iriarte sustained an injury to her lumbar facet joints. She was taken by ambulance to Long Beach Memorial Medical Center, in Long Beach, where she spent three days. She was then transferred to Kaiser Permanente-Downey Medical Center, in Downey, where she stayed for four to five days before being released home.

Iriarte claimed she was left with residual back pain and facet joint issues. She alleged that, at the time of the accident, she was about to graduate from nursing school, so she had to attend her graduation in a wheelchair and that she had to sit on the side of the stage during the graduation ceremony because she could not walk onto the stage as a result of her condition.

Iriarte's vocational rehabilitation expert opined that, though Iriarte has not had any significant problems, Iriarte would eventually suffer from limitations as a result of her injury.

Iriarte's treating pain management expert testified that he had previously prescribed facet injections for Iriarte's ongoing pain, but that Iriarte decided to not receive them. Iriarte explained that even though she was in pain, she was not interested in receiving any injections and that she, instead, chose to stretch. However, the expert opined that Iriarte would eventually need the injections to treat her pain.

Iriarte sought recovery of future medical costs for the injections that she would allegedly require for the remainder of her life. She also sought recovery of damages for her past and future pain and suffering.

The defense's medical experts opined that Iriarte made a full recovery and would not need any future treatment.

According to plaintiff's counsel, during closing arguments, defense counsel requested that the jury award more than Weaver's policy limits for Iriarte's past non-economic damages. As such, there was a bad faith case filed against the insurer due to the open policy.

**Result:**

The jury found that Weaver's negligence was a substantial factor in causing harm to Iriarte. It determined that Iriarte's damages totaled \$365,000.

**Diana Iriarte**

\$40,000 Personal Injury: Future Medical Cost

\$250,000 Personal Injury: Past Pain And Suffering

\$75,000 Personal Injury: Future Pain And Suffering

**Trial Information:**

**Judge:** Frederick C. Shaller

**Demand:** \$100,000 (insurance coverage's limit)

**Offer:** None

**Editor's Comment:** This report is based on information that was provided by plaintiff's counsel. Defense counsel did not respond to the reporter's phone calls.

**Writer** Priya Idiculla



## Couple claimed spinal injuries from highway accident

**Type:** Verdict-Plaintiff

**Amount:** \$470,976

**State:** California

**Venue:** Los Angeles County

**Court:** Superior Court of Los Angeles County, Santa Monica, CA

**Injury Type(s):**

- *back* - lordosis; lower back; herniated disc, lumbar; herniated disc at L4-5; herniated disc, lumbar; herniated disc at L5-S1
- *neck* - lordosis; cervical disc injury; herniated disc, cervical; herniated disc at C4-5; herniated disc, cervical; herniated disc at C5-6; herniated disc, cervical; herniated disc at C6-7
- *other* - soft tissue; chiropractic; back and neck; physical therapy; steroid injection; epidural injections
- *shoulder* - separation; acromioclavicular joint separation

**Case Type:**

- *Motor Vehicle* - Passenger; Rear-ender; Multiple Vehicle

**Case Name:** Jose Catalan and Amanda Lopez v. Paket Delivery Services LLC, Justino Miramonte, and Does 1 through 25, Inclusive, No. BC663205

**Date:** July 03, 2019

**Plaintiff(s):**

- Amanda Lopez (Female, 49 Years)
- Jose Catalan (Male, 46 Years)

**Plaintiff Attorney(s):**

- David C. Shay; Vaziri Law Group, APC; Los Angeles CA for Jose Catalan, Amanda Lopez

**Plaintiff Expert(s):**

- Pablo R. Pazmino M.D.; Spinal Surgery; Santa Monica, CA called by: David C. Shay
- Vikram Singh M.D.; Pain Management; West Hills, CA called by: David C. Shay
- Catherine Zarrabi D.C.; Chiropractic; Los Angeles, CA called by: David C. Shay

- Defendant(s):**
- Justino Miramonte
  - Pakket Delivery Services LLC
- Defense Attorney(s):**
- Joyce R. Dondanville; Farmer Case & Fedor; San Diego, CA for Pakket Delivery Services LLC, Justino Miramonte
- Defendant Expert(s):**
- Henry W. Lubow M.D.; Coding & Billing (Medical); Agoura Hills, CA called by: for Joyce R. Dondanville
  - Michael Weinstein M.D.; Orthopedic Surgery; Newport Beach, CA called by: for Joyce R. Dondanville
  - Lawrence P. Harter M.D.; Radiology; Santa Barbara, CA called by: for Joyce R. Dondanville
- Insurers:**
- State Farm Insurance Cos.

**Facts:** On June 4, 2015, plaintiff Jose Catalan, 46, a janitorial worker, was driving on the eastbound side of Interstate 10, also known as the Santa Monica Freeway, near the interchange for Interstate 405, also known as the San Diego Freeway, in Los Angeles. His wife, plaintiff Amanda Lopez, 49, also a janitorial worker, was a passenger. While their minivan was stopping for traffic, it was rear-ended by a van driven by Justino Miramonte. Catalan claimed injuries to his neck, back and a shoulder. Lopez claimed injuries to her neck and back.

Catalan and Lopez sued Miramonte and Miramonte's employer, Pakket Delivery Services LLC. Catalan and Lopez alleged that Miramonte was negligent in the operation of his vehicle. They further alleged that Pakket Delivery Services was vicariously liable for Miramonte's actions while in the course and scope of his employment.

The defendants conceded liability. The trial addressed damages.

**Injury:** Lopez claimed that she sustained herniated discs at the C4-5, C5-6, C6-7, L4-5 and L5-S1 levels. She also claimed that she sustained trauma that disrupted the cervical lordosis, which is the normal curvature of the spine's cervical region. Lopez was placed in an ambulance and transported to Southern California Hospital at Culver City, where she was treated and released. She underwent 41 sessions of physical therapy and chiropractic treatment over the next 5.5 months. Lopez also began treating with a pain management doctor and was administered three epidural injections of steroid-based painkillers. She received her first cervical epidural steroid injection in September 2015, a lumbar epidural steroid injection the following month and an additional cervical epidural steroid injection in December 2016.

Lopez saw a spinal surgeon who recommended cervical fusion. Lopez did not have the surgery prior to trial, but she continued to be monitored.

Lopez claimed that while she is able to do everything she did prior to the crash, she has to deal with continued pain that affects her at home and at work. She also claimed that the lordosis disruption caused an abnormal posture.

Plaintiffs' counsel argued that Lopez has three options: She could receive no further treatment, which would lead to greater pain and suffering in the future; she could receive

palliative care, which could somewhat reduce her pain and suffering; or she could have the cervical fusion surgery that would hopefully minimize her future pain and suffering.

Lopez sought recovery of past and future medical expenses, and noneconomic damages for her past and future pain and suffering.

Catalan claimed that the accident caused minor disc abnormalities in his cervical spine and soft tissue injuries to his lumbar spine. He also claimed that he suffered a mild separation of the acromioclavicular joint in his right, dominant shoulder. Catalan's injuries were not severe enough to require a trip to the hospital, but he accompanied his wife in the ambulance to Southern California Hospital. While he was there, his injuries were treated, and he was released the same day.

Catalan ultimately underwent 41 sessions of physical therapy and chiropractic treatment over the next 5.5 months. He also received an epidural steroid injection to his neck during that time period.

Catalan admitted that he has no significant limitations and that he had mostly recovered from his injuries and required no further treatment. He alleged he just has to deal with some occasional pain that he treats with over-the-counter medication.

Catalan sought recovery of past medical expenses and noneconomic damages for his past pain and suffering.

Defense counsel argued that the injuries alleged by both Lopez and Catalan were pre-existing and degenerative.

The defense's expert orthopedist performed an independent medical exam of Lopez and concluded that Lopez did not require spinal surgery. Defense counsel further argued that Lopez's treatment was unnecessary and overly expensive.

Defense counsel also disputed the severity of Lopez's injuries. Counsel noted that Lopez had a gap in treatment between the end of her physical therapy and the start of her epidural injections, and another gap between her second and third injections. Defense counsel also pointed out that Lopez delayed scheduling her spinal surgery despite being recommended for it.

**Result:**

The jury determined that Catalan and Lopez's damages totaled \$470,976.15.

**Jose Catalan**

\$29,938 Personal Injury: Past Medical Cost

\$15,000 Personal Injury: Past Pain And Suffering

**Amanda Lopez**

\$66,486 Personal Injury: Past Medical Cost

\$203,052 Personal Injury: Future Medical Cost

\$144,000 Personal Injury: Past Pain And Suffering

\$12,500 Personal Injury: Future Pain And Suffering

**Trial Information:**

**Judge:** Michael Levanas

**Demand:** \$33,000 (by Catalan); \$107,000 (by Lopez)

**Offer:** \$25,000 (for Catalan); \$75,000 (for Lopez)

**Trial Length:** 5 days

**Jury Vote:** 9-3 (Catalan's past medical expenses and Lopez's past medical expenses); 12-0 (all other questions)

**Editor's Comment:** This report is based on information that was provided by plaintiffs' counsel. Additional information was gleaned from court documents. Defense counsel declined to contribute.

**Writer** Melissa Siegel

## Collision triggered symptoms of congenital condition: plaintiff

**Type:** Verdict-Plaintiff

**Amount:** \$834,650

**State:** California

**Venue:** Los Angeles County

**Court:** Superior Court of Los Angeles County, Lancaster, CA

**Injury Type(s):**

- *hip*
- *back*
- *head* - headaches
- *neck*
- *other* - chiropractic; cortisone injections; aggravation of pre-existing condition
- *neurological* - sciatica; radiculopathy
- *mental/psychological* - cognition, impairment; memory, impairment

**Case Type:**

- *Motor Vehicle* - Broadside; Multiple Vehicle

**Case Name:** Andrea Juarez v. Thomas Ziegler, No. MC027195

**Date:** June 13, 2019

**Plaintiff(s):**

- Andrea Juarez (Female, 27 Years)

**Plaintiff Attorney(s):**

- Mark J. Leonardo; Kuzyk Law, LLP; Lancaster CA for Andrea Juarez

**Plaintiff Expert(s):**

- Ray H. Hashemi M.D.; Radiology; Lancaster, CA called by: Mark J. Leonardo
- Ted Bloomquist M.S.; Biomechanical; San Diego, CA called by: Mark J. Leonardo
- Andrew S. Morris D.C.; Coding & Billing (Medical); Torrance, CA called by: Mark J. Leonardo
- Abdallah S. Farrukh M.D.; Neurosurgery; Lancaster, CA called by: Mark J. Leonardo

**Defendant(s):**

- Thomas Ziegler

**Defense Attorney(s):**

- Michael F. Moon; Kinkle Rodiger & Spriggs; Riverside, CA for Thomas Ziegler

**Defendant Expert(s):**

- Jon B. Landerville M.S., P.E.; Accident Reconstruction; Torrance, CA called by: for Michael F. Moon
- Robert Freundlich M.D.; Neurology; Encino, CA called by: for Michael F. Moon
- Kathryn Dainty Davis Ph.D.; Biomechanics; Los Angeles, CA called by: for Michael F. Moon
- Stephen L.G. Rothman M.D.; Neuroradiology; Torrance, CA called by: for Michael F. Moon

**Insurers:**

- Allstate Insurance Co.

**Facts:**

On Aug. 28, 2015, plaintiff Andrea Juarez, 27, a stock room manager, was driving in the curb lane of the eastbound side of Rancho Vista Boulevard, in Palmdale. The passenger side of her compact vehicle was broadsided by a sport utility vehicle operated by Thomas Ziegler, who was pulling out of a shopping mall. Juarez claimed injuries to her head, neck and back.

Juarez sued Ziegler. She alleged that Ziegler was negligent in the operation of his vehicle.

Juarez claimed that she was traveling at 30 to 35 mph, facing no traffic signals, when the collision occurred.

Ziegler denied negligence, claiming his view was obstructed by another vehicle turning into the driveway as he was pulling out.

**Injury:**

Juarez claimed that the accident caused her to suffer pain to her neck, back and hips, as well as an aggravation of her pre-existing congenital condition known as Chiari malformation.

Juarez was born with Chiari malformation type I: a congenital condition in which the brain tissue (cerebellum) drops down into the spinal canal, causing the spinal cord and the brain to compete for the same space. Consequently, the brain tissue gets squeezed with head movement. Symptoms can come on naturally later in life or be triggered by trauma, such as from a motor vehicle accident, where studies indicate 12 to 24 percent of the cases are triggered by trauma. Juarez contended that prior to the subject accident, her condition was completely asymptomatic.

After the collision, Juarez presented to an emergency room, where her hips were X-rayed prior to her being released. She then began chiropractic treatment shortly thereafter, and eventually received cortisone injections in her hips. She contended that the subject accident triggered the symptoms from her Chiari malformation, including severe headaches, nausea, vomiting, cognitive impairment, memory loss, and radiculopathy in all extremities. Juarez also contended that she experienced sciatica, causing pain in her neck, back and hips. She underwent chiropractic treatment and received cortisone injections in her hips.

Juarez alleged that she demoted herself as a stock room manager because she could no longer do any lifting or moving of inventory. She also alleged that her class schedule in college was reduced from a full load down to one or two classes a semester because her focus, concentration and memory were severely affected, causing her grades to diminish from all A's to much less, including one failed class.

Juarez, who was seven months pregnant at the time of trial, claimed that when she gives birth to her child, she will need to have a caesarean section, instead of a natural birth, as contractions and pushing will cause debilitating pain in her brain. She also claimed that she was 125 pounds before the subject accident and that she ballooned to 168 pounds due to inactivity and inability to exercise after the subject collision. She further claimed that she will eventually need to undergo brain decompression surgery to alleviate the symptoms from the Chiari malformation.

The plaintiff's medical coding and billing expert indicated that the cost range for Juarez's future surgery will be between \$173,000 and \$201,500.

Juarez sought recovery of approximately \$28,000 in past medical costs, \$173,000 to \$201,500 in future medical costs, and an unspecified amount of lost earnings. She also sought recovery of damages for her past and future pain and suffering.

Defense counsel contended that the impact was minor since Juarez's air bags did not deploy and that as a result, Juarez was only expected to have sustained soft tissue injuries.

According to plaintiff's counsel, defense counsel failed to attach expert medical reports to their expert designations on three occasions and as a result, upon a motion in limine, the defense's two medical experts were excluded from testifying altogether. Thus, the plaintiff's medical expert testimony was un rebutted.

**Result:** The jury found that Ziegler was 100 percent liable for the accident and that Ziegler's negligence was a substantial factor in causing Juarez harm. It also determined that Juarez's damages totaled \$834,650.

**Andrea Juarez**

\$27,900 Personal Injury: Past Medical Cost

\$175,000 Personal Injury: Future Medical Cost

\$325,500 Personal Injury: Past Pain And Suffering

\$306,000 Personal Injury: Future Pain And Suffering

\$250 Personal Injury: lost earnings

**Trial Information:**

**Judge:** Randolph A. Rogers

**Demand:** \$100,000 (insurance coverage's limit)

**Offer:** \$19,948

**Trial Length:** 9 days

**Trial Deliberations:** 4.5 hours

**Jury Vote:** 10-2 (comparative negligence); 11-1 (future medical costs); 12-0 (all other questions)

**Jury Composition:** 5 male, 7 female; 1 black, 10 Hispanic, 1 white

**Post Trial:** Plaintiff's counsel's motion for cost of proof sanctions is pending.

**Editor's Comment:** This report is based on information that was provided by plaintiff's counsel. Defense counsel did not respond to the reporter's phone calls.

**Writer** Priya Idiculla



## Motorcycle crash caused multiple injuries, plaintiff alleged

**Type:** Verdict-Plaintiff

**Amount:** \$483,018

**State:** California

**Venue:** Los Angeles County

**Court:** Superior Court of Los Angeles County, Long Beach, CA

**Injury Type(s):**

- *back* - bulging disc, lumbar
- *knee* - patella; patellar tendon; patellar tendon, tear
- *elbow*
- *other* - dystonia; physical therapy; steroid injection
- *hand/finger* - hand; fracture, finger; fracture, metacarpal
- *neurological* - nerve damage/neuropathy; nerve damage, ulnar nerve

**Case Type:**

- *Motor Vehicle* - Motorcycle

**Case Name:** Hector Fuentes and Suhaydee Fuentes v. Clabe Monroe Hartley, No. BC615854

**Date:** May 08, 2019

**Plaintiff(s):**

- Hector Fuentes (Male, 38 Years)
- Suhaydee Fuentes

**Plaintiff Attorney(s):**

- Steven R. Andrade; Andrade Law Offices; Santa Barbara CA for Hector Fuentes, Suhaydee Fuentes
- Taylor R. Dann; Andrade Law Offices; Santa Barbara CA for Hector Fuentes, Suhaydee Fuentes

**Plaintiff Expert(s):**

- Eva Etedgui R.N.; Legal Nurse Consulting; Ventura, CA called by: Steven R. Andrade, Taylor R. Dann
- Herb Kandel L.Ac.; Acupuncture; Santa Maria, CA called by: Steven R. Andrade, Taylor R. Dann
- Benjamin N. Dirkx D.O.; Physical Medicine; Santa Barbara, CA called by: Steven R. Andrade, Taylor R. Dann
- Lawrence S. Miller M.D.; Pain Management; Santa Monica, CA called by: Steven R. Andrade, Taylor R. Dann

**Defendant(s):**

- Clabe Monroe Hartley

**Defense Attorney(s):**

- Deborah K. Peterson; Mark R. Weiner & Associates; Glendale, CA for Clabe Monroe Hartley

**Defendant Expert(s):**

- Richard D. Kahmann M.D.; Orthopedic Surgery; Santa Barbara, CA called by: for Deborah K. Peterson

**Insurers:**

- State Farm Insurance Cos.

**Facts:**

On July 13, 2014, plaintiff Hector Fuentes, 38, a project supervisor, was motorcycling on Interstate 10, also known as the San Bernardino Freeway, in Los Angeles. Fuentes' motorcycle was rear-ended by Clabe Hartley, who had lost control of his motorcycle. Fuentes claimed injuries to his back, left knee, and right hand and elbow.

Fuentes sued Hartley. Fuentes alleged that Hartley was negligent in the operation of his motorcycle.

Four years after the accident, Hartley conceded liability.

**Injury:**

After the accident, Fuentes was immediately taken to a hospital, where he stayed overnight. Fuentes claimed he sustained a mild bulging lumbar disc to his lower back, a fractured pinky finger, ulnar nerve damage to the right elbow and focal dystonia to the right hand. He was also diagnosed with pre-existing Osgood-Schlatter disease -- an inflammation of the area just below the knee where the patellar tendon attaches to the tibia -- with fragmentation, ossification, cystic change and edema in his left knee. In addition, plaintiff's counsel noted that an MRI reading showed sequela of a partial tear to the patellar tendon of the left knee. After being discharged from the hospital, Fuentes sought additional care, including less than two months of physical therapy for his lower back. He then underwent physical therapy for his left knee starting nine months after the accident and then received two steroid injections to his left knee pain more than 15 months after the accident.

Fuentes claimed that he continues to suffer occasional lower back pain, occasional left knee pain and looseness of the kneecap. He also claimed that he continues to suffer occasional right hand weakness and occasional right hand pain with mild tremors.

Fuentes sought recovery of past medical costs, and damages for his past and future pain and suffering.

Defense counsel contested the extent of Fuentes' injuries.

After examining Fuentes, the defense's orthopedic expert opined that Fuentes' lower back injuries were pre-existing due to degenerative disc disease. The expert also opined that the knee injury could not have occurred in the motorcycle crash because Fuentes failed to complain of knee pain for eight months. The expert further opined that if Fuentes has a right hand tremor, it would not be related to the accident and that Fuentes was only mildly symptomatic. In addition, the orthopedic surgeon opined that no further treatment is needed.

In response, plaintiff's counsel noted that the plaintiff's nursing expert attended and recorded the defense expert's exam of Fuentes and that the nursing expert's report, which was provided to the defense, was critical of the defense's expert's physical exam of 13 minutes and that expert's conclusions. The plaintiff's nursing expert was scheduled to testify after the defense's expert orthopedic surgeon, but defense counsel elected not to call their expert and, instead, relied on Fuentes' pre-existing conditions; Fuentes' minimization of his pain levels, which were frequently a one out of 10; and Fuentes' delayed reports of symptoms. However, plaintiff's counsel further responded that Fuentes' treating acupuncturist testified that Fuentes complained of pain to his left knee within one week of the subject accident.

**Result:**

The jury found that Hartley's negligence was a substantial factor in causing Fuentes harm. It also determined that Fuentes' damages totaled \$483,018.28.

## **Hector Fuentes**

\$32,618 Personal Injury: Past Medical Cost

\$80,000 Personal Injury: Past Pain And Suffering

\$365,000 Personal Injury: Future Pain And Suffering

\$5,400 Personal Injury: lost earnings

## **Trial Information:**

**Judge:** Peter J. Mirich

**Demand:** \$159,900 (C.C.P. § 998)

**Offer:** \$52,000 (C.C.P. § 998)

**Trial Length:** 8 days

**Trial  
Deliberations:** 1.5 days

**Jury Vote:** 12-0 (substantial factor); 11-1 (past economic loss); 10-2 (future noneconomic loss)

**Jury  
Composition:** 3 male, 9 female

**Post Trial:** Plaintiff's counsel intends to file a motion for recovery of interest, expert fees and other costs. According to plaintiff's counsel, if the motion is granted, it should bring the total award to almost \$600,000.

**Editor's  
Comment:** This report is based on information that was provided by plaintiff's counsel. Defense counsel did not respond to the reporter's phone calls.

**Writer** Priya Idiculla

## Passenger: Paramedic failed to clear intersection prior to crash

**Type:** Settlement

**Amount:** \$540,000

**State:** California

**Venue:** Los Angeles County

**Court:** Superior Court of Los Angeles County, Los Angeles, CA

**Injury Type(s):**

- *head* - concussion
- *neck*
- *brain* - brain damage; traumatic brain injury
- *other* - epidural injections

**Case Type:**

- *Motor Vehicle* - Broadside; Passenger; Red Light; Intersection; Multiple Vehicle

**Case Name:** Felipe Diaz v. Raphael Raygoza, County of Los Angeles, City of Los Angeles and Consolidated Fire Protection, No. BC612070

**Date:** March 15, 2019

**Plaintiff(s):**

- Felipe Diaz (Male, 40 Years)

**Plaintiff Attorney(s):**

- Haytham Faraj; Carpenter, Zuckerman & Rowley, LLP; Beverly Hills CA for Felipe Diaz

**Defendant(s):**

- Raphael Raygoza
- Los Angeles County
- City of Los Angeles
- Consolidated Fire Protection

**Defense Attorney(s):**

- Adrian G. Gragas; Office of the County Counsel; Los Angeles, CA for Raphael Raygoza, Los Angeles County, City of Los Angeles, Consolidated Fire Protection

**Facts:** On Sept. 24, 2015, plaintiff Felipe Diaz, 40, was a passenger in a vehicle traveling on north Otis Avenue, in Bell, when his vehicle entered an intersection with Gage Avenue and was broadsided on the passenger side by an emergency vehicle operated by paramedic Raphael Raygoza, who was responding to an emergency call and had entered the intersection from westbound Gage Avenue. Diaz sustained injuries to his head and neck.

Diaz sued Raygoza and the entities that were believed to have employed Raygoza, the county of Los Angeles, the city of Los Angeles and Consolidated Fire Protection. Diaz alleged that Raygoza was negligent in the operation of his vehicle and that the county, the city and Consolidated Fire Protection were liable for Raygoza's actions.

Diaz's counsel contended that Raygoza failed to operate his vehicle in a safe manner. Specifically, counsel maintained that Raygoza entered the intersection on a red traffic signal, turned at the intersection without clearing all of the lanes and deactivated his vehicle's sirens prior to arriving at his destination.

Defense counsel contended that Raygoza was responding to an emergency call and had the lights and sirens activated on his vehicle at the time of the crash.

**Injury:** Diaz complained of back and neck pain at the scene. He was treated by paramedics and then transported to a hospital. Diaz claimed the crash caused a mild traumatic brain injury/concussion and a cervical spine injury. He ultimately received some epidural injections for his pain.

Diaz claimed that he will not need any future care or surgery and that he was able to go back to his daily activities. As a result, he only sought recovery of past medical costs and damages for his past pain and suffering.

Defense counsel noted that Diaz had previously been in a serious traffic collision on Jan. 24, 2014, during which Diaz sustained a bulging lumbar disc with surgical recommendations. As a result, counsel asserted that Diaz's complaints of spinal pain was due to the prior collision.

**Result:** The parties agreed to a \$540,000 pretrial settlement, which the county agreed to pay on behalf of all of the defendants.

### **Trial Information:**

**Editor's Comment:** This report is based on information that was provided by plaintiff's counsel. Defense counsel did not respond to the reporter's phone calls.

**Writer** Priya Idiculla

## **Pedestrian: Bus collision caused shoulder problems**

**Type:** Mediated Settlement

**Amount:** \$300,000

**State:** California

**Venue:** Los Angeles County

**Court:** Superior Court of Los Angeles County, Los Angeles, CA

**Injury Type(s):**

- *arm* - fracture, humerus
- *other* - physical therapy; nondisplaced fracture
- *shoulder* - rotator cuff, injury (tear)

**Case Type:**

- *Motor Vehicle* - Bus; Pedestrian
- *Government* - Counties

**Case Name:** Cutbertha Rincon v. Los Angeles County Metropolitan Transportation Authority and Donna Monique De Loach, No. BC669156

**Date:** January 23, 2019

**Plaintiff(s):**

- Cutbertha Rincon (Female, 72 Years)

**Plaintiff Attorney(s):**

- Michael A. Coletti; Law Offices of Michael Coletti; Woodland Hills CA for Cutbertha Rincon

**Defendant(s):**

- Donna Monique De Loach
- Los Angeles County Metropolitan Transportation Authority

**Defense Attorney(s):**

- W. Keith Wyatt; Ivie, McNeill & Wyatt; Los Angeles, CA for Los Angeles County Metropolitan Transportation Authority, Donna Monique De Loach

**Insurers:**

- self-insured

**Facts:** On Jan. 8, 2017, plaintiff Cutbertha Rincon, 72, a retiree, was crossing West Fifth Street, at its intersection with South Broadway, in downtown Los Angeles. She was struck by a Los Angeles County Metropolitan Transportation Authority bus operated by Donna De Loach. Rincon was knocked to the ground, and she claimed injuries to her right shoulder.

Rincon sued De Loach and the Los Angeles County Metropolitan Transportation Authority. Rincon alleged that De Loach was negligent in the operation of the bus and that the transportation authority was vicariously liable for De Loach's actions.

Defense counsel asserted that Rincon was at least comparatively at fault for allegedly crossing against the traffic signal and not avoiding the accident.

**Injury:** Rincon claimed that she sustained a nondisplaced, hairline fracture of her right, dominant shoulder's proximal humerus and a tear of the right shoulder's rotator cuff. She was taken by ambulance to a hospital's emergency room, where she underwent MRIs and X-rays. Rincon treated with physical therapy and was monitored by an orthopedic surgeon. She also treated with pain medication. She did not undergo any surgery.

Rincon claimed that she has residual problems lifting a significant weight or reaching overhead. She claimed that she will need additional medical care.

Rincon sought recovery of \$11,000 in past medical costs. She also sought recovery of unspecified amounts for her future medical costs, and past and future pain and suffering.

Defense counsel disputed the claim that Rincon would need future care and asserted that Rincon's shoulder fracture was pre-existing.

**Result:** Prior to a trial, the parties agreed to a \$300,000 settlement, which was finalized via the guidance of mediator Michael Moorhead, of Judicate West. The Los Angeles County Metropolitan Transportation Authority paid the settlement on behalf of itself and De Loach.

### **Trial Information:**

**Judge:** Michael D. Moorhead

**Editor's Comment:** This report is based on information that was provided by plaintiff's and defense counsel.

**Writer** Priya Idiculla



## Pedestrian struck in crosswalk claimed injuries to head and spine

**Type:** Mediated Settlement

**Amount:** \$325,000

**State:** California

**Venue:** Los Angeles County

**Court:** Superior Court of Los Angeles County, Los Angeles, CA

**Injury Type(s):**

- *back* - herniated disc, lumbar
- *head*
- *neck* - herniated disc, lumbar
- *other* - swelling; abrasions; laceration; unconsciousness; epidural injections
- *epidermis* - numbness; contusion
- *neurological* - radicular pain / radiculitis
- *mental/psychological* - amnesia

**Case Type:**

- *Government* - Counties
- *Motor Vehicle* - Crosswalk; Left Turn; Pedestrian

**Case Name:** Mi Sun Kim v. James Patrick Gray, Los Angeles County Department of Public Works and County of Los Angeles, No. BC672868

**Date:** December 20, 2018

**Plaintiff(s):**

- Mi Sun Kim (Female, 43 Years)

**Plaintiff Attorney(s):**

- Jae Y. Lee; Lee & Associates, P.C.; Los Angeles CA for Mi Sun Kim
- Daniel E. Hoffman; Lee & Associates, P.C.; Los Angeles CA for Mi Sun Kim

**Plaintiff Expert (s):**

- Arthur Kreitenberg M.D.; Orthopedic Surgery; Los Angeles, CA called by: Jae Y. Lee, Daniel E. Hoffman

**Defendant(s):**

- James Patrick Gray
- Los Angeles County
- Los Angeles County Department of Public Works

**Defense  
Attorney(s):**

- Kelsey C. Nau; Office of the County Counsel; Los Angeles, CA for James Patrick Gray, Los Angeles County Department of Public Works, Los Angeles County

**Defendant  
Expert(s):**

- Thomas J. Grogan M.D.; Orthopedic Surgery; Los Angeles, CA called by: for Kelsey C. Nau

**Facts:**

On March 23, 2016, plaintiff Mi Sun Kim, 43, a salesperson, was in a marked crosswalk, walking south across Colima Road, at its intersection with Paso Real Avenue, in Rowland Heights. Colima Road is a multiple-lane road with three lanes in each direction, plus left-turn lanes at the intersection. Kim had crossed 2.5 lanes and was almost to the middle of the street when she was struck by a pickup truck operated by James Gray, who was making a left turn from northbound Paso Real Avenue, onto westbound Colima Road. Kim sustained injuries to her head and back.

Kim sued Gray and Gray's employers, the Los Angeles County Department of Public Works and the county of Los Angeles, which also owned the pickup truck. Kim alleged that Gray was negligent in the operation of his vehicle and that the Department of Public Works and the county were vicariously liable for Gray's actions while acting within the course and scope of his employment.

Plaintiff's counsel contended that Gray failed to yield to Kim, who was a pedestrian lawfully within a crosswalk. Counsel also noted that the investigating officer concluded that Gray was at fault for the accident for violating Vehicle Code § 21451(a), which states, "A driver facing a circular green signal shall proceed straight through or turn right or left or make a U-turn unless a sign prohibits a U-turn. Any driver, including one turning, shall yield the right-of-way to other traffic and to pedestrians lawfully within the intersection or an adjacent crosswalk."

Gray told the investigating officer that he did not see Kim before he heard an impact on the left side of his vehicle.

The Department of Public Works and the county admitted that Gray was in the course and scope of his employment at the time of the incident. However, defense counsel asserted that Kim was comparatively negligent for crossing the street when the crossing signal displayed a "don't walk" signal.

**Injury:**

Kim sustained blunt force trauma to her head and body. She claimed that she lost consciousness as a result of the impact. After regaining consciousness, she felt severe pain in her head and pain all over her body before she realized she was bleeding. Kim also claimed she sustained a herniated lumbar disc. She was still lying on the ground within the crosswalk when paramedics arrived and took her to UC Irvine Medical Center, in Orange. At the emergency room, Kim complained of radiating pain in her neck and back with numbness in her fingers and toes. She also complained of pain in her head, and she was found to have a laceration to the back of her head, which required staples; swelling to the right, parietal scalp; and amnesia as to the events of the collision. Kim followed up with a neurological assessment and treatment, including an epidural injection to her back.

Kim claimed she may eventually require epidural injections to her lumbar spine and/or a lumbar surgery in the future.

The plaintiff's orthopedic surgery expert opined that Kim had significant back pain with some disc bulging. He also opined that Kim should have epidural injections to attempt to relieve her pain.

Kim sought recovery of \$94,345.25 in past medical costs and an unspecified amount for her future medical costs. She also sought recovery of damages for her past and future pain and suffering.

The defense's expert orthopedic surgeon opined that Kim suffered a contusion and an abrasion to her head with a laceration in the occipital region, as well as a sprain of her cervical spine. He also opined that Kim's MRI findings showed a chronic pre-existing degenerative condition that was unrelated to the subject accident and that Kim would not need any further physical therapy or an operative intervention as a result of the subject accident.

Plaintiff's counsel noted that the defense's orthopedic surgery expert claimed that Kim had denied she had radiating pain from her lower back, but the claim was refuted by a transcription of the audio recording of the defense's medical exam, which confirmed Kim had advised the expert of her radiating lower back pain.

**Result:**

The parties agreed to a \$325,000 settlement, which was finalized via the guidance of mediator Gail Andler, of JAMS. The settlement was subject to approval by the Los Angeles County Board of Supervisors.

**Trial Information:****Judge:**

Gail A. Andler

**Editor's  
Comment:**

This report is based on information that was provided by plaintiff's and defense counsel.

**Writer**

Priya Idiculla

## Plaintiffs claimed continued pain after broadside collision

**Type:** Verdict-Plaintiff

**Amount:** \$602,610

**State:** California

**Venue:** Los Angeles County

**Court:** Superior Court of Los Angeles County, Long Beach, CA

**Injury Type(s):**

- *back* - herniated disc, lumbar
- *knee* - meniscus, tear
- *neck* - sprain, cervical; strain, cervical; herniated disc, lumbar; herniated disc, cervical
- *other* - rhizotomy; epidural injections; lumbar facet injury; aggravation of pre-existing condition

**Case Type:**

- *Motor Vehicle* - Broadside; Passenger; Multiple Vehicle
- *Government* - Municipalities

**Case Name:** Conception Diaz and Cristina Diaz v. City of Long Beach, Long Beach Police Department and Shannon Phillips, No. BC589589

**Date:** December 06, 2018

**Plaintiff(s):**

- Cristina Diaz (Female, 40 Years)
- Conception Diaz (Female, 61 Years)

**Plaintiff Attorney(s):**

- Angel J. Carrazco; Carrazco Law, APC; Tustin CA for Conception Diaz
- Stephen A. King; Carpenter, Zuckerman & Rowley; Beverly Hills CA for Cristina Diaz

**Plaintiff Expert(s):**

- Marc Hammarstrom; Accident Reconstruction; Pasadena, CA called by: Angel J. Carrazco, Stephen A. King
- Peter R. Francis Ph.D.; Biomechanical; Poway, CA called by: Angel J. Carrazco, Stephen A. King
- Thomas J. Phillips M.D.; Orthopedic Surgery; Santa Ana, CA called by: Angel J. Carrazco, Stephen A. King

**Defendant(s):**

- Shannon Phillips
- City of Long Beach
- Long Beach Police Department

**Defense Attorney(s):**

- Rudie D. Baldwin; Amaro Baldwin LLP; Long Beach, CA for City of Long Beach, Long Beach Police Department, Shannon Phillips

**Defendant Expert(s):**

- Jesse L. Wobrock Ph.D.; Biomechanical; San Francisco, CA called by: for Rudie D. Baldwin
- Robert C. Klapper M.D.; Orthopedic Surgery; Beverly Hills, CA called by: for Rudie D. Baldwin

**Facts:**

On Aug. 15, 2014, plaintiff Conception Diaz, 61, a housekeeper, was driving in Long Beach Plaintiff Cristina Diaz, 40, a housekeeper, was a passenger. Their vehicle was broadsided by a police vehicle operated by police officer Shannon Phillips. Conception Diaz claimed injuries to her neck and back. Cristina Diaz claimed injuries to her neck, back, shoulders and a knee.

Conception Diaz and Cristina Diaz sued Phillips and Phillips' employer, the city of Long Beach. The lawsuit alleged that Phillips was negligent in the operation of his vehicle and that the city was vicariously liable for Phillips' actions.

The defendants conceded liability.

**Injury:**

After the accident, Conception Diaz was taken to a hospital, while Cristina Diaz was not.

Conception Diaz complained of pain to her back and neck after the accident, and she ultimately claimed she sustained herniated discs at the cervical and lumbar levels as a result of the crash. She received a series of epidural injections to the lumbar and cervical spine.

Conception Diaz claimed that back and neck pain subsided after the injections and that she was eventually able to get back to her daily routine after 20 months of treatment.

Conception Diaz sought recovery of past medical costs (which were on lien) and future medical costs for treatment of potential flare-ups. She also sought recovery of non-economic damages for her past and future pain and suffering.

Cristina Diaz complained of a headache at the scene, but he was not taken to a hospital. She ultimately claimed she sustained herniated discs at the cervical and lumbar levels, as well as sprains and strains to the cervical level and shoulders. She also claimed she sustained a lumbar facet injury and a meniscus tear to her right knee.

After retaining an attorney three days after the collision, Cristina Diaz began undergoing chiropractor care and pain management. She later saw an orthopedist, who ordered MRIs of the back, neck and knee. The MRIs showed a torn meniscus in Cristina Diaz's right knee. The MRIs also showed 2 to 3 millimeter disc herniations in the cervical and lumbar spine, but they were all degenerative. Cristina Diaz claimed that she was an eggshell plaintiff and that her lumbar issues were aggravated by the subject collision. She underwent a series of epidural injections to the lumbar and cervical spine. She claimed

that her cervical issues improved, but that her lumbar issues did not resolve. As a result, she underwent further pain management, received facet block injections to help alleviate the pain in her lumbar spine, and underwent facet rhizotomies.

Cristina Diaz claimed that the headaches and the pain in her neck, knee and shoulders had all resolved, but that the pain levels in the lumbar area at the time of trial were a 4 out of 10. She alleged that she was able to go back to exercising, but that she could not lift weights or do as much as she was able to do before the collision. She also alleged that may require future medical care to treat flare-ups.

Cristina Diaz sought recovery of damages for her past medical costs (where were on lien) and future medical cost for treatment of potential flare-ups. She also sought recovery of non-economic damages for her past and future pain and suffering.

Defense counsel disputed the nature and extent of the plaintiffs' injuries.

The defense's biomechanical expert opined that the collision was too low of an impact to cause any injury to either plaintiff and that there was no real mechanism of injury, as the impact was behind the rear, driver's side tire at an angle that would have caused only rotational forces that left no ability for injury to the neck or back.

Defense counsel further argued that Cristina Diaz's injuries were degenerative and not caused by the subject collision. However, counsel contended that it was reasonable for the plaintiffs to have 12 weeks of physical therapy. As a result, defense counsel asked the jury to award Conception Diaz only \$10,000 and award Cristina Diaz less than \$50,000.

In response, plaintiffs' counsel pointed out that the plaintiffs' expert orthopedic surgeon performs spinal surgery, in contrast to the defense's orthopedic surgery expert, Dr. Robert Klapper, who allegedly does not perform cervical or lumbar surgeries. Plaintiffs' counsel also contended that Klapper has made over \$12 million doing forensic work, but that 99 percent of the time, he testifies that a plaintiff has degenerative and/or pre-existing issues.

**Result:**

The jury found that Phillips' negligence was a substantial factor in causing harm to the plaintiffs. It determined that the plaintiffs' damages totaled \$602,610.

### **Conception Diaz**

\$45,610 Personal Injury: past economic damages

\$10,000 Personal Injury: future economic damages

\$35,000 Personal Injury: past noneconomic damages

### **Cristina Diaz**

\$271,000 Personal Injury: past economic damages

\$20,000 Personal Injury: future economic damages

\$100,000 Personal Injury: past noneconomic damages

\$121,000 Personal Injury: future noneconomic damages

### **Trial Information:**

**Judge:** Peter J. Mirich

**Editor's Comment:** This report is based on information that was provided by plaintiffs' counsel. Defense counsel did not respond to the reporter's phone calls.

**Writer** Priya Idiculla

## Plaintiff claimed neck injuries from multiple vehicle collision

**Type:** Verdict-Plaintiff

**Amount:** \$660,000

**State:** California

**Venue:** Los Angeles County

**Court:** Superior Court of Los Angeles County, Los Angeles, CA

**Injury Type(s):**

- *neck* - bulging disc, cervical
- *other* - aggravation of pre-existing condition
- *neurological* - radicular pain / radiculitis

**Case Type:**

- *Motor Vehicle* - Broadside; Red Light; Intersection; Multiple Impact; Multiple Vehicle

**Case Name:** Marcia Arreola v. John Austin Deapera Ella and Susan Hanson, No. BC600875

**Date:** November 20, 2018

**Plaintiff(s):**

- Marcia Arreola (Female, 48 Years)

**Plaintiff Attorney(s):**

- H. Gavin Long; Bisnar | Chase LLP; Newport Beach CA for Marcia Arreola

**Plaintiff Expert(s):**

- Beau LeBlanc; Accident Reconstruction; El Segundo, CA called by: H. Gavin Long
- Gerald J. Alexander M.D.; Spinal Surgery; Orange, CA called by: H. Gavin Long
- Kendall S. Wagner M.D.; Orthopedic Surgery; Fullerton, CA called by: H. Gavin Long

**Defendant(s):**

- Susan Hanson
- John Austin Deapera Ella

**Defense Attorney(s):**

- James T. Biesty; Biesty, Garretty & Wagner; Los Angeles, CA for Susan Hanson
- None reported; Los Angeles, CA for John Austin Deapera Ella



**Defendant  
Expert(s):**

- Robert Freundlich M.D.; Neurology; Encino, CA called by: for James T. Biesty
- Russell Gish Ph.D.; Accident Reconstruction; Laguna Hills, CA called by: for James T. Biesty

**Facts:**

On Dec. 23, 2014, plaintiff Marcia Arreola, 48, was stopped at a traffic light on westbound Artesia Boulevard, in Cerritos, when her vehicle was broadsided by two vehicles, which were operated by Susan Hanson and John Ella.

Prior to the collision with Arreola, Hanson was eastbound on Artesia Boulevard and Ella was northbound on Norwalk Boulevard. As they entered the intersection, a collision occurred. The force of the impact pushed their vehicles into Arreola's stopped vehicle. Arreola claimed injuries to her neck.

Arreola sued Hanson and Ella, alleging that Hanson and Ella were negligent in the operation of their respective vehicles.

Arreola contended that Hanson ran a red light, causing the collision.

Hanson claimed Ella ran his red light.

Ella settled out of the case.

**Injury:**

Arreola claimed she suffered an aggravation of her pre-existing neck pain and cervical degeneration, making her a surgical candidate.

The plaintiff's expert spinal surgeon opined that Arreola had a cervical disc bulge at C5-6, which pressed on the spinal cord and impinged the exiting nerve root, causing radicular symptoms in the arms and legs. The expert further opined that a cervical disc arthroplasty was needed at the C3-4 level.

Arreola waived her claim for past medical costs, but sought recovery of \$100,000 in future medical costs for the surgery, which she had not undergone by the time of trial. She also sought recovery of non-economic damages for her past and future pain and suffering.

Hanson's counsel argued that Arreola only suffered a cervical strain and/or sprain and that surgery was unnecessary. Counsel also contended that Arreola had not treated for three years since the crash.

Hanson's neurology expert agreed that the accident caused radicular symptoms in the left arm and that Arreola's pain was permanent. However, the expert opined that, due to Arreola's varied symptoms, future surgery was not indicated as a result of the collision.

**Result:**

The jury found that Hanson was negligent and that Arreola's damages totaled \$660,000.

**Marcia Arreola**

\$100,000 Personal Injury: Future Medical Cost

\$140,000 Personal Injury: past noneconomic damages

\$420,000 Personal Injury: future noneconomic damages

**Trial Information:**

**Judge:** Mary Ann Murphy

**Demand:** \$30,000 (from Hanson; insurance coverage's limit [C.C.P. § 998])

**Offer:** None (Hanson)

**Trial Length:** 5 days

**Trial  
Deliberations:** 3 hours

**Jury Vote:** 11-1

**Editor's  
Comment:** This report is based on information that was provided by plaintiff's counsel. Hanson's counsel did not respond to the reporter's phone calls, and Ella's counsel was not asked to contribute.

**Writer** Priya Idiculla

## Plaintiff claimed turning driver's failure to yield caused collision

**Type:** Verdict-Plaintiff

**Amount:** \$323,300

**State:** California

**Venue:** Los Angeles County

**Court:** Superior Court of Los Angeles County, Los Angeles, CA

**Injury Type(s):**

- *back* - annular tear; bulging disc, lumbar
- *neck* - annular tear
- *other* - soft tissue; chiropractic; epidural injections; aggravation of pre-existing condition

**Case Type:**

- *Motor Vehicle* - Left Turn; Yield Sign; Intersection; Multiple Vehicle

**Case Name:** Ana Mirian Hernandez v. Eca Farhan Alenezy, Farhan Alenezy, Enterprise Rent-A-Car Company of Los Angeles LLC and EAN Holdings, LLC, No. BC655585

**Date:** November 19, 2018

**Plaintiff(s):**

- Ana Mirian Hernandes (Female, 26 Years)

**Plaintiff Attorney(s):**

- H. Dean Aynechi; West Coast Trial Lawyers; Los Angeles CA for Ana Mirian Hernandes
- Sam N. Simantob; West Coast Trial Lawyers; Los Angeles CA for Ana Mirian Hernandes

**Plaintiff Expert (s):**

- Rami Hashish Ph.D., D.P.T.; Accident Reconstruction; Los Angeles, CA called by: H. Dean Aynechi, Sam N. Simantob
- Andrew S. Morris D.C.; Coding & Billing (Medical); Torrance, CA called by: H. Dean Aynechi, Sam N. Simantob
- Stepan O. Kasimian M.D.; Orthopedic Surgery; Glendale, CA called by: H. Dean Aynechi, Sam N. Simantob

**Defendant(s):**

- EAN Holdings, LLC
- Eca Farhan Alenezy
- Enterprise Rent-a-Car Company of Los Angeles LLC

**Defense Attorney(s):**

- Terry S. Dall; Dall Law Firm, APC; San Juan Capistrano, CA for Eca Farhan Alenezy
- None reported for Enterprise Rent-a-Car Company of Los Angeles LLC, EAN Holdings, LLC

**Defendant Expert(s):**

- Joseph Jones; Investigators; Los Angeles, CA called by: for Terry S. Dall
- Stephen L.G. Rothman M.D.; Radiology; Torrance, CA called by: for Terry S. Dall

**Facts:**

On Aug. 5, 2015, plaintiff Ana Hernandez, 26, a nail technician, was driving east on Alondra Boulevard, in Santa Fe Springs. When she entered the intersection with Freeway Drive, her vehicle was struck almost head-on by a vehicle that was operated by Eca Farhan Alenezy. Hernandez suffered injuries to her chest, abdomen, right ankle, right thumb and lower back.

Hernandez, whose name was initially listed as "Hernandez" on the complaint, sued Alenezy and the owners of Alenezy's vehicle, Alenezy's employers, Enterprise Rent-A-Car Company of Los Angeles LLC and EAN Holdings, LLC, which was doing business as Enterprise Rent-a-Car. Hernandez alleged that Alenezy was negligent in the operation of his vehicle and that Enterprise and EAN Holdings were vicariously liable for Alenezy's actions.

The matter ultimately continued against Alenezy only.

Plaintiff's counsel contended that the subject intersection was controlled by a traffic light and that Alenezy was westbound on Alondra Boulevard, which had a "left turn must yield" sign, as there was no left-turn arrow. Counsel also contended that Alenezy attempted to make a left turn at the intersection and that Alenezy should have yielded the right of way to Hernandez, who was approaching the intersection.

Defense counsel noted during closing arguments that Hernandez' child was in the car at the time of the accident. Counsel argued that as a result, Hernandez was negligent and should have been more aware of her surroundings.

**Injury:** Hernandez sustained sprains and strains to her chest, abdomen, right ankle and right thumb. She also sustained a 2 millimeter bulging lumbar disc at the L4-5 level with an annular tear and an aggravation of a lumbar disc bulge at the L5-S1 segment. Hernandez was immediately taken to a hospital, where she was treated and released. She then underwent chiropractic care and imaging, had a pain management consult, and received one epidural injection. She was also recommended surgery at the L4-5 level.

Hernandez claimed she still deals with residual lower back pain, which is at its worse when she sits longer than 30 minutes. However, she admitted that all of her other injuries had resolved. Hernandez alleged that she will need to undergo a discectomy to treat her continued lower back pain.

Hernandez sought recovery of past and future medical costs, past lost earnings, and damages for her past and future pain and suffering.

**Result:** The jury found that Alenezy was negligent. It determined that Hernandez' damages totaled \$323,000.

### **Trial Information:**

**Judge:** Charles F. Palmer

**Demand:** \$150,000

**Offer:** \$75,000 (before jury panel selection)

**Trial  
Deliberations:** 2 hours

**Editor's  
Comment:** This report is based on information that was provided by plaintiff's counsel. Defense counsel did not respond to the reporter's phone calls.

**Writer** Priya Idiculla

## Plaintiff claimed broadside collision caused back injury

**Type:** Verdict-Plaintiff

**Amount:** \$507,600

**State:** California

**Venue:** Los Angeles County

**Court:** Superior Court of Los Angeles County, Pomona, CA

**Injury Type(s):**

- *back* - fusion, lumbar; herniated disc, lumbar
- *neck* - herniated disc, lumbar
- *other* - epidural injections
- *mental/psychological* - emotional distress

**Case Type:**

- *Motor Vehicle* - Broadside; Left Turn; Stop Sign; Intersection; Multiple Vehicle

**Case Name:** Mayra Juarez v. Helman Gustavo Gomez, Albert Barkley and Eagle Express Group Inc., No. BC528698

**Date:** October 30, 2018

**Plaintiff(s):**

- Mayra Juarez (Female, 26 Years)

**Plaintiff Attorney(s):**

- Richard M. Foster; Law Offices of Richard M. Foster; North Hollywood CA for Mayra Juarez
- David R. Euredjian; Law Offices of Richard M. Foster; North Hollywood CA for Mayra Juarez

**Plaintiff Expert (s):**

- Levon Margolin Ph.D.; Psychology/Counseling; Colton, CA called by: Richard M. Foster, David R. Euredjian
- Edward T. Chappell M.D.; Neurosurgery; Orange, CA called by: Richard M. Foster, David R. Euredjian
- Herbert R. Summers Ph.D.; Accident Reconstruction; Encino, CA called by: Richard M. Foster, David R. Euredjian

**Defendant(s):**

- Albert Barkley
- Helman Gustavo Gomez
- Worldwide Express Inc.

**Defense  
Attorney(s):**

- Jay T. Rubin; Mark R. Weiner & Associates; Glendale, CA for Helman Gustavo Gomez, Albert Barkley, Worldwide Express Inc.
- Peter K. Diamond; Mark R. Weiner & Associates; Glendale, CA for Helman Gustavo Gomez, Albert Barkley, Worldwide Express Inc.

**Defendant  
Expert(s):**

- Neil I. Chafetz M.D.; Radiology; San Pedro, CA called by: for Jay T. Rubin, Peter K. Diamond
- Tony F. Feuerman M.D.; Neurosurgery; Encino, CA called by: for Jay T. Rubin, Peter K. Diamond

**Insurers:**

- State Farm Insurance Cos.

**Facts:**

On Dec. 9, 2011, plaintiff Mayra Juarez, 26, an airline agent, was driving west on West Century Boulevard, in Los Angeles. When her vehicle entered the intersection with Glasgow Place, it was broadsided by a vehicle operated by Helman Gomez, who entered the intersection from the northbound side of Glasgow Place. Juarez claimed injuries to her back.

Juarez sued Gomez; the owner of Gomez's vehicle, Albert Barkley; and Gomez's employer, Worldwide Express Inc., which was initially erroneously sued as Eagle Express Group Inc. Juarez alleged that Gomez was negligent in the operation of his vehicle and that Barkley and Worldwide Express were vicariously liable for Gomez's actions.

The defendants stipulated that Gomez was in the course and scope of his employment at the time of the crash, making Worldwide Express liable for the entire verdict. As a result, Barkley was removed from the case.

Plaintiff's counsel contended that Juarez had the right of way and that Gomez attempted to make an illegal left turn from a stop sign on the northbound side of Glasgow Place. Counsel also contended that Gomez crossed multiple lanes of traffic before broadsiding Juarez's vehicle.

Defense counsel argued that Juarez caused the accident by speeding.

**Injury:** Juarez claimed he sustained a herniation lumbar disc. She received epidural injections, but she eventually required a lumbar fusion at the L5-S1 level.

Juarez claimed she may eventually need an additional fusion surgery. She also claimed that she suffers from emotional distress as a result of the accident and may eventually need treatment from a psychologist.

Juarez sought recovery of past and future medical costs, and damages for her for past pain and suffering.

Defense counsel argued that Juarez's lumbar injury was caused by a subsequent accident.

**Result:** The jury found that Gomez was negligent and 100 percent liable for the crash. It also determined that Juarez's damages totaled \$507,600.

### **Mayra Juarez**

\$261,600 Personal Injury: past economic damages

\$196,000 Personal Injury: future economic damages

\$50,000 Personal Injury: past noneconomic damages

### **Trial Information:**

**Judge:** Gloria White-Brown

**Demand:** \$199,999 (C.C.P. § 998)

**Offer:** \$150,000

**Trial Length:** 5 days

**Trial  
Deliberations:** 2 days

**Post Trial:** The court awarded Juarez \$187,417.09 in costs and pre-judgment interest, making his recovery total \$695,017.09.

**Editor's  
Comment:** This report is based on information that was provided by plaintiff's counsel. Defense counsel did not respond to the reporter's phone calls.



**Writer**

Priya Idiculla

## Car crash necessitated two neck surgeries, plaintiff claimed

**Type:** Verdict-Plaintiff

**Amount:** \$858,456

**State:** California

**Venue:** Los Angeles County

**Court:** Superior Court of Los Angeles County, Pasadena, CA

**Injury Type(s):**

- *back*
- *neck*
- *other* - physical therapy; epidural injections; foraminotomy/foraminectomy; aggravation of pre-existing condition

**Case Type:**

- *Motor Vehicle* - Broadside; Right Turn; Intersection; Multiple Vehicle

**Case Name:** Tom Bennett v. Marina Espinoza, No. BC629588

**Date:** September 11, 2018

**Plaintiff(s):**

- Tom Bennett (Male, 48 Years)

**Plaintiff Attorney(s):**

- Aaron M. Brown; California Trial Team P.C.; Long Beach CA for Tom Bennett

**Plaintiff Expert(s):**

- Sanjay Khurana M.D.; Orthopedic Surgery; Marina del Rey, CA called by: Aaron M. Brown

**Defendant(s):**

- Marina Espinoza

**Defense Attorney(s):**

- Marvin Straus; Straus Meyers, LLP; San Diego, CA for Marina Espinoza

**Defendant  
Expert(s):**

- Kenneth L. Nudleman M.D.; Neurology; Santa Ana, CA called by: for Marvin Straus

**Insurers:**

- Loya Insurance Group

**Facts:**

On June 9, 2015, plaintiff Tom Bennett, 48, was driving on the southbound side of Hawthorne Boulevard, near its intersection at 242nd Street, in Torrance. As he entered the intersection, the front left section of his pickup truck collided with the passenger side of a sedan operated by Marina Espinoza, who entered the intersection from the right-turn lane of the westbound side of 242nd Street. Bennett claimed injuries to his neck and back.

Bennett sued Espinoza, alleging that Espinoza was negligent in the operation of her vehicle.

Bennett claimed that Espinoza drove directly in front of his vehicle, causing him to hit the side of her sedan.

Espinoza admitted liability, and the matter proceeded to a trial that addressed causation and damages.

**Injury:**

After the crash, Bennett immediately took his daughter, who was in the car with him, to the doctor. He then presented to his own orthopedist later that day. Bennett had recently undergone lower back surgery, and he claimed the crash aggravated his prior lumbar spine injury. He also claimed a new rupture of a cervical disc at the C4-5 level. Bennett underwent a course of conservative treatment, including pain medication and physical therapy. He also received two epidural injections to his lumbar spine in 2016 and another three lumbar epidural injections in 2018.

In September 2017, Bennett underwent disc replacement surgery on his neck. Approximately five months later, in February 2018, he underwent a foraminotomy, which involved the enlargement of a passage that housed a spinal nerve.

Plaintiff's counsel contended that Bennett may need a cervical fusion or an adjacent-level disc replacement surgery in the future. Counsel also contended that Bennett might require a decompression or fusion surgery to his lower back. Bennett's attorney attributed 50 percent of the cause of the potential lumbar surgery to the subject accident.

Bennett had previously worked as a member of an audio production crew. However, he was out of work recovering from his back surgery at the time of the subject accident. He claimed that after the crash, he had to quit his job entirely and start his own business. He alleged that this led to a loss of earnings. Bennett further claimed that he can no longer go biking or kayaking and that he can't play with his young daughters the way he wants to.

Bennett sought recovery of past and future medical expenses, past and future lost earnings, and damages for his past and future pain and suffering. According to defense counsel, Bennett's attorney asked the jury to award Bennett \$2,364,934.

Defense counsel disputed the lost-earnings claim, arguing that it was unclear whether Bennett would have ever returned to his old job, regardless of the subject car accident.

Defense counsel also disputed the reasonableness of Bennett's medical bills, and the amount of Bennett's pain and suffering. Counsel noted that most of Bennett's initial treatment was to his back, which Bennett had injured before the accident, and not to Bennett's neck, and that Bennett had complained of pain in his neck prior to the crash. In addition, defense counsel presented surveillance video that supposedly showed Bennett lifting and picking up items. Based on the video, defense counsel argued that Bennett's injuries were not that severe.

**Result:**

The jury determined that Bennett's damages totaled \$858,456.03. There was no award for past or future lost earnings.

**Tom Bennett**

\$101,156 Personal Injury: Past Medical Cost

\$135,000 Personal Injury: Future Medical Cost

\$227,500 Personal Injury: Past Pain And Suffering

\$394,800 Personal Injury: Future Pain And Suffering

**Trial Information:**

**Judge:** Stan Blumenfeld

**Post Trial:** Defense counsel's motion to tax costs was denied.

**Editor's Comment:** This report is based on information that was provided by plaintiff's and defense counsel.

**Writer** Melissa Siegel

## Pedestrian struck by turning van claimed multiple injuries

**Type:** Mediated Settlement

**Amount:** \$750,000

**State:** California

**Venue:** Los Angeles County

**Court:** Superior Court of Los Angeles County, Los Angeles, CA

**Injury Type(s):**

- *hip*
- *knee* - meniscus, tear
- *neck* - fusion, cervical; herniated disc, cervical
- *other* - physical therapy; epidural injections
- *shoulder* - rotator cuff, injury (tear); supraspinatus muscle/tendon, tear
- *surgeries/treatment* - arthroscopy; knee surgery

**Case Type:**

- *Motor Vehicle* - Left Turn; Pedestrian

**Case Name:** Jorge Guillermo v. Cynthia Louise Hoffman, Monument Properties-5, LLC and Does 1-25, No. BC636324

**Date:** August 02, 2018

**Plaintiff(s):**

- Jorge Guillermo (Male, 41 Years)

**Plaintiff Attorney(s):**

- C. Michael Alder; AlderLaw, P.C.; Los Angeles CA for Jorge Guillermo
- John L. Michelena; Berger & Michelena; Los Angeles CA for Jorge Guillermo
- Lauri Brenner; AlderLaw, P.C.; Los Angeles CA for Jorge Guillermo
- Daniel S. DeSantis; AlderLaw, P.C.; Los Angeles CA for Jorge Guillermo

**Defendant(s):**

- 5 Residential
- Cynthia Louise Hoffman
- Monument Properties-5, LLC

**Defense Attorney(s):**

- Alan P. Trafton; Gates, O'Doherty, Gonter & Guy, L.L.P.; Irvine, CA for Cynthia Louise Hoffman, 5 Residential, Monument Properties-5, LLC

**Insurers:**                   • Mercury Insurance Group

**Facts:**                   On Oct. 11, 2014, plaintiff Jorge Guillermo, 41, a busboy, was walking east along Ventura Boulevard, in the city of Los Angeles. As he attempted to cross Fruitland Drive in an unmarked crosswalk, he was struck by a Ford E-350 van operated by Cynthia Hoffman, who was making a left turn from westbound Ventura Boulevard onto southbound Fruitland Drive. Guillermo claimed injuries to his neck, left shoulder, left hip, right knee, and lower back.

Guillermo sued Hoffman and Hoffman's employer, 5 Residential, which also owned the van. Guillermo alleged that Hoffman was negligent in the operation of the van and that Monument Properties-5 was vicariously liable for Hoffman's actions while in the course and scope of her employment.

Monument Properties-5, LLC was initially named as a defendant, but it was dismissed after it was learned that 5 Residential was the proper defendant.

**Injury:**                   Guillermo claimed that he sustained a sprain to the right knee with a lateral meniscal tear, a myoligamentous neck sprain with several herniated cervical discs, and a supraspinatus tear of the left shoulder. He was transported from the scene by ambulance and taken the Emergency Department at Cedars-Sinai Medical Center, in Los Angeles. He was examined for injuries to his head, left shoulder, both knees, and left hip, and then released.

On Oct. 20, 2014, nine days after the crash, Guillermo visited a chiropractic physician for further examination of his injuries because of alleged increasing pain. Although he began physical therapy sessions with the chiropractor, Guillermo claimed he still experienced significant pain. He then received epidural injections and underwent arthroscopic surgery on his right knee. Later, on April 27, 2018, Guillermo underwent a cervical fusion.

Guillermo has been able to continue working, but he claimed he still has intermittent pain.

Guillermo sought recovery of \$281,042.54 in past medical costs, mostly from lien medical bills, and \$41,230 in lost earnings. He also sought recovery of damages for his alleged pain and suffering.

Defense counsel asserted that Guillermo's injuries were pre-existing and that his medical bills were unreasonable.

**Result:**                   Prior to trial, the parties agreed to a \$750,000 settlement, which was finalized via the guidance of mediator Christopher Day, of Day Resolutions.

### **Trial Information:**

**Judge:**                   Christopher Day

**Editor's Comment:**       This report is based on information that was provided by plaintiff's counsel. Defense counsel did not respond to the reporter's phone calls.

**Writer**

Priya Idiculla



## Husband and wife claimed rear-end crash caused injuries

**Type:** Verdict-Plaintiff

**Amount:** \$823,046

**State:** California

**Venue:** Los Angeles County

**Court:** Superior Court of Los Angeles County, Long Beach, CA

**Injury Type(s):**

- *back* - fusion, lumbar; sprain, lumbar; strain, lumbar; sprain, thoracic; strain, thoracic; herniated disc, lumbar; herniated disc at L5-S1
- *knee* - knee derangement; chondromalacia / chondromalacia patella
- *neck* - sprain, cervical; strain, cervical
- *other* - chiropractic; physical therapy; epidural injections

**Case Type:**

- *Motor Vehicle* - Passenger; Rear-ender; Multiple Vehicle

**Case Name:** Azucena V. Garcia, Anthony Garcia, Christopher Garcia, Jesus Garcia and Jesus G. Garcia v. Salvador Hernandez, Louis Packaging Inc. and Does 1 to 25, No. BC594703

**Date:** June 28, 2018

**Plaintiff(s):**

- Jesus Garcia (Male, 38 Years)
- Anthony Garcia
- Jesus G. Garcia
- Azucena V. Garcia (Female, 33 Years)
- Christopher Garcia

**Plaintiff Attorney(s):**

- C. Michael Alder; AlderLaw, P.C.; Los Angeles CA for Azucena V. Garcia, Jesus Garcia, Christopher Garcia, Jesus G. Garcia, Anthony Garcia
- Lauri Brenner; AlderLaw, P.C.; Los Angeles CA for Azucena V. Garcia, Jesus Garcia, Christopher Garcia, Jesus G. Garcia, Anthony Garcia
- Daniel S. DeSantis; AlderLaw, P.C.; Los Angeles CA for Azucena V. Garcia, Jesus Garcia, Christopher Garcia, Jesus G. Garcia, Anthony Garcia
- Jennie Levin; Law Offices of Jennie Levin, P.C.; Los Angeles CA for Azucena V. Garcia, Jesus Garcia, Christopher Garcia, Jesus G. Garcia, Anthony Garcia

- Plaintiff Expert(s):**
- Jacob E. Tauber M.D.; Orthopedic Surgery; Beverly Hills, CA called by: Lauri Brenner
- Defendant(s):**
- Salvador Hernandez
  - Louis Packaging Inc.
- Defense Attorney(s):**
- Jack M. Liebhaber; Raffalow, Bretoi & Adams; Sherman Oaks, CA for Salvador Hernandez, Louis Packaging Inc.
  - Dustin E. Thordarson; Raffalow, Bretoi & Adams; Sherman Oaks, CA for Salvador Hernandez, Louis Packaging Inc.
- Defendant Expert(s):**
- A. Nick Shamie M.D.; Orthopedic Surgery; Los Angeles, CA called by: for Jack M. Liebhaber
  - Tamera G. Rockholt R.N.; Coding & Billing (Medical); Beaverton, OR called by: for Jack M. Liebhaber
  - Lawrence P. Harter M.D.; Radiology; Santa Barbara, CA called by: for Jack M. Liebhaber
- Insurers:**
- Mercury Insurance Group

**Facts:**

On Aug. 25, 2014, plaintiff Azucena Garcia, 33, a waitress, was driving a car with her husband, plaintiff Jesus Garcia, 38, a cook at a restaurant, as a front seat passenger. Their three children -- Christopher Garcia, Jesus G. Garcia and Anthony Garcia -- were rear-seat passengers in the vehicle. As they were stopped for a red light on westbound Colima Road, at the intersection with Avalo Drive, in El Monte, their sedan was rear-ended by a box truck operated by Salvador Hernandez. Azucena Garcia claimed injuries to her back and neck. The elder Jesus Garcia claimed injuries to his knee, back and neck. Christopher sustained a scratch to his rib cage, while Jesus Jr. and Anthony were not injured.

Mr. and Ms. Garcia, along with their three children, sued Hernandez and Hernandez's employer, Louis Packaging Inc. The Garcias alleged that Hernandez was negligent in the operation of the box truck and that Louis Packaging was liable for Hernandez's actions while in the course and scope of his employment.

All three children settled out of the case pre-litigation.

The defendants admitted liability and admitted that Hernandez was in the course and scope of his employment at the time of the accident.

**Injury:**

Plaintiffs' counsel noted that the force of the impact caused the back window of Garcia vehicle to shatter as it was pushed into the middle of the intersection. Ms. and Mr. Garcia both sought emergency care at Cedars-Sinai Medical Center, in Los Angeles, the day after the crash.

Ms. Garcia claimed she sustained sprains and strains to her neck and back. She underwent imaging studies, and treated with chiropractic care, physical therapy and epidural injections. Her medical care lasted from Aug. 26, 2014 to June 8, 2016.

Ms. Garcia alleged that she will require conservative care in the future.

Ms. Garcia sought recovery of \$50,921.86 in economic damages for her past medical expenses, \$15,000 in economic damages for her future medical expenses, \$150,000 in non-economic damages for her past pain and suffering, and \$50,000 in non-economic damages for her past pain and suffering.

Mr. Garcia claimed he sustained injuries to his right knee, neck, and lower back. Specifically, he claimed he sustained a herniated lumbar disc at the L5-S1 level, a derangement of the right knee with chondromalacia, and sprains and strains to his cervical and thoracic spine. He underwent imaging studies and treated with chiropractic care and physical therapy. He also received an injection to his right knee, and epidural injections to the cervical, thoracic and lumbar levels of his spine. Mr. Garcia eventually underwent a lumbar interbody fusion at the L5-S1 level and a lumbar decompression at the L4-5 level. His medical care lasted from Aug. 26, 2014 to June 15, 2016.

Mr. Garcia did not allege he will require any additional surgical intervention, but claimed he will need conservative care for the rest of his life.

Mr. Garcia sought recovery of \$221,124.07 in economic damages for his past medical expenses, \$26,000 in economic damages for his future medical expenses, \$1 million in non-economic damages for his past pain and suffering, and \$1 million in non-economic damages for his future pain and suffering.

Defense counsel denied that the motor vehicle accident on Aug. 25, 2014 caused the Garcias' alleged damages. Counsel contended the Garcias were involved in a subsequent accident on April 1, 2015, five months before Mr. Garcia underwent the lumbar fusion and decompression. Defense counsel also disputed the reasonableness and necessity of both plaintiffs' medical care, and the reasonable value of the plaintiffs' medical care, based on any alleged injury they might have actually sustained on Aug. 25, 2014.

**Result:**

The jury found that Hernandez's negligence was a substantial factor in causing Mr. and Ms. Garcia harm. It determined that the couple's damages totaled \$823,045.93.

**Azucena V. Garcia**

\$50,922 Personal Injury: past economic damages

\$65,000 Personal Injury: past noneconomic damages

\$60,000 Personal Injury: future noneconomic damages

**Jesus Garcia**

\$221,124 Personal Injury: past economic damages

\$26,000 Personal Injury: future economic damages

\$150,000 Personal Injury: past noneconomic damages

\$250,000 Personal Injury: future noneconomic damages

**Trial Information:**

**Judge:** Michele E. Flurer

**Demand:** \$850,000 (by Mr. Garcia, C.C.P. § 998); \$150,000 (by Ms. Garcia, C.C.P. § 998)

**Offer:** \$250,000 (for Mr. Garcia, C.C.P. § 998); \$50,000 (for Ms. Garcia, C.C.P. § 998)

**Trial Length:** 4 days

**Trial  
Deliberations:** 1 days

**Editor's  
Comment:** This report is based on information that was provided by plaintiffs' and defense counsel.

**Writer** Priya Idiculla

## Vehicle's unexpected left turn caused accident: scooter rider

**Type:** Verdict-Plaintiff

**Amount:** \$400,000

**State:** California

**Venue:** Los Angeles County

**Court:** Superior Court of Los Angeles County, Long Beach, CA

**Injury Type(s):**

- *head* - concussion
- *knee* - knee contusion; patellofemoral pain syndrome; scar and/or disfigurement, knee; chondromalacia / chondromalacia patella
- *other* - physical therapy
- *epidermis* - contusion
- *face/nose* - facial laceration

**Case Type:**

- *Motor Vehicle* - Left Turn; Motor Scooter

**Case Name:** Brittany Bagwell v. Courtney Miller, David Miller and Does 1 to 25, No. BC613634

**Date:** May 09, 2018

**Plaintiff(s):**

- Brittany Bagwell (Female, 29 Years)

**Plaintiff Attorney(s):**

- David J. Blumberg; Rosen & Blumberg; Toluca Lake CA for Brittany Bagwell
- Lourdes DeArmas; AlderLaw, P.C.; Los Angeles CA for Brittany Bagwell
- Daniel S. DeSantis; AlderLaw, P.C.; Los Angeles CA for Brittany Bagwell

**Plaintiff Expert(s):**

- Rami Hashish Ph.D., D.P.T.; Accident Reconstruction; Hermosa Beach, CA called by: David J. Blumberg, Lourdes DeArmas, Daniel S. DeSantis
- Jacob E. Tauber M.D.; Orthopedic Surgery; Glendale, CA called by: David J. Blumberg, Lourdes DeArmas, Daniel S. DeSantis

**Defendant(s):**

- David Miller
- Courtney Miller

**Defense  
Attorney(s):**

- John J. Doherty; Doherty & Catlow; Los Angeles, CA for Courtney Miller, David Miller

**Defendant  
Expert(s):**

- Arthur Kreitenberg M.D.; Orthopedic Surgery; Los Angeles, CA called by: for John J. Doherty
- Kenneth L. Pearl B.S.M.E.; Accident Reconstruction; Woodland Hills, CA called by: for John J. Doherty

**Insurers:**

- Wawanesa Insurance Co.

**Facts:**

At around 5:45 p.m. on April 8, 2014, plaintiff Brittany Bagwell, 29, a producer, was riding her Vespa motor scooter on northbound Kingsley Avenue, a two lane residential street in Los Angeles. When she was north of Hollywood Boulevard, Bagwell came upon a Honda CRV operated by Courtney Miller, who had slowed down ahead of her. As Bagwell attempted to pass Miller's vehicle, Miller made a left turn in front of her. Bagwell had no time to avoid a collision and went to the ground. Bagwell claimed injuries to her head, chest, face, legs and right knee.

Bagwell sued Courtney Miller and the owner of Ms. Miller's vehicle, David Miller, Ms. Miller's father. Bagwell alleged that Ms. Miller was negligent in the operation of her vehicle and that Mr. Miller was vicariously liable for his daughter's actions.

Mr. Miller was ultimately dismissed from the case.

Bagwell claimed that as she approached Ms. Miller's Honda CRV, she noticed that Ms. Miller had slowed down ahead of her, pulled over to the right side of the road, near the parked vehicles, and had her brake lights on. Bagwell contended that Ms. Miller did not have her turn signal on and appeared to be looking for a place to park. Thus, she claimed that as she attempted to pass the sport utility vehicle, Ms. Miller unexpectedly turned left in front of her, causing the accident.

Plaintiff's counsel noted that there was an eyewitness to the accident who testified that Bagwell had no time to avoid the collision and that Ms. Miller's turn signal was not on. The eyewitness also testified that Ms. Miller was driving slowly up the street, next to the parked cars, and that Bagwell had sufficient room to drive straight in the northbound lane, but that Ms. Miller accelerated quickly and abruptly turned left in front of Bagwell.

Ms. Miller denied liability and insisted that she was driving in the middle of the lane with her turn signal on at the time of the accident.

**Injury:**

Bagwell sustained a concussion; bruised ribs; facial lacerations; contusions on her legs, including her knees; and a severe open wound over the right knee. She was subsequently transported from the scene of the accident by ambulance and taken to Los Angeles County +USC Medical Center, in Los Angeles. The open wound on her right knee was sutured while she was in the emergency room and she spent one night at the hospital, but no surgery was performed. Bagwell then underwent physical therapy for her right knee.

Bagwell was left with a 7 centimeter scar on her right knee, which she claimed is permanent. She also claimed that she developed chondromalacia and patellofemoral syndrome as a result of her knee injury and that she will eventually require a knee arthroscopy, which was recommended. Bagwell further claimed that can no longer run half marathons.

Both the plaintiff's and defense's orthopedic surgery experts agreed that Bagwell will be in pain for the rest of her life.

Thus, Bagwell sought recovery of \$814,000 in damages, including \$16,969 in past medical costs, \$23,000 in future medical costs, and unspecified amounts for her past and future pain and suffering.

Defense counsel disputed that Bagwell would need the alleged knee arthroscopy in the future.

**Result:**

The jury found that Ms. Miller was negligent and that her negligence was a substantial factor in causing Bagwell harm. It also determined that Bagwell's damages totaled \$400,000.

**Brittany Bagwell**

\$16,964 Personal Injury: Past Medical Cost

\$23,000 Personal Injury: Future Medical Cost

\$140,000 Personal Injury: Past Pain And Suffering

\$220,036 Personal Injury: Future Pain And Suffering

**Trial Information:**

**Judge:** Michele E. Flurer

**Demand:** \$100,000 (insurance coverage's limit; C.C.P. § 998)

**Offer:** None

**Trial Length:** 4 days

**Trial  
Deliberations:** 2 hours

**Jury Vote:** 12-0

**Jury  
Composition:** 7 male, 5 female

**Editor's  
Comment:** This report is based on information that was provided by plaintiff's counsel. Defense counsel did not respond to the reporter's phone calls.

**Writer** Priya Idiculla



## Pedestrian struck in crosswalk claimed knee and back injuries

**Type:** Verdict-Plaintiff

**Amount:** \$757,091

**State:** California

**Venue:** Los Angeles County

**Court:** Superior Court of Los Angeles County, Santa Monica, CA

**Injury Type(s):**

- *back* - fracture, back; fracture, vertebra
- *knee* - meniscus, tear
- *neck* - fracture, vertebra
- *other* - physical therapy; compression fracture
- *surgeries/treatment* - arthroscopy; knee surgery

**Case Type:**

- *Motor Vehicle* - Crosswalk; Pedestrian

**Case Name:** Miriam Casian v. Zhang Lisheng and Fox Rent A Car Inc., No. BC611660

**Date:** May 02, 2018

**Plaintiff(s):**

- Miriam Casian (Female, 39 Years)

**Plaintiff Attorney(s):**

- Matthew J. Whibley; The Vartazarian Law Firm, APC; Sherman Oaks CA for Miriam Casian

**Plaintiff Expert (s):**

- Jonathan Nissanoff M.D.; Orthopedic Surgery; Los Angeles, CA called by: Matthew J. Whibley

**Defendant(s):**

- Zhang Lisheng
- Fox Rent a Car Inc.

**Defense Attorney(s):**

- James F.B. Sawyer; Mavredakis Cranert & Crawford; Pasadena, CA for Zhang Lisheng, Fox Rent a Car Inc.

**Defendant  
Expert(s):**

- Richard C. Rosenberg M.D.; Orthopedic Surgery; Tarzana, CA called by: for James F.B. Sawyer

**Facts:**

On May 2, 2014, plaintiff Miriam Casian, 39, an office administrator, was walking in a crosswalk on Venice Boulevard in Santa Monica, when she was struck by a rental vehicle operated by Zhang Lisheng. Casian claimed injuries of a knee and lower back.

Casian sued Lisheng and the owner of the rental vehicle, Fox Rent A Car Inc. Casian alleged that Lisheng was negligent in the operation of his vehicle and that Fox Rent A Car was vicariously liable for Casian's actions.

Fox Rent A Car was ultimately dismissed from the case.

Casian claimed she was within a marked crosswalk with a green light and a walk signal when the accident occurred.

Lisheng claimed that Casian could have avoided the collision if she was paying more attention.

**Injury:**

Casian sustained a torn meniscus in a knee. She also claimed she sustained a compression fracture in her lumbar spine. Casian was immediately taken to a hospital, and she underwent six to eight weeks of physical therapy. She ultimately underwent arthroscopic surgery on her knee.

Casian was able to go back to working and has no limitations. However, she claimed she used to enjoy running, but now she does it a lot less.

The plaintiff's expert orthopedic surgeon opined that Casian sustained a torn meniscus and that the surgery to repair it was reasonable and necessary. He also opined that any of Casian's continued knee pain is likely to remain.

Casian sought recovery of \$57,090.79 in past medical costs and an unspecified amount of damages for her pain and suffering. She did not seek recovery of future medical costs, as both sides agreed that Casian would not require any future back treatment. She also did not seek recovery of any lost earnings.

Defense counsel disputed the cost of Casian's medical treatment. While it was agreed that Casian sustained a knee injury and that the knee surgery was reasonable and necessary, defense counsel argued that Casian's knee should have healed and that Casian would not need future treatment for her knee, as it should not cause her any problems. Counsel also disputed the nature and extent of Casian's alleged back injury.

The defense's expert orthopedic surgeon agreed that Casian's knee injury was caused by the subject accident and that Casian's knee surgery was reasonable and necessary. He also agreed that Casian appeared to have injured her back. However, the expert opined that Casian did not sustain a lumbar compression fracture. Instead, the defense expert opined that Casian was fine and that Casian should not have any current or future problems.

**Result:**

The jury found that Lisheng was negligent and 100 percent liable for the accident. It determined that Casian's damages totaled \$757,090.79.

**Miriam Casian**

\$57,091 Personal Injury: economic damages

\$700,000 Personal Injury: noneconomic damages

**Trial Information:**

**Judge:** Lawrence Cho

**Demand:** \$50,000

**Offer:** \$130,000

**Trial Length:** 2 days

**Trial  
Deliberations:** 1 days

**Editor's  
Comment:** This report is based on information that was provided by plaintiff's counsel. Defense counsel did not respond to the reporter's phone calls.

**Writer** Priya Idiculla

## Plaintiffs: Defendant's failure to stop caused multiple collisions

**Type:** Settlement

**Amount:** \$970,296

**State:** California

**Venue:** Los Angeles County

**Court:** Superior Court of Los Angeles County, Long Beach, CA

**Injury Type(s):**

- *hip*
- *back*
- *head* - headaches
- *knee*
- *neck*
- *chest* - fracture, rib
- *other* - unconsciousness; physical therapy; epidural injections; decreased range of motion
- *shoulder* - glenoid labrum, tear
- *epidermis* - numbness
- *face/nose* - facial laceration
- *neurological* - radicular pain / radiculitis
- *surgeries/treatment* - arthroscopy
- *mental/psychological* - cognition, impairment; memory, impairment; concentration, impairment

**Case Type:**

- *Motor Vehicle* - Passenger; Rear-ender; Multiple Impact; Multiple Vehicle

**Case Name:** Sang Yun Bae v. Julio Cesar Flamenco, HNF Trucking Inc. and Does 1 to 50 / Time Warner Cable v. HNF Trucking Inc., Julio Cesar Flamenco, and Does 1 through 50, Inclusive / Nancy Becerra and Leonardo Becerra v. Julio Cesar Flamenco and HNF Trucking Inc. / Seung Nam Park v. Julio Cesar Flamenco, HNF Trucking Inc., Anna Marie Engbaum, and Time Warner NY Cable LLC, No. BC582623; BC636374; 16K14129; 16K14199

**Date:** April 10, 2018

- Plaintiff(s):**
- Sang Yun Bae (Male, 49 Years)
  - Nancy Becerra (Female, 26 Years)
  - Seung Nam Park (Male)
  - Leonardo Becerra (Male, 19 Years)
  - Time Warner Cable
  - Anna Maria Engbaum (Female)
- Plaintiff Attorney(s):**
- Jae Y. Lee; Lee & Associates, P.C.; Los Angeles CA for Sang Yun Bae
  - Lawrence P. Perle; Law Offices of Steven B. Simon; Woodland Hills CA for Time Warner Cable, Anna Maria Engbaum
  - Daniel E. Hoffman; Lee & Associates, P.C.; Los Angeles CA for Sang Yun Bae
  - Laurence H. Lishner; Law Offices of Laurence H. Lishner; Los Angeles CA for Seung Nam Park
  - Edward A. Quesada; ; Sherman Oaks CA for Nancy Becerra, Leonardo Becerra
- Plaintiff Expert(s):**
- Arthur Kreitenberg M.D.; Orthopedic Surgery; Los Angeles, CA called by: Jae Y. Lee, Daniel E. Hoffman
- Defendant(s):**
- HNF Trucking Inc.
  - Anna Maria Engbaum
  - Julio Cesar Flamenco
  - Time Warner NY Cable LLC
- Defense Attorney(s):**
- Robert L. Reisinger; Ford, Walker, Haggerty & Behar; Long Beach, CA for Julio Cesar Flamenco, HNF Trucking Inc.
  - None reported for Anna Maria Engbaum, Time Warner NY Cable LLC
  - Nicole R. Carroll; Ford, Walker, Haggerty & Behar; Long Beach, CA for Julio Cesar Flamenco, HNF Trucking Inc.
  - Edye A. Hill; Ford, Walker, Haggerty & Behar; Long Beach, CA for Julio Cesar Flamenco, HNF Trucking Inc.
- Defendant Expert(s):**
- Barry I. Ludwig M.D.; Neurology; Los Angeles, CA called by: for Robert L. Reisinger, Nicole R. Carroll, Edye A. Hill
  - Nitin N. Bhatia M.D.; Orthopedic Surgery; Orange, CA called by: for Robert L. Reisinger, Nicole R. Carroll, Edye A. Hill
- Insurers:**
- Infinity Property & Casualty Corp.

**Facts:**

On Nov. 20, 2014, plaintiff Sang Yun Bae, 49, a senior transportation manager, was driving on westbound State Route 91, also known as the Rudolph B. Davila Memorial Freeway and as the Gardena Freeway, in Carson. When he was 80 feet east of the Broadway exit, his vehicle was rear-ended by a 2000 Hino box truck operated by Julio Flamenco. The impact caused Bae's vehicle to be forced into a van being operated by Anna Maria Engbaum, whose vehicle was then forced into a vehicle being operated by plaintiff Seung Nam Park. The impact between Engbaum and Park's vehicles forced Engbaum's vehicle into the number one lane, where Engbaum's vehicle collided with a vehicle being operated by plaintiff Nancy Becerra, 26, who had a passenger in her vehicle, plaintiff Leonardo Becerra, 19.

Bae claimed injuries to his head, face, chest, neck and back. Engbaum, who was driving in the course and scope of her employment with Time Warner Cable, claimed injuries to her neck, back, shoulder and knee. Park claimed injuries to his neck, back, head, shoulder and hip. The Becerras each claimed injuries to their neck and back.

Bae sued the driver that initially struck him, Flamenco, and Flamenco's employer, HNF Trucking Inc. Bae alleged that Flamenco was negligent in the operation of his box truck and that HNF Trucking was vicariously liable for Flamenco's actions during the course and scope of his employment.

Engbaum filed a workers' compensation claim in regard to her alleged injuries. Her employer, Time Warner Cable subsequently brought a separate action against Flamenco and HNF Trucking in an attempt to recover the amounts paid in the workers' compensation claim as well as sought to recover general damages on behalf of Engbaum.

The Becerras also brought a separate action against Flamenco and HNF Trucking.

In addition, Park brought a separate action against Flamenco and HNF Trucking, as well as sued Engbaum and "Time Warner NY Cable LLC."

The matters were ultimately consolidated.

Plaintiffs' counsel contended that Flamenco failed to observe the traffic stopping ahead of him and caused the first rear-end collision with Bae, which subsequently caused all the other collisions.

Defense counsel for Flamenco and HNF Trucking asserted that a phantom vehicle had cut Flamenco off, which caused Flamenco to swerve.

**Injury:**

Bae sustained a laceration of his upper lip, a rib fracture, a labral tear of the right shoulder, and was rendered unconscious at the scene of the collision. He was taken to Harbor-UCLA Medical Center, in Torrance, where he complained of lumbar and cervical pain. Bae received three epidural injections to treat his lower back pain, but he claimed the injections were unsuccessful. He also claimed he had difficulty with concentration and forgetfulness after the accident, but a CT scan of the brain showed no cerebral contusion or hemorrhage, and an MRI of the brain showed no evidence of a traumatic brain injury.

On Sept. 1, 2015, Bae underwent a shoulder surgery, which was performed by his treating orthopedic surgeon at Miracle Mile Outpatient Surgery Center, in Los Angeles. The labral tear of the right shoulder was treated with shoulder manipulation under anesthesia,

arthroscopy and labral repair with subacromial decompression.

Bae returned to work on Nov. 26, 2014, six days after the accident. He claimed that his right shoulder is currently stiff and painful, intermittently, but has slightly improved after the shoulder surgery. He also claimed that although he had a pre-existing history of neck pain, his cervical pain was caused or aggravated by the crash, but that he ultimately had no residual injuries to his cervical spine.

Engbaum claimed injuries to her neck, lower back, and right shoulder, resulting in numbness and tingling down the right arm to the fingers, and radiating pain down both legs. She also had complaints about the left knee. She subsequently filed a workers' compensation claim with her employer, Time Warner Cable, which paid the workers' compensation benefits on behalf of Engbaum in the amount of \$87,640.27. However, Engbaum's workers' compensation case is still open and further benefits are expected to be paid. Thus, Time Warner Cable sought recovery of the amounts paid, and is expected to be paid, in regard to Engbaum's workers' compensation claim as well as sought recovery of general damages on the part of Engbaum.

Ms. Becerra and Mr. Becerra both claimed injuries to their cervical, thoracic, and lumbar spine. Ms. Becerra's past medical costs totaled \$3,315 and Mr. Becerra's medical costs totaled \$3,450.

Park claimed the accident caused neck pain, upper back pain, lower back pain, right shoulder pain, right hip pain, and headaches. He subsequently underwent physical therapy treatments. However, Park claimed he continues to suffer from long-term loss of mobility.

Thus, Park sought recovery of \$4,825 in special damages and between \$15,000 and \$20,000 in future damages.

The defense's expert orthopedic surgeon performed a defense medical exam on Bae on March 11, 2016. In his report, the expert concluded that Bae was neurologically intact, but admitted that Bae did have some range of motion deficits after his arthroscopic surgery with mild positive impingement signs on the right shoulder, which was to be expected. The expert also concluded that at this point, it appeared that no further surgery is indicated for Bae.

The defense's neurology expert performed a defense medical exam on Bae on April 25, 2017. He concluded that Bae had a pre-existing history of neck pain, as documented by physician's notes in June 2012, and that Bae showed no evidence of cervical or lumbar radiculopathy.

**Result:**

The insurance carrier for Flamenco and HNF Trucking agreed to settle with the plaintiffs for \$970,296.27 by tendering the remaining amount available on the defendants' policy limits before the plaintiffs' joint policy limits demand expired. The plaintiffs then mutually agreed upon the division of the policy limits. Accordingly, \$820,296.27 was paid to Bae, \$100,000 was paid to Time Warner Cable (on behalf of Engbaum), \$32,000 was paid to the Becerras (\$16,000 each), and \$18,000 was paid to Park. In addition, Park's claims against Engbaum and Time Warner were discontinued.

## **Trial Information:**

**Editor's Comment:** This report is based on information that was provided by Bae's counsel. The remaining parties' counsel did not respond to the reporter's phone calls.

**Writer** Priya Idiculla



## Plaintiff claimed multiple vehicle crash aggravated neck pain

**Type:** Verdict-Mixed

**Amount:** \$752,080

**State:** California

**Venue:** Los Angeles County

**Court:** Superior Court of Los Angeles County, Long Beach, CA

**Injury Type(s):**

- *back*
- *neck* - fusion, cervical
- *other* - chiropractic; myelomalacia; aggravation of pre-existing condition

**Case Type:**

- *Motor Vehicle* - Rear-ender; Multiple Impact; Multiple Vehicle

**Case Name:** Christine M. Davis v. Elsayed Hassan Mohammed M. Gamal, SuperShuttle Los Angeles Inc., American Yellow Cab Inc., Julian Risnoveanu, Veolia Transportation Maintenance and Infrastructure Inc., Abdulrahman Mohammad Qabazard, Fahd Abdulrahman Qabazard and Does 1 to 40, No. BC618074

**Date:** March 07, 2018

**Plaintiff(s):**

- Christine M. Davis (Female, 32 Years)

**Plaintiff Attorney(s):**

- Nina P. Brahman; The Brahman Law Office; Woodland Hills CA for Christine M. Davis

**Plaintiff Expert (s):**

- Stepan O. Kasimian M.D.; Orthopedic Surgery; Glendale, CA called by: Nina P. Brahman

**Defendant(s):**

- Julian Risnoveanu
- American Yellow Cab Inc.
- Fahd Abdulrahman Qabazard
- Abdulrahman Mohammad Qabazard
- SuperShuttle Los Angeles Inc.
- Elsayed Hassan Mohammed M. Gamal
- Veolia Transportation Maintenance and Infrastructure Inc.

**Defense  
Attorney(s):**

- Robert S. Rubin; Law Offices of Norman R. Nadel; Los Angeles, CA for SuperShuttle Los Angeles Inc., Elsayed Hassan Mohammed M. Gamal, American Yellow Cab Inc., Veolia Transportation Maintenance and Infrastructure Inc.
- None reported for Abdulrahman Mohammad Qabazard, Fahd Abdulrahman Qabazard
- Leslie J. Eng; Richardson Fair & Cohen; Burbank, CA for Julian Risnoveanu

**Defendant  
Expert(s):**

- Eric S. Deyerl P.E.; Biomechanical; Culver City, CA called by: for Leslie J. Eng
- Stewart L. Shanfield M.D.; Orthopedic Surgery; Fullerton, CA called by: for Robert S. Rubin, Leslie J. Eng

**Insurers:**

- American Automobile Association

**Facts:**

On July 6, 2014, plaintiff Christine Davis, 32, a procurement analyst, was driving 65 mph in the far left lane (the number one or "fast" lane) on eastbound State Route 91, also known as the Riverside Freeway, in Artesia, when a Cadillac in front of her stopped for traffic. Davis managed to stop her vehicle, but a Toyota Matrix operated by Julian Risnoveanu, who was rear-ended by a SuperShuttle van operated by Elsayed Gamal, rear-ended Davis' vehicle. The impact caused Davis' vehicle to be pushed into the high-occupancy vehicle (HOV) lanes, where her vehicle was struck by an Infinity operated by Abdulrahman Qabazard. Davis' vehicle then struck the median divider.

The damage to Davis' vehicle was not extensive, but the other vehicles that were involved in the accident were severely damaged. In addition, Davis claimed injuries to her neck and back.

Davis sued Risnoveanu; Qabazard; Gamal; Gamal's employer, American Yellow Cab Inc.; and the owners of the SuperShuttle van, SuperShuttle Los Angeles Inc. and Veolia Transportation Maintenance and Infrastructure Inc. Davis alleged that Risnoveanu, Qabazard and Gamal were negligent in the operation of their respective vehicles. She also alleged that American Yellow Cab, SuperShuttle Los Angeles and Veolia Transportation were liable for Gamal's actions.

"Fahd Abdulrahman Qabazard" was also named as a defendant, believing he was either the same person as "Abdulrahman Mohammad Qabazard" or the owner of the Infinity. However, both Fahd Qabazard and Abdulrahman Qabazard were dismissed from the case once it was clear that the driver had no chance to avoid hitting Davis' vehicle, which was thrown into his path in the HOV lane. Veolia Transportation was also dismissed from the case. Thus, the matter continued against Risnoveanu, Gamal, American Yellow Cab and SuperShuttle Los Angeles.

Davis claimed that Gamal and/or Risnoveanu were negligent and caused the multiple vehicle accident.

Risnoveanu claimed he could have, and would have, stopped his car before striking Davis' vehicle, but his car was previously rear-ended by Gamal's SuperShuttle van. Thus, he claimed that Gamal was negligent for rear-ending his car first and pushing it into the back of Davis' vehicle.

Gamal disputed Risnoveanu's version of events and claimed that Risnoveanu was to blame for the multiple vehicle accident. Specifically, Gamal claimed that Risnoveanu's car rear-ended Davis's vehicle before his van rear-ended Risnoveanu's car.

**Injury:**

Davis claimed that she suffered pain to her neck and back, and was eventually taken by a friend to a Kaiser emergency room a few hours after the accident. She was diagnosed with myelomalacia -- a spinal condition in which the spine begins to soften -- at the C4 level of the cervical spine. Davis mostly treated at Kaiser, but she also underwent chiropractic treatment, MRIs and orthopedic consultations outside of Kaiser.

After missing a few days of work, Davis was able to return. However, she claimed she continued to suffer neck pain with all activities of daily living. She alleged that as a result, she was unable to once again pursue her hobbies.

The plaintiff's treating orthopedic surgery expert recommended a cervical fusion and a revision surgery in 15 to 20 years.

Davis admitted that she had a long history of prior neck and back pain, for which she had sought regular treatment at Kaiser, but she claimed her condition was never to a level that required injections or surgery, as was recommended after the accident.

Thus, Davis sought recovery of \$39,661 in past medical costs and \$300,000 in future medical costs, which included \$150,000 for the fusion surgery and \$150,000 for the revision surgery in 15 to 20 years. She also sought recovery of \$6,844 in past lost earnings and \$7,500 in future lost earnings for the time she will need to take off from work after the first surgery. Davis also sought recovery of damages for her past and future pain and suffering.

Risnoveanu's counsel noted that Davis consulted with her treating orthopedic surgeon two times before trial.

Counsel for both Gamal and Risnoveanu disputed the nature and extent of Davis' injuries and the alleged need for surgery, arguing that Davis' injuries were pre-existing.

**Result:**

The jury rendered a mixed verdict. It found that Gamal was negligent and 100 percent liable for the accident. However, it also found that Risnoveanu was not negligent. The jury determined that Davis' damages totaled \$752,079.59.

**Christine M. Davis**

\$16,158 Personal Injury: Past Medical Cost

\$300,000 Personal Injury: Future Medical Cost

\$7,200 Personal Injury: Past Lost Earnings Capability

\$7,200 Personal Injury: FutureLostEarningsCapability

\$1,522 Personal Injury: past loss of use

\$120,000 Personal Injury: past noneconomic damages

\$300,000 Personal Injury: future noneconomic damages

**Trial Information:**

**Judge:** Michele E. Flurer

**Demand:** \$500,000 (during mediation)

**Offer:** \$25,000 (C.C.P. § 998, by Risnoveanu); \$50,000 (by SuperShuttle)

**Trial Length:** 4 days

**Trial Deliberations:** 170 minutes

**Jury Vote:** 12-0

**Editor's Comment:** This report is based on information that was provided by plaintiff's counsel, and defense counsel for Julian Risnoveanu. Defense counsel for SuperShuttle Los Angeles Inc., Elsayed Hassan Mohammed M. Gamal, American Yellow Cab Inc., and Veolia Transportation Maintenance and Infrastructure Inc. did not respond to the reporter's phone calls. Counsel for Abdulrahman Mohammad Qabazard and Fahd Abdulrahman Qabazard was not asked to contribute.

**Writer** Priya Idiculla

## Collision caused need for cervical fusion, plaintiff claimed

<b>Type:</b>	Verdict-Plaintiff
<b>Amount:</b>	\$872,691
<b>State:</b>	California
<b>Venue:</b>	Los Angeles County
<b>Court:</b>	Superior Court of Los Angeles County, Long Beach, CA
<b>Injury Type(s):</b>	<ul style="list-style-type: none"><li>• <i>neck</i> - fusion, cervical; herniated disc, cervical; herniated disc at C4-5; herniated disc, cervical; herniated disc at C5-6; fusion, cervical, two-level</li><li>• <i>other</i> - acupuncture; chiropractic; physical therapy; epidural injections</li><li>• <i>surgeries/treatment</i> - discectomy</li></ul>
<b>Case Type:</b>	<ul style="list-style-type: none"><li>• <i>Motor Vehicle</i> - Broadside; Left Turn; Intersection</li></ul>
<b>Case Name:</b>	Jessica Fay Berrones v. Hailey Andrews, AndrewsAG Inc. and Does 1 through 30, No. BC610177
<b>Date:</b>	February 09, 2018
<b>Plaintiff(s):</b>	<ul style="list-style-type: none"><li>• Jessica Fay Berrones (Female, 31 Years)</li></ul>
<b>Plaintiff Attorney(s):</b>	<ul style="list-style-type: none"><li>• L. Dean Smith, Jr.; Southwest Legal Group; Woodland Hills CA for Jessica Fay Berrones</li></ul>
<b>Plaintiff Expert(s):</b>	<ul style="list-style-type: none"><li>• Carol R. Hyland M.A.; Coding &amp; Billing (Medical); Lafayette, CA called by: L. Dean Smith, Jr.</li><li>• Tooraj "Todd" Gravori M.D.; Spinal Surgery; Encino, CA called by: L. Dean Smith, Jr.</li></ul>
<b>Defendant(s):</b>	<ul style="list-style-type: none"><li>• AndrewsAG Inc.</li><li>• Hailey Andrews</li></ul>

**Defense  
Attorney(s):**

- Bruce L. Cleeland; Haight, Brown & Bonesteel; Irvine, CA for Hailey Andrews, AndrewsAG Inc.
- Allegra C. Perez; Haight, Brown & Bonesteel; Los Angeles, CA for Hailey Andrews, AndrewsAG Inc.

**Defendant  
Expert(s):**

- Cary D. Alberstone M.D.; Neurosurgery; Oxnard, CA called by: for Bruce L. Cleeland, Allegra C. Perez
- Nancy Michalski R.N.; Coding & Billing (Medical); Los Angeles, CA called by: for Bruce L. Cleeland, Allegra C. Perez

**Insurers:**

- QBE North America

**Facts:**

On Feb. 28, 2014, plaintiff Jessica Berrones, 31, a waitress, was driving on westbound Franklin Street, in Los Angeles. As she approached the intersection with Orange Street, her vehicle struck the right, rear quarter panel of a vehicle permissively operated by Hailey Andrews, who was making a left turn from a stopped position on eastbound Franklin Street toward the driveway to The Magic Castle, a nightclub for magicians and magic enthusiasts. Berrones claimed the broadside collision resulted in injuries to her neck.

Berrones sued Andrews and the owner of Andrews' vehicle, her father's company, AndrewsAG Inc. Berrones alleged that Andrews was negligent in the operation of her vehicle and that AndrewsAG was vicariously liable, as the registered owner of the vehicle, for Andrews' actions.

Plaintiff's counsel contended that Andrews was operating the vehicle with permission and within the scope of the permissive use. Thus, AndrewsAG accepted Berrones' statutory demand of \$15,000 prior to trial and was not a party in the case at the time of trial.

At trial, plaintiff's counsel argued that Andrews failed to yield the right of way to Berrones' approaching vehicle and was in violation of § 21801(a) of the Motor Vehicle Code.

Andrews claimed that Berrones was at fault because she was driving faster than the posted speed limit. Thus, defense counsel argued that had Berrones been driving the speed limit, she could have avoided the collision.

**Injury:**

Berrones claimed that she sustained herniated cervical discs at the C4-5 and C5-6 levels.

After the crash, the parties exchanged information, and Berrones went to her waitressing job. However, she claimed that within hours, she experienced numbness and tingling in her shoulders and hand, so she went to an emergency room. Thereafter, she underwent a course of treatment, including chiropractic care, physical therapy, cervical epidural injections, and acupuncture. She also underwent pain management via the use of medication. Berrones ultimately underwent a cervical discectomy and fusion at C4-5 and C5-6.

Berrones claimed her cervical disc herniations were caused by the collision. Although she initially claimed that she suffered a loss of wages from missed time from work and that she will suffer a loss of earnings in the future, she ultimately withdrew her lost earnings and diminished earning capacity claims before trial. Berrones also claimed that she currently has no limitations, but that she may still require surgery in the future.

The plaintiff's treating spinal surgery expert opined that within 10 to 15 years, Berrones would need another cervical fusion at a level above her prior fusions due to adjacent segment disease.

The plaintiff's billing expert opined that Berrones's past medical costs totaled \$201,132.09 and future medical costs for all possible future medical care will total \$126,559.

Thus, Berrones sought recovery of \$201,132.09 in past medical costs, \$126,559 in future medical costs, and an unspecified amount of damages for her past and future pain and suffering.

Defense counsel disputed the seriousness of Berrones' alleged injuries, arguing that Berrones' injuries, if any, were of a strain or sprain type, and would have resolved within months. Moreover, while defense counsel agreed that the discectomy and fusion were medically reasonable based on Berrones' symptoms and complaints at the time she presented to her neurosurgeon, counsel argued that those complaints were caused by a fall that occurred more than a year after the crash and, therefore, were unrelated to the crash.

Defense counsel disputed the reasonableness of Berrones' past medical care, arguing that Berrones' medical costs should total \$21,378, instead of the \$336,594 billed on a lien basis.

The defense's expert neurosurgeon opined that there was zero chance that Berrones would need another fusion in the future as a result of adjacent segment disease.

**Result:**

The jury found that Andrews was negligent and that her negligence was a substantial factor in causing Berrones harm. It also found that Berrones was not comparatively negligent. Thus, the jury determined that Berrones' damages totaled \$872,691.09.



**Jessica Fay Berrones**

\$295,000 Personal Injury: Past Pain And Suffering

\$250,000 Personal Injury: Future Pain And Suffering

\$327,691 Personal Injury: economic damages

**Trial Information:**

**Judge:** Michele E. Flurer

**Demand:** \$595,000 (to Andrews)

**Offer:** \$300,000 (C.C.P. § 998)

**Trial Length:** 5 days

**Trial  
Deliberations:** 5 hours

**Jury Vote:** 12-0 liability, 11-1 damages

**Editor's  
Comment:** This report is based on information that was provided by plaintiff's and defense counsel.

**Writer** Priya Idiculla

## Plaintiff claimed reversing vehicle struck him

**Type:** Verdict-Plaintiff

**Amount:** \$962,560

**State:** California

**Venue:** Los Angeles County

**Court:** Superior Court of Los Angeles County, Compton, CA

**Injury Type(s):**

- *arm*
- *leg*
- *back*
- *head*
- *neck*
- *other* - soft tissue; chiropractic; physical therapy; aggravation of pre-existing condition
- *wrist* - triangular fibrocartilage complex, torn
- *shoulder*
- *foot/heel* - foot
- *neurological* - radicular pain / radiculitis

**Case Type:**

- *Motor Vehicle* - Pedestrian; Parking Lot; Reversing Vehicle

**Case Name:** Hernan Osorio v. Wesley T. Williams, Allegis Group Inc., and Does 1-20, No. BC597023

**Date:** February 08, 2018

**Plaintiff(s):**

- Hernan Osorio (Male, 58 Years)

**Plaintiff Attorney(s):**

- Howard B. Kim; Law Offices of Howard B. Kim; Los Angeles CA for Hernan Osorio

**Defendant(s):**

- Aerotek Aviation
- Allegis Group Inc.
- Wesley T. Williams

**Defense  
Attorney(s):**

- Cary L. Wood; Lewis Brisbois Bisgaard & Smith LLP; Los Angeles, CA for Wesley T. Williams, Aerotek Aviation, Allegis Group Inc.
- Ankur Tarneja; Lewis Brisbois Bisgaard & Smith LLP; Los Angeles, CA for Wesley T. Williams, Aerotek Aviation, Allegis Group Inc.

**Defendant  
Expert(s):**

- Mark J. Spoonamore M.D.; Orthopedic Surgery; Los Angeles, CA called by: for Cary L. Wood, Ankur Tarneja
- George A. Macer, Jr. M.D.; Hand Surgery; Long Beach, CA called by: for Cary L. Wood, Ankur Tarneja

**Facts:**

At around 9:45 a.m. on Oct. 10, 2013, plaintiff Hernan Osorio, 58, a driver for Golden Gate of Orlando, which contracts with automobile rental companies to transport vehicles from lot to lot, was walking across a parking lot at Enterprise Rent a Car, located near Los Angeles International Airport, when he was allegedly struck by a reversing vehicle operated by Wesley Williams. Osorio claimed injuries to his head, neck, shoulders, arms, legs, and upper and lower back.

Osorio sued Williams and Williams' employer, Allegis Group Inc. Aerotek Aviation, LLC, a subsidiary of Allegis Group, was later added as a defendant. Osorio alleged that Williams was negligent in the operation of his vehicle and that Allegis Group and Aerotek Aviation were vicariously liable as Williams' actions while in the course and scope of his employment.

During pre-litigation, the defendants' insurance carrier indicated that Allegis Group's policy was providing coverage. However, during litigation, plaintiff's counsel discovered that Aerotek Aviation was the specific employer of Williams, and the defendants stipulated that Williams was within the scope of his employment with Aerotek Aviation at the time of the accident. Thus, the parties stipulated to dismissing Allegis Group and adding Aerotek Aviation, which was covered by Allegis' policy.

At trial, Osorio claimed that Williams was negligent by driving his vehicle in reverse without first looking back.

Williams claimed he barely moved his vehicle, and he denied hitting Osorio. He also claimed that Osorio's employer was at fault for the negligent training and supervision of Osorio and that another individual at the premises who directed him to back up his vehicle was comparatively at fault.

**Injury:**

Osorio claimed that he suffered soft tissue injuries to his body, including his head, neck, shoulders, arms, legs, and his upper and lower back. He also claimed he suffered an aggravation to a pre-existing tear to the left wrist's triangular fibrocartilage complex, a cartilage structure located on the small finger side of the wrist. Osorio testified that when he saw the vehicle come towards him, he put his arms out and was hit. He believed that his hands hit the rear window of Williams' Ford Expedition sport utility vehicle, which caused his body to twist and his buttocks to land on the high bumper. He also claimed that he hit his head on the rear window, but did not fall to the ground.

After the alleged incident, Osorio was taken back to his employer's office, where one of his supervisors asked another co-worker to take Osorio to an emergency room. Osorio later underwent chiropractic treatment and physical therapy. He was also treated by a wrist specialist and neurologist.

Despite treatment, Osorio continued to complain of radiating pain throughout his legs and feet. He claimed that as a result, he was not able to return to work.

Thus, Osorio sought recovery of \$15,700 in future medical costs for surgery on his left wrist surgery, \$86,000 in for approximately four years of past lost earnings, and \$51,000 in future lost earnings. He also sought recovery of noneconomic damages for his past and future pain and suffering.

The defense's wrist expert, a hand surgeon, opined that it was within a reasonable degree of medical certainty that Osorio's pre-existing triangular fibrocartilage complex injury became symptomatic as a result of the subject accident.

The defense's orthopedic surgery expert opined that it was within a reasonable degree of medical certainty that Osorio sustained soft tissue injuries as a result of the subject accident.

**Result:**

The jury found that Williams was negligent and that the defendants were solely liable for the accident. It also determined that Osorio's damages totaled \$962,560.

**Hernan Osorio**

\$10,000 Personal Injury: Future Medical Cost

\$76,360 Personal Injury: Past Lost Earnings Capability

\$53,200 Personal Injury: FutureLostEarningsCapability

\$158,000 Personal Injury: past noneconomic damages

\$665,000 Personal Injury: future noneconomic damages

**Trial Information:**

**Judge:** Maurice A. Leiter

**Demand:** \$150,000 (C.C.P. § 998)

**Offer:** \$30,000 (C.C.P. § 998)

**Trial Length:** 5 days

**Trial  
Deliberations:** 4 hours

**Editor's  
Comment:** This report is based on information that was provided by plaintiff's counsel. Defense counsel did not respond to the reporter's phone calls.

**Writer** Priya Idiculla

## Tractor-trailer accident caused spinal injuries, plaintiff alleged

**Type:** Verdict-Plaintiff

**Amount:** \$913,434

**Actual Award:** \$1,058,806

**State:** California

**Venue:** Los Angeles County

**Court:** Superior Court of Los Angeles County, Van Nuys, CA

**Injury Type(s):**

- *back* - fusion, lumbar; bulging disc, lumbar
- *head*
- *neck* - bulging disc, cervical
- *other* - chiropractic; physical therapy; epidural injections; foraminectomy/foraminotomy
- *neurological* - radiculopathy
- *surgeries/treatment* - laminectomy; laminectomy, lumbar

**Case Type:**

- *Motor Vehicle* - Passenger; Rear-ender; Multiple Vehicle

**Case Name:** George Amezquita v. Rafael Gutierrez, R & M Trucking and Does 1-30 / Gustavo Godoy Zepeda v. Rafael Gutierrez, Maria Gutierrez and Does 1 through 50, No. BC584849; BC586068

**Date:** January 26, 2018

**Plaintiff(s):**

- George Amezquita
- Gustavo Godoy Zepeda (Male, 40 Years)

**Plaintiff Attorney(s):**

- Colin M. Jones; Wilshire Law Firm, PLC; Los Angeles CA for Gustavo Godoy Zepeda
- None reported; ; for George Amezquita

- Plaintiff Expert(s):**
- Brian F. King M.D.; Neuroradiology; Santa Monica, CA called by: Colin M. Jones
  - Gerald J. Alexander M.D.; Orthopedic Surgery; Orange, CA called by: Colin M. Jones
- Defendant(s):**
- Maria Gutierrez
  - Rafael Gutierrez
- Defense Attorney(s):**
- Stephen C. Pasarow; Knapp, Petersen & Clarke; Glendale, CA for Rafael Gutierrez, Maria Gutierrez
- Defendant Expert(s):**
- Agnes M. Grogan R.N.; Coding & Billing (Medical); Huntington Beach, CA called by: for Stephen C. Pasarow
  - Richard C. Rosenberg M.D.; Orthopedic Surgery; Tarzana, CA called by: for Stephen C. Pasarow
  - Lawrence P. Harter M.D.; Radiology; Santa Barbara, CA called by: for Stephen C. Pasarow
- Insurers:**
- State Farm Insurance Cos.

**Facts:**

On Feb. 18, 2014, plaintiff Gustavo Zepeda, 40, was a passenger in a vehicle that was traveling on southbound U.S. Route 101, also known as Hollywood Freeway, in Los Angeles. As her vehicle approached the intersection with Santa Monica Boulevard, also known as state Route 2, her vehicle was rear-ended by a tractor-trailer operated by Rafael Gutierrez.

Zepeda sued Rafael Gutierrez and the co-owner of the tractor-trailer, Maria Gutierrez, both of whom were doing business as R&M Trucking Inc. Zepeda alleged that Mr. Gutierrez was negligent in the operation of the tractor-trailer and that Ms. Gutierrez was vicariously liable for Mr. Gutierrez's actions.

Another motorist involved in the collision, George Amezcuita, previously filed a separate suit against Rafael Gutierrez and R&M Trucking. The Zepeda matter was to be consolidated into Amezcuita's action, but Amezcuita settled his claims for an undisclosed amount prior to trial.

Zepeda's counsel contended that the Gutierrez tractor-trailer did not have a single, functional brake at the time of the collision. Counsel argued that the defendants failed to maintain the tractor-trailer in proper working order, in that they failed to properly inspect, repair and/or maintain the vehicle's braking system.

The defendants conceded liability.

**Injury:** Zepeda claimed that he sustained sprains and strains of his cervical, thoracic and lumbar spine. He also claimed he sustained protruding cervical and lumbar discs with cervical and lumbar radiculopathy, which resulted in pain to his head, neck and back. Zepeda underwent chiropractic treatment, pain management and physical therapy. He also had three epidural injections at the L5-S1 level; a lumbar laminectomy at L4, L5 and S1; bilateral foraminotomies; a posterolateral lumbar fusion; and posterior lumbar interbody fusions at L4-L5 and L5-S1. However, he claimed he continues to suffer from pain and that he will need additional treatment in the future.

Zepeda sought recovery of past and future medical costs, and damages for his past and future pain and suffering.

Defense counsel noted that Zepeda did not seek medical care for over three months post-collision and maintained that Zepeda had a pars defect, or spondylolysis, that was a congenital spinal issue that had been there since birth. Counsel argued that based on Zepeda's delay in seeking medical care, all treatment and surgeries were related to the pars defect and not the subject collision.

**Result:** The jury found that the Gutierrezes were negligent and that their negligence was a substantial factor in causing Zepeda harm. It also determined that Zepeda's damages totaled \$913,434.06.

### **Gustavo Godoy Zepeda**

\$213,464 Personal Injury: Past Medical Cost

\$200,000 Personal Injury: Future Medical Cost

\$250,000 Personal Injury: Past Pain And Suffering

\$250,000 Personal Injury: Future Pain And Suffering

### **Trial Information:**

**Judge:** Frank J. Johnson

**Demand:** \$525,000 (by Zepeda, C.C.P. § 998)

**Offer:** \$150,000 (for Zepeda, C.C.P. § 998)

**Trial Deliberations:** 4.5 hours



**Jury  
Composition:** 4 male, 8 female

**Post Trial:** Defense counsel's motions for a new trial and to tax costs were both denied. Plaintiff's counsel's opposition to defense counsel's motion to tax costs was granted in part, and the court awarded Godoy Zepeda \$145,372.32 in costs. Judgment was ultimately entered in the amount of \$1,058,806.38, which included Godoy Zepeda's total verdict award plus costs. The case is being appealed.

**Editor's  
Comment:** This report is based on information that was provided by Zepeda's counsel and defense counsel. Amezquita's counsel did not respond to the reporter's phone calls.

**Writer** Priya Idiculla

## Collision hastened need for hip replacements, plaintiff claimed

**Type:** Settlement

**Amount:** \$550,000

**State:** California

**Venue:** Los Angeles County

**Court:** Superior Court of Los Angeles County, Burbank, CA

**Injury Type(s):**

- *hip* - hip replacement
- *leg* - bruise
- *knee*
- *other* - chiropractic; osteoarthritis; aggravation of pre-existing condition
- *epidermis* - contusion; ecchymosis
- *hand/finger* - hand

**Case Type:**

- *Motor Vehicle* - Head-On; Center Line; Multiple Impact; Multiple Vehicle

**Case Name:** Brindusha Bauer v. Commercial Coating Co., Inc. dba Commercial Paving and Coating, John Saylor, William Emerson and Does 1 to 25, No. BC606502

**Date:** October 31, 2017

**Plaintiff(s):**

- Brindusha Bauer (Female, 39 Years)

**Plaintiff Attorney(s):**

- Judy Patno; Law Offices of Judy Patno; Fullerton CA for Brindusha Bauer
- Jeffrey A. Milman; Hodes Milman, LLP; Irvine CA for Brindusha Bauer

**Plaintiff Expert(s):**

- David J. King P.E.; Accident Reconstruction; Los Angeles, CA called by: Judy Patno, Jeffrey A. Milman
- Kelly Nasser R.N.; Life Care Planning; Hudson, NY called by: Judy Patno, Jeffrey A. Milman
- Catherine M. Graves M.B.A.; Economics; Fullerton, CA called by: Judy Patno, Jeffrey A. Milman
- Christopher A. Wills M.D.; Orthopedic Surgery; Orange, CA called by: Judy Patno, Jeffrey A. Milman

**Defendant(s):**

- John Saylor
- William Emerson
- Commercial Coating Co. Inc.

**Defense  
Attorney(s):**

- Steve R. Belilove; Yee & Belilove, LLP; Pasadena, CA for Commercial Coating Co. Inc., John Saylor, William Emerson
- Steven R. Yee; Yee & Belilove, LLP; Pasadena, CA for Commercial Coating Co. Inc., John Saylor, William Emerson
- Eric O. Zeiger; Yee & Belilove, LLP; Pasadena, CA for Commercial Coating Co. Inc., John Saylor, William Emerson

**Defendant  
Expert(s):**

- Eric S. Deyerl P.E.; Accident Reconstruction; Culver City, CA called by: for Steve R. Belilove, Steven R. Yee, Eric O. Zeiger
- Gene Bruno M.S., C.R.C., C.D.M.S.; Life Care Planning; Encino, CA called by: for Steve R. Belilove, Steven R. Yee, Eric O. Zeiger
- Darryl R. Zengler M.A.; Economics; Pasadena, CA called by: for Steve R. Belilove, Steven R. Yee, Eric O. Zeiger
- Stephan V. Yacoubian M.D.; Orthopedic Surgery; Burbank, CA called by: for Steve R. Belilove, Steven R. Yee, Eric O. Zeiger

**Insurers:**

- HDI Global SE

**Facts:**

On Dec. 22, 2014, plaintiff Brindusha Bauer, 39, a certified registered nurse anesthetist, was driving in the far left, fast (number one) lane on northbound Soto Street, in Los Angeles, when her vehicle was hit nearly head-on by a truck operated by John Saylor, who approached from the southbound lanes of Soto Street. The impact caused Bauer's vehicle to spin 180 degrees, travel in a southerly direction, and then collide with the right, front bumper and right side of a non-party Honda. Bauer claimed injuries to her hips.

Bauer sued Saylor; Saylor's employer, Commercial Coating Co. Inc. (doing business as Commercial Paving and Coating); and the registered owner of Saylor's truck and owner of Commercial Coating, William Emerson. Bauer alleged that Saylor was negligent in the operation of the truck and that Commercial Coating and Emerson were vicariously liable for Saylor's actions.

Bauer contended that Saylor lost control of his vehicle and that she could not avoid colliding with his truck.

The defendants conceded liability.

**Injury:**

Bauer was diagnosed with contusions to a hip and a hand, osteoarthritis, and ecchymosis to the left and right leg. (Ecchymosis is a discoloration of the skin resulting from bleeding underneath and is the medical term for a common bruise.) She also claimed the accident aggravated her prior hip dysplasia. Bauer was immediately transported to a hospital, where she was treated and released. She later had chiropractic therapy and orthopedic consults, as well as a Synvisc injection to a knee.

Bauer contended that although she previously had bone on bone congenital dysplasia, she was asymptomatic and would not have needed a bilateral hip replacement for at least a decade. However, Bauer claimed the subject accident aggravated her condition in each hip and that she ultimately required a hip replacement to one hip on Sept. 1, 2015 and to the other hip on Jan. 7, 2016.

Bauer presented a HealthComp lien in the total amount of \$315,492.19.

Bauer was employed at Keck Medical Center, in Los Angeles, and was able to return to work after the surgeries. However, she contended that she lost gross income in the amount of \$22,737.50 initially and an additional sum of \$26,960.19 following her second surgery.

Thus, Bauer sought recovery of past and future medical costs, past loss of earnings, and damages for her past and future pain and suffering.

Defense counsel contended that because of Bauer's congenital hip dysplasia with bone on bone radiographs, Bauer would have needed the bilateral hip replacements within one year, regardless of the subject crash.

**Result:**

The parties agreed to a \$550,000 settlement on the day of trial. The settlement was paid by Commercial Coating's insurer, on behalf of all defendants, with a substantial reduction of the health care lien by the Employee Retirement Income Security Act of 1974 (ERISA).

**Trial Information:****Judge:**

Benny C. Osorio

**Editor's  
Comment:**

This report is based on information that was provided by plaintiff's counsel. Defense counsel did not respond to the reporter's phone calls.

**Writer**

Priya Idiculla

## Broadside crash aggravated back injuries, plaintiff alleged

**Type:** Settlement

**Amount:** \$650,000

**State:** California

**Venue:** Los Angeles County

**Court:** Superior Court of Los Angeles County, Los Angeles, CA

**Injury Type(s):**

- *back* - lower back; bulging disc, lumbar; herniated disc, lumbar
- *neck* - herniated disc, lumbar
- *other* - physical therapy; epidural injections; fasciectomy/fasciotomy; foraminectomy/foraminotomy; aggravation of pre-existing condition
- *epidermis* - numbness
- *neurological* - radicular pain / radiculitis
- *surgeries/treatment* - discectomy; decompression surgery

**Case Type:**

- *Motor Vehicle* - Multiple Vehicle

**Case Name:** Garrett Rau v. Rajan Patel, Rural Metro Corporation, Bowers Ambulance, and Does 1-50, No. BC597387

**Date:** October 12, 2017

**Plaintiff(s):**

- Garrett Rau (Male, 28 Years)

**Plaintiff Attorney(s):**

- C. Michael Alder; AlderLaw, P.C.; Los Angeles CA for Garrett Rau
- Lauri Brenner; AlderLaw, P.C.; Los Angeles CA for Garrett Rau
- Hamed L. Yazdanpanah; HYP Law Group; Beverly Hills CA for Garrett Rau

**Plaintiff Expert(s):**

- James G. Kent Ph.D.; Biomechanical; Los Angeles, CA called by: C. Michael Alder, Lauri Brenner, Hamed L. Yazdanpanah
- Fardad Mobin M.D.; Neurosurgery; Los Angeles, CA called by: C. Michael Alder, Lauri Brenner, Hamed L. Yazdanpanah

**Defendant(s):**

- Rajan Patel
- Bowers Ambulance
- Rural Metro Corp.

**Defense  
Attorney(s):**

- Phillip L. Hack; Phillip Hack & Associates; Solana Beach, CA for Rajan Patel, Rural Metro Corp., Bowers Ambulance

**Defendant  
Expert(s):**

- Tony F. Feuerman M.D.; Neurosurgery; Encino, CA called by: for Phillip L. Hack
- Peter M. Burkhard Ph.D.; Biomechanical; Laguna Hills, CA called by: for Phillip L. Hack

**Insurers:**

- Ace Group of Cos.

**Facts:**

On July 21, 2014, plaintiff Garrett Rau, 28, a real estate agent/broker, was driving on westbound Moorpark Avenue, in Sherman Oaks, when his four-door, 2010 Audi was broadsided by a Chevrolet ambulance operated by Rajan Patel. Both vehicles were damaged in the crash, and Rau claimed injuries to his neck and back.

Rau sued Patel and Patel's employers, Rural Metro Corp. and Bowers Ambulance. Rau alleged that Patel was negligent in the operation of the ambulance and that Rural Metro Corp. and Bowers Ambulance were vicariously liable for Patel's actions while in the course and scope of his employment.

Rau contended that Patel had the ambulance parked along the curb of westbound Moorpark Avenue when he suddenly, and without signaling or warning, pulled away from the curb and struck the front, passenger side of his vehicle.

Patel admitted negligence, but denied causing Rau's alleged injuries.

**Injury:**

Rau claimed that within hours of the accident, he developed pain in his neck and lower back, particularly on the left side.

Rau had pre-existing disc degeneration at L4-5 and L5-S1. However, he claimed he had no symptoms or pain before the accident. He also claimed that he had lumbar herniations and/or bulges that were likely pre-existing, but that the subject collision caused his asymptomatic herniations/bulges to become symptomatic. Specifically, he claimed that following the crash, he suffered from lower back pain, and pain, numbness and tingling that radiated into the posterolateral thigh, lateral knee, posterior calf, and toes. Ray further claimed that he developed severe spasms at the left hamstring and calf. As a result, he underwent physical therapy and epidural injections following the crash. He then underwent a lumbar decompressive surgery at L5-S1 five months after the subject accident. However, approximately one year after the accident, and post discectomy, an MRI revealed a 7-millimeter disc extrusion at L5-S1. As a result, Rau underwent a "redo" lumbar decompressive surgery at L5-S1, and a hemilaminectomy, fasciectomy and foraminotomy at the left L4 level approximately 15 months after the crash.

Rau did not miss any time from work, but he claimed he still suffers from residual back pain.

Thus, Rau sought recovery of past and future medical costs, and damages for his past and future pain and suffering.

The defense's biomechanical expert contested the severity of the impact and the alleged injuries resulting from the subject accident.

Defense counsel asserted that Rau's injuries pre-existed the accident and that the resulting treatment was not related to the collision. Defense counsel also obtained a sub-rosa video of Rau at the gym.

**Result:**

Prior to trial, the parties agreed to a \$650,000 settlement, which was paid by the defendants' insurer on behalf of all defendants.

**Trial Information:****Editor's  
Comment:**

This report is based on information that was provided by plaintiff's counsel. Defense counsel did not respond to the reporter's phone calls.

**Writer**

Priya Idiculla

## Plaintiff claimed rear-end crash caused multiple injuries

**Type:** Settlement

**Amount:** \$500,000

**State:** California

**Venue:** Los Angeles County

**Court:** Superior Court of Los Angeles County, Los Angeles, CA

**Injury Type(s):**

- *hip*
- *back* - lower back; facet syndrome; strain, lumbar; contusion, spine; strain, thoracic
- *head* - headaches
- *neck* - facet syndrome; contusion, spine; strain, cervical
- *chest* - fracture, rib
- *other* - strains and sprains
- *shoulder*
- *epidermis* - contusion
- *sensory/speech* - vision, impairment
- *mental/psychological* - depression; flashbacks; cognition, impairment; memory, impairment; post-traumatic stress disorder

**Case Type:**

- *Motor Vehicle* - Speeding; Rear-ender

**Case Name:** Henrietta Meire v. Jekaterina Romaneca; Makta, LLC; and Does 1-50, No. BC635370

**Date:** October 10, 2017

**Plaintiff(s):**

- Henrietta Meire (Female, 36 Years)

**Plaintiff Attorney(s):**

- Marni B. Folinsky; AlderLaw, P.C.; Los Angeles CA for Henrietta Meire
- Alexis R. Domb; AlderLaw, P.C.; Los Angeles CA for Henrietta Meire
- Eric D. Levine; The Levine Firm, APC; Beverly Hills CA for Henrietta Meire

**Defendant(s):**

- Makta, LLC
- Jekaterina Romaneca



**Defense  
Attorney(s):**

- Andrew C. Hubert; Thompson Coe & O'Meara, LLP; Los Angeles, CA for Jekaterina Romaneca, Makta, LLC

**Insurers:**

- American Automobile Association
- Chubb Group of Insurance Cos.

**Facts:**

At around 9:35 p.m. on Feb. 17, 2016, plaintiff Henrietta Meire, 36, a voice-over actress, was stopped at a red light on eastbound Burton Way, at the intersection with Le Doux Road, in Los Angeles, when her vehicle was rear-ended by a vehicle operated by Jekaterina Romaneca. The impact caused Meire's vehicle to rear-end the vehicle in front of her.

The police report stated that it was raining and that Romaneca had been drinking, but was not under the influence of alcohol at the time of the crash.

Meire sustained injuries to her chest, back, neck, head, a hip, and a shoulder.

Meire sued Romaneca and the owner of Romaneca's vehicle, Makta, LLC. Meire alleged that Romaneca was negligent in the operation of her vehicle and that Makta, LLC was vicariously liable for Romaneca's actions.

Plaintiff's counsel contended that Romaneca rear-ended Meire's vehicle at a high rate of speed.

Romaneca told the police that she was driving in the number one (far left) lane of eastbound Burton Way and then moved into the number two lane when she came upon a "white car" (Meire's vehicle). However, she claimed that she did not know where the white car came from and that she just crashed into it and could not remember anything else. Romaneca added that everything happened so fast that she did not remember much, as she was very shaken up. Thus, the defendants conceded liability.

**Injury:**

Meire's air bags deployed in the collision, and she had to be removed from her vehicle. She sustained fractures to her ribs, and contusions and sprains and strains to her right hip, right shoulder, back and neck. As a result, Meire was taken to a hospital, where she complained of pain to her right hip, right shoulder, and neck, as well as chronic lower back pain. She was diagnosed with strains to her cervical, lumbar, and thoracic spine; facet disease; and contusions to her right rib, right hip, and right and left knees. Meire subsequently underwent trigger point and facet injections to treat her neck, back and hip pain.

Meire claimed that she suffered from post-traumatic stress disorder as a result of the accident. She alleged that as a result, she suffered from visual disturbances, difficulty sleeping, tiredness, panic attacks, flashbacks, moments of dissociation, depression, nightmares, dizziness, headaches, and impaired cognitive function, including, but not limited to, memory loss, forgetfulness and inability to sustain focus. She further alleged that she suffered from difficulty speaking/vocal impairment. Meire subsequently underwent mental health therapy for her PTSD, and cognitive and impairment issues.

Despite her alleged injuries, Meire did not miss time from work and subsequently did not make a loss-of-earnings claim. Thus, Meire sought recovery of \$65,000 in past medical costs, and an unspecified amount of damages for her pain and suffering.

**Result:**

The parties agreed to a \$500,000 settlement with \$250,000 being paid by each of the defendants' insurance carriers. The settlement was finalized via the guidance of mediator Patricia Schnegg, of Judicate West.

**Trial Information:****Judge:**

Benny C. Osorio, Patricia M. Schnegg

**Editor's  
Comment:**

This report is based on information that was provided by plaintiff's and defense counsel.

**Writer**

Priya Idiculla

## Rear-end crash caused injuries to shoulder and spine: plaintiff

**Type:** Mediated Settlement

**Amount:** \$850,000

**State:** California

**Venue:** Los Angeles County

**Court:** Superior Court of Los Angeles County, Los Angeles, CA

**Injury Type(s):**

- *back*
- *head* - headaches
- *neck*
- *other* - hernia; physical therapy
- *shoulder*
- *sensory/speech* - vision, impairment

**Case Type:**

- *Motor Vehicle* - Rear-ender; Multiple Impact; Multiple Vehicle

**Case Name:** David Frank Ballesteros v. Daniel Carrillo, 99 Cents Only Stores LLC, Ryder Truck Rental LT, and Does 1 through 100, inclusive, No. BC591346

**Date:** September 18, 2017

**Plaintiff(s):**

- David Frank Ballesteros (Male, 49 Years)

**Plaintiff Attorney(s):**

- Jeffrey R. Billings; Law Offices of Larry H. Parker, Inc.; Long Beach CA for David Frank Ballesteros
- Laura F. Sedrish; AlderLaw, P.C.; Los Angeles CA for David Frank Ballesteros
- Randi L. Ibrahim; AlderLaw, P.C.; Los Angeles CA for David Frank Ballesteros

- Plaintiff Expert(s):**
- Paul Broadus M.A.; Vocational Rehabilitation; Claremont, CA called by: Jeffrey R. Billings, Laura F. Sedrish, Randi L. Ibrahim
  - David E. Fish M.D.; Life Care Planning; Santa Monica, CA called by: Jeffrey R. Billings, Laura F. Sedrish, Randi L. Ibrahim
  - Gerald J. Alexander M.D.; Spinal Surgery; Orange, CA called by: Jeffrey R. Billings, Laura F. Sedrish, Randi L. Ibrahim
  - Lester M. Zackler M.D.; Neuropsychiatry; Sherman Oaks, CA called by: Jeffrey R. Billings, Laura F. Sedrish, Randi L. Ibrahim

- Defendant(s):**
- Daniel Carrillo
  - Ryder Truck Rental LT
  - 99 Cents Only Stores, LLC

- Defense Attorney(s):**
- Gabriel H. Wainfeld; York & Wainfeld, LLP; Woodland Hills, CA for Daniel Carrillo, 99 Cents Only Stores, LLC, Ryder Truck Rental LT

- Defendant Expert(s):**
- James R. High M.D.; Psychiatry; Santa Monica, CA called by: for Gabriel H. Wainfeld
  - William H. Dillin M.D.; Orthopedic Surgery; Los Angeles, CA called by: for Gabriel H. Wainfeld

- Insurers:**
- Chubb Group of Insurance Cos.

**Facts:** At around 6 a.m. on Sept. 3, 2013, plaintiff David Ballesteros, 49, an insulator, was exiting U.S. Route 101, also known as the Ventura Freeway, at the exit for Van Nuys Boulevard, in Los Angeles, when he came to a complete stop. While stopped, his vehicle was rear-ended by a Freightliner tractor-trailer operated by Daniel Carrillo. The impact caused Ballesteros' vehicle to collide with the vehicle in front of him. He subsequently claimed injuries to his left shoulder, neck and back.

Ballesteros sued Carrillo; Carrillo's employer, 99 Cents Only Stores LLC; and the owner of the Freightliner, Ryder Truck Rental LT. Ballesteros alleged that Carrillo was negligent in the operation of the tractor-trailer and that 99 Cents Only Stores and Ryder Truck Rental were vicariously liable for Carrillo's actions.

**Injury:** After the collision, Ballesteros complained of pain in the neck; upper, middle and lower back; left shoulder; left upper and lower leg; and left knee. He also claimed that he experienced blurry and double vision, dizziness, and headaches. He was subsequently taken by ambulance to a hospital. Ballesteros initially treated conservatively with injections and physical therapy. However, when he continued to experience significant pain, he eventually underwent several surgeries, including a left shoulder arthroscopy on April 24, 2014, a lumbar fusion at the L5-S1 level on April 4, 2016, and a cervical fusion at the C4-5, C5-6 and C6-7 levels on Aug. 29, 2016. Ballesteros also underwent two surgeries to repair hernias, which he claimed he developed from the medication he was taking for his alleged accident-related injuries. The surgeries were performed on Nov. 13, 2014 and on July 26, 2016. However, he presently has a hernia that will require an additional surgery.

**Result:** The parties agreed to an \$850,000 settlement, which was finalized via the guidance of mediator Michael Moorhead, of Judicate West. The settlement was paid by the defendants' insurer.

**Trial Information:**

**Judge:** Michael Moorhead

**Editor's Comment:** This report is based on information that was provided by plaintiff's counsel. Defense counsel did not respond to the reporter's phone calls.

**Writer** Priya Idiculla

## Plaintiffs claimed neck injuries after truck crept into their lane

**Type:** Verdict-Plaintiff

**Amount:** \$814,000

**State:** California

**Venue:** Los Angeles County

**Court:** Superior Court of Los Angeles County, Los Angeles, CA

**Injury Type(s):**

- *neck* - fusion, cervical; disc protrusion, cervical
- *other* - soft tissue; aggravation of pre-existing condition

**Case Type:**

- *Motor Vehicle* - Truck; Sideswipe; Right Turn; Intersection
- *Government* - Municipalities

**Case Name:** Pablo Gonzalez and Esther Gonzalez v. Carolyn Davis, City of Los Angeles, and Does 1 to 20, No. BC583491

**Date:** August 11, 2017

**Plaintiff(s):**

- Pablo Gonzalez (Male, 63 Years)
- Esther Gonzalez (Female, 58 Years)

**Plaintiff Attorney(s):**

- Thomas S. Feher; The Simon Law Group, LLP; Hermosa Beach CA for Pablo Gonzalez, Esther Gonzalez
- Greyson M. Goody; The Simon Law Group, LLP; Los Angeles CA for Pablo Gonzalez, Esther Gonzalez

**Plaintiff Expert (s):**

- Ramin Rabdani M.D.; Orthopedic Surgery; Los Angeles, CA called by: Thomas S. Feher, Greyson M. Goody
- Fardad Mobin M.D.; Spinal Surgery; Beverly Hills, CA called by: Thomas S. Feher, Greyson M. Goody

**Defendant(s):**

- Carolyn Davis
- City of Los Angeles

**Defense  
Attorney(s):**

- Ethan L. Robinson; Office of the Los Angeles City Attorney; Los Angeles, CA for Carolyn Davis, City of Los Angeles

**Facts:**

On Jan. 28, 2015, plaintiff Pablo Gonzalez, 63, a machinist, was driving west on Slauson Avenue, in South Los Angeles, with his wife, plaintiff Esther Gonzalez, 58, a homemaker, as a passenger. As their Chevrolet Cavalier turned right onto northbound Vermont Avenue, the lug nuts on a wheel of a city of Los Angeles asphalt truck hit the left, rear, quarter-panel of their car. Mr. and Ms. Gonzalez each claimed neck injuries.

The Gonzalezes sued the driver of the truck, Carolyn Davis, and Davis' employer, the city of Los Angeles. The Gonzalezes alleged that Davis was negligent in the operation of the truck and that the city was liable for Davis' actions while in the course and scope of her employment.

The Gonzalezes claimed that as Davis was driving straight through the intersection in the lane next to them, she had crept into their lane and hit their vehicle.

Davis claimed that Mr. Gonzalez made a wide right turn and was liable for the crash.

**Injury:**

Ms. Gonzalez was taken by ambulance to Centinela Freeman Regional Medical Center, Centinela Campus, in Inglewood, where she underwent a chest X-ray, which came back negative. Both Mr. and Ms. Gonzalez later underwent MRIs.

Mr. Gonzalez claimed that he suffered an extruded cervical disc protrusion at the C6-7 level, requiring epidural injections and two months of physical therapy, twice a week. He ultimately underwent a one-level cervical fusion on his C6-7 vertebra in October 2015.

Ms. Gonzalez claimed that she suffered soft tissue injuries to her cervical spine. She also underwent epidural injections and two months of physical therapy, twice a week.

The plaintiff's treating orthopedic surgery expert opined that the Gonzalezes' neck pain was causally related to the crash. The plaintiffs' expert spinal surgeon testified that the Gonzalezes had degenerative injuries in their necks, but opined that the crash caused those issues to be symptomatic.

Thus, the Gonzalezes sought recovery of damages for their respective past and future pain and suffering, and past and future medical expenses.

Defense counsel argued that the Gonzalezes' neck injuries were degenerative and not related to the crash. Counsel also contended that since both plaintiffs had made a complete recovery and stopped treatment within a few months of the accident, they were not entitled to damages. Defense counsel further noted that as of the time of trial, the Gonzalezes had not received treatment for 1.5 years.

**Result:**

The jury rendered a verdict for the Gonzalezes. It found that Davis and the city were liable for the accident. The jury also determined that the Gonzalezes' damages totaled \$814,000, which included \$269,000 for Ms. Gonzalez and \$545,000 for Mr. Gonzalez.

**Trial Information:**

**Judge:** Mark A. Borenstein

**Demand:** \$2,000,000

**Offer:** None reported

**Trial Length:** 5 days

**Trial  
Deliberations:** 3.5 hours

**Jury Vote:** 12-0 as to liability for both defendants; 12-0 as to damages

**Jury  
Composition:** 8 male, 4 female

**Editor's  
Comment:** This report is based on information that was provided by plaintiffs' counsel. Defense counsel did not respond to the reporter's calls.

**Writer** Alan Burdziak



## Plaintiff claimed crash caused lower back injuries

**Type:** Verdict-Plaintiff

**Amount:** \$348,913

**Actual Award:** \$379,580

**State:** California

**Venue:** Los Angeles County

**Court:** Superior Court of Los Angeles County, Compton, CA

**Injury Type(s):**

- *back* - bulging disc, lumbar
- *other* - microdiscectomy; physical therapy; epidural injections
- *surgeries/treatment* - discectomy

**Case Type:**

- *Motor Vehicle* - Broadside; Left Turn; Intersection; Multiple Vehicle

**Case Name:** Sean McLean and Rohema Dyer as Guardian Ad Litem for Aniyah McLean and Rohema Dyer v. John Troung, Dragados USA Inc., and Does 1 through 20, No. BC528336

**Date:** July 17, 2017

**Plaintiff(s):**

- Rohema Dyer (Female)
- Sean McLean (Male, 25 Years)
- Aniyah McLean (Female, 4 Years)

**Plaintiff Attorney(s):**

- P. Christopher Ardalan; Ardalan & Associates; Woodland Hills CA for Sean McLean, Aniyah McLean, Rohema Dyer
- Christienne M. Valone; Ardalan & Associates; Woodland Hills CA for Sean McLean, Aniyah McLean, Rohema Dyer
- Nina P. Brahman; The Brahman Law Office; Woodland Hills CA for Sean McLean, Aniyah McLean, Rohema Dyer

**Plaintiff Expert  
(s):**

- Susan P. Bleecker C.P.A.; Economics; San Marino, CA called by: P. Christopher Ardalan, Christienne M. Valone, Nina P. Brahman
- Fardad Mobin M.D.; Neurosurgery; Los Angeles, CA called by: P. Christopher Ardalan, Christienne M. Valone, Nina P. Brahman
- Sandra Schneider M.S.; Vocational Rehabilitation; Glendale, CA called by: P. Christopher Ardalan, Christienne M. Valone, Nina P. Brahman
- Elizabeth Holakiewicz R.N.; Life Care Planning; Carlsbad, CA called by: P. Christopher Ardalan, Christienne M. Valone, Nina P. Brahman

**Defendant(s):**

- John Truong
- Dragados USA Inc.

**Defense  
Attorney(s):**

- Dana A. Fox; Lewis Brisbois Bisgaard & Smith; Los Angeles, CA for Dragados USA Inc., John Truong
- Hellar-Ann Hancock; Lewis Brisbois Bisgaard & Smith; Los Angeles, CA for Dragados USA Inc., John Truong

**Defendant  
Expert(s):**

- Gene Bruno M.S.; Vocational Rehabilitation; Los Angeles, CA called by: for Dana A. Fox, Hellar-Ann Hancock
- Mark A. Gomez Ph.D.; Biomechanical; Encinitas, CA called by: for Dana A. Fox, Hellar-Ann Hancock
- David J. Weiner M.B.A.; Economics; Los Angeles, CA called by: for Dana A. Fox, Hellar-Ann Hancock
- Edwin C. Amos, III M.D.; Neurology; Santa Monica, CA called by: for Dana A. Fox, Hellar-Ann Hancock
- Nitin N. Bhatia M.D.; Orthopedic Surgery; Irvine, CA called by: for Dana A. Fox, Hellar-Ann Hancock
- Alyssa T. Watanabe M.D.; Diagnostic Radiology; Los Angeles, CA called by: for Dana A. Fox, Hellar-Ann Hancock
- Tamera G. Rockholt R.N.; Nursing; Portland, OR called by: for Dana A. Fox, Hellar-Ann Hancock
- Thomas F. Fugger, Jr. P.E.; Accident Reconstruction; Valencia, CA called by: for Dana A. Fox, Hellar-Ann Hancock

**Insurers:**

- American International Group Inc.

**Facts:**

On Aug. 31, 2012, plaintiff Sean McLean, 25, a supermarket's stock clerk, was driving his 1999 Cadillac Deville on eastbound Torrance Boulevard, in Torrance. As he entered the intersection with New Hampshire Avenue, the driver side -- and possibly the front, driver side fender -- of his vehicle was struck by the front bumper of a vehicle operated by John Truong, who was making an unprotected left turn from westbound Torrance Boulevard onto southbound New Hampshire Avenue. McLean's girlfriend, plaintiff Rohema Dyer, and the couple's 4-month old child, plaintiff Aniyah McLean, were in the back seat of the Cadillac Deville at the time of the crash. Sean McLean claimed injuries to his back.

McLean, Dyer and Aniyah sued John Truong (who was initially erroneously sued as John "Truong") and Truong's employer, Dragados USA, Inc. McLean, Dyer and Aniyah alleged that Truong was negligent in the operation of his vehicle and that Dragados was liable for Truong's actions while acting in the course and scope of his employment.

Dyer and Aniyah ultimately settled out of the case.

Truong stipulated to liability, and Dragados stipulated that Truong was acting in the course and scope of his employment at the time of the crash.

**Injury:**

McLean claimed he suffered herniated lumbar discs at L4-5 and L5-S1, consisting of a disc extrusion at the L4-5 level and a disc protrusion at the L5-S1 level.

At the time of the crash, McLean sought no medical care, but ultimately presented to Torrance Memorial Medical Center, in Torrance, four days later with complaints of soft tissue injuries to his lower back. Nine days later, he presented to the emergency room at Providence Little Company of Mary Medical Center Torrance with continued complaints of lower back pain and new complaints of radiating pain into his left buttocks and leg. While at Providence, an MRI was taken of his lower back, which revealed the disc extrusion at the L4-5 level and the disc protrusion at L5-S1 level. As a result, McLean was held overnight for pain management and then released to his primary care physician.

Subsequent to his release, McLean underwent physical therapy, a series of six epidural injections in his lower back, and, ultimately, a microdiscectomy at the L4-5 level by an orthopedic surgeon on Dec. 20, 2012. However, McLean claimed the surgery resulted in minimal relief. As a result, he was evaluated 1.5 years later by his treating neurosurgery expert, who concluded that scar tissue at the site of the surgery was causing additional compression on the nerves in the area. The expert neurosurgeon subsequently performed a redo of the microdiscectomy at the same level.

After the second microdiscectomy, McLean claimed that he obtained relief of his left leg symptoms. However, he alleged that he continued to suffer from lower back pain. As a result, McLean continued to receive lower back injections and he was told that if his symptoms did not improve, he would eventually require a fusion of his lower back.

McLean claimed that he suffers from occasional, chronic lower back pain with strenuous activities and has limitations on how far he can bend. He alleged that as a result, he could no longer work as a stock clerk and now works full-time as a grill cook.

The plaintiff's expert life care planner testified that, based on an evaluation of McLean and a discussion with the plaintiff's treating neurosurgery expert, she formulated a life care plan that included pain management, a fusion surgery, medication, housekeeping

services, and medical supplies for McLean. She further testified that McLean's life care plan totaled \$730,308.

Thus, McLean sought recovery of \$40,475 in past lost earnings, \$290,050.62 in past medical expenses, \$600,974 in future medical expenses, and \$130,308 in other future expenses. Since McLean was uninsured at the time of the accident, he was foreclosed from claiming noneconomic damages for any alleged pain and suffering, etc., under Proposition 213. Thus, the case was tried on economic damages only.

Defense counsel contended that McLean only suffered a lumbar strain, which only required eight to 10 weeks of physical therapy. Counsel also argued that the delayed onset of the herniated disc, which was discovered 13 days post-incident, showed that it was unrelated to the crash.

The defense's biomechanical expert testified that there was not a sufficient mechanism to cause a herniated disc in McLean. The defense's expert orthopedic surgeon also opined that McLean's lumbar extrusion was unrelated to any injury McLean allegedly sustained in the crash due to a lack of symptoms during the 13 days leading up to the discovery of the extrusion.

Thus, during closing arguments, defense counsel suggested to the jury that McLean should only be awarded \$11,000 in total damages.

**Result:** The jury determined that McLean's damages totaled \$348,912.71.

### **Sean McLean**

\$167,438 Personal Injury: Past Medical Cost

\$141,000 Personal Injury: Future Medical Cost

\$40,475 Personal Injury: Past Lost Earnings Capability

### **Trial Information:**

**Judge:** Brian S. Currey

**Demand:** \$500,000

**Offer:** \$300,000

**Trial Length:** 5 days

**Trial  
Deliberations:** 1 days

**Post Trial:** Following the verdict, the parties resolved the matter for a total of \$379,580.19, which included the full judgment plus recoverable costs.

**Editor's  
Comment:** This report is based on information that was provided by plaintiffs' and defense counsel.

**Writer** Priya Idiculla