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VEHICLE NEGLIGENCE

Motor Vehicle v. Motor Vehicle: Rear-End

ORANGE COUNTY SUPERIOR COURTLinder v. Hull, No. 729436. Gary Ryan. Jury trial: 6.5 days.
Verdict/judgment: 9/20/95.**VERDICT/JUDGMENT: \$422,300**

\$72,300 economic damages and \$350,000 non-economic damages. Vote: 12-0; 11-1 damages. Deliberations: 2 hours.

TRIAL COUNSELPlaintiff: Brian H. Krikorian, Nemecek & Cole, Sherman Oaks. Jonathan B. Cole, Nemecek & Cole, Sherman Oaks.
Defendant: James B. Abeltin, Law Offices of David C. Werner, Irvine.**FACTS/CONTENTIONS**

According to plaintiff: In this case of admitted liability, plaintiff claimed that his injuries from a rear-end accident caused work and leisure restrictions. Defendant disputed causation and the extent of damages. The plaintiff was Stephen T. Linder, a 39-year-old oil refinery worker. The defendant was Marjorie V. Hull. On June 14, 1993 plaintiff was traveling northbound on Interstate 405 when he was rear-ended at approximately 40 to 50 miles per hour by defendant's El Dorado Cadillac. The force of the impact drove plaintiff's half-ton Chevrolet pickup into the car in front of him and drove that car into the car in front of it. Plaintiff alleged that as a result of the accident and the permanent partial injuries to his spine, he suffered damages consisting of both past and future medical expenses and past and future lost income. He also alleged that as a result of the accident, he was limited in his occupation to jobs requiring light work and was restricted from any occupation that would require medium to heavy lifting, climbing, crawling, kneeling, pulling and pushing. Plaintiff was an avid athlete and amateur water skier who had represented the United States National Team in Australia and held records in several national and international water ski races. He alleged further that his doctors advised him to avoid participation in any leisure or sporting activity that might cause further injury or pain to his neck, including water skiing. He finally alleged that because of the physical limitations caused by the accident and the pain symptoms that he continued to suffer, he was unable to pursue job and compensation advancement in fields he was otherwise qualified to work in before the accident and suffered corresponding economic damages.

Defendant admitted that the accident was her fault but disputed causation and the extent of damages. She contended that she did not cause all of the physical injuries or wage loss claimed by plaintiff. She also contended that plaintiff did not suffer future lost income and that plaintiff had exaggerated and/or misrepresented his present pain complaints and medical condition, which did not prohibit him from job advancement or other activities.

CLAIMED INJURIES

According to plaintiff: Disk herniation at C4-C5 requiring emergency surgery and disk fusion with bone graft from iliac crest of hip; contusion to spinal cord resulting in central spinal cord syndrome and partial permanent injuries to spine and nerve roots; continued and chronic pain and desensitization to arm, hands and neck.

CLAIMED DAMAGES

According to plaintiff: \$42,042 past medical; unknown future medical with potential up to \$40,000; \$6,950 past income; \$300,000-\$800,000 future income.

SETTLEMENT DISCUSSIONS

According to plaintiff: Demand: \$650,000 before litigation reduced to \$550,000-\$600,000 at mandatory settlement conference and further reduced to \$525,000 (CCP 998) after mandatory settlement conference. Offer: \$200,000 with no increase despite a request for extension and then withdrawn at commencement of trial.

TRIAL EXPERTS

Plaintiff: Richard H. Andersen, vocational rehabilitation consultant, Vector Inc., Westminster (714) 898-5533. Arthur P. Kowell, neurologist, Encino (818) 990-8561. Michael P. Ward, Ph.D., economist, Welch Associates, Santa Monica (310) 393-5530. Hooshang Pak, neurosurgeon.

Defendant: Catherine M. Graves, economist, Wayne Lancaster & Associates, Fullerton (714) 992-2653. Nina Zasorin, neurologist.

COMMENTS

According to plaintiff: The jury found by a vote of 12 to 0 that defendant caused all of plaintiff's injuries. It awarded damages by a vote of 11 to 1.