

PERSONAL INJURY

Auto v. Pedestrian

Crosswalk

SETTLEMENT: \$3.8 million.

CASE/NUMBER: Case I.D. Confidential.

COURT/DATE: L.A. Superior Central / August 18, 1997.

MEDIATOR: Justice Jack K. Trotter, retired, of JAMS/Endispute.

DISBURSEMENT: \$3.5 million (plaintiff); \$300,000 (plaintiff husband).

ATTORNEYS: Plaintiffs - J. Shaffer Smith (Law Offices of J. Shaffer Smith & Assocs., Beverly Hills); Lawrence R. Booth (Booth & Koskoff, Torrance).

Defendant - Confidential.

FACTS: On Nov. 4, 1996, the plaintiff, a 40-year-old homemaker, was struck by the defendant's bus while she was allegedly walking in a crosswalk. The plaintiffs, the victim and her husband, brought this action against the defendant based on negligence and loss of consortium theories of recovery.

CONTENTIONS: The plaintiffs contended that the defendant's negligence resulted in injury and damages.

The defendant conceded the negligence of the bus driver for purposes of settlement even though the bus driver denied that the plaintiff was in the crosswalk. The defendant argued for the plaintiff's comparative negligence for failure to see the bus since the plaintiff had a prior crosswalk injury two years before.

INJURIES: The plaintiff was run over by the front of the bus and then the rear wheels of the bus sustaining a displaced colles fracture of the left wrist requiring open reduction and internal fixation and bone graft from her hip, a complex tibial plateau fracture of the left knee requiring open reduction and internal fixation, a complex comminuted fracture of the left leg requiring open reduction and internal fixation, a fracture of the pubic rami, bilateral pelvic fractures and an oblique fracture of the right femur requiring an open reduction and closure with a rod.

SPECIALS CLAIMED: MEDS \$300,000; Future MEDS \$50,000; Future LOE uncertain (The plaintiff was a first semester college student at a community college on her way to a four-year degree in primary education and had worked sporadically at part time jobs.).

SETTLEMENT DISCUSSIONS: The plaintiff made a settlement demand for \$5 million. The plaintiff husband demanded \$500,000. The defendant made a settlement offer of \$2 million, gradually increased.

SETTLEMENT CONFERENCE: A settlement conference was held on Aug. 18, 1997 before Justice Jack Trotter, retired, of JAMS/Endispute resulting in the reported settlement. At the time of the settlement, the parties were facing a Fast Tract trial date set for Oct. 29, 1997 in Los Angeles Central.

OTHER INFORMATION: The settlement was reached approximately six months after the case was filed.