

PERSONAL INJURY

AUTO V. AUTO Negligence

VERDICT: \$137,457 gross.

CASE/NUMBER: Jon Hastings v.
Thanh Do / 01CC16364.

COURT/DATE: Orange Superior /
March 18, 2003.

JUDGE: Hon. Mary F. Erickson, Dept.
8.

ATTORNEYS: Plaintiff - Steven F.
Carlson, Randy A. Johnson (Carlson
& Johnson, Orange).

Defendant - John F. McCay (Bolling-
ton, Augustine & Chase, Brea).

MEDICAL EXPERTS: Plaintiff - Neil
D. Kravetz, M.D., orthopedic surgeon,
Orange; Theodore L. Sawyer, M.D.,
neurologist, Santa Ana.

Defendant - Dennis A. Rhyne, M.D.,
orthopedic surgeon, Upland; Richard
D. Dauben, M.D., neurologist,
Orange.

FACTS: On Jan. 8, 2001, at approxi-
mately 7:00 a.m., the plaintiff, a 49-
year-old male, traveling westbound on
the 22 freeway came to a stop when
the rest of the traffic similarly came to
a standstill due to traffic conditions
where the freeway intersected with the
405 freeway. He was rear-ended by
the defendant which forced the plain-
tiff to rear-end the vehicle in front of
him.

PLAINTIFF CONTENTIONS: The
plaintiff alleged that the defendant
was the cause of the accident due to
his inattention. The plaintiff called an
independent witness traveling behind
the defendant who stated that she saw

the traffic ahead of the defendant
come to a stop and she knew that the
defendant was going to slam into the
plaintiff.

DEFENDANT CONTENTIONS: The
defendant denied liability and con-
tended that it was dark and foggy
when the accident occurred and that
the plaintiff was the cause because he
did not have his tail and or brake lights
on.

The defendant also disputed the plain-
tiff's injuries and contended that the
plaintiff only suffered soft-tissue
injuries that have since been resolved.
The defendant argued that the 3 mm
disc bulge is due to the plaintiff's age
and his previous occupation as a con-
struction worker.

INJURIES: The plaintiff claimed 3 mm
disc bulge C6-7; ulnar nerve injury
and pain and suffering.

SPECIALS IN EVIDENCE: MEDS,
\$24,000; future MEDS, \$30,000
(future surgery disputed).

JURY TRIAL: Length, five days; poll,
12-0; deliberation, one day.

SETTLEMENT DISCUSSIONS: The
plaintiff demanded \$100,000 (policy
limits) pursuant to C.C.P. Section 998.
The defendant offered \$30,00.

OTHER INFORMATION: The plaintiff
was granted \$26,061 in C.C.P. Section
998 costs and interest. The plaintiff
brought a post-trial motion for attor-
ney fees for the defendant's denial of
Request for Admission on liability
pursuant to C.C.P. 2033 (o) which was
granted for \$3,395. During closing
arguments, the defendant admitted li-
ability.