

PERSONAL INJURY

MULTIPLE AUTOMOBILE ACCIDENT

Rear-End Collision

VERDICT: Defense.

CASE/NUMBER: David Anthony Rodriguez, Shayeste Rodriguez v. CBS Corp., Paramount Pictures Corp., Alpha M. Barry, Midway/HFC, Midway Rent A Car Inc. / SC093333.

COURT/DATE: Los Angeles Superior Santa Monica / Oct. 21, 2008.

JUDGE: Hon. Joe W. Hilberman.

ATTORNEYS: Plaintiff - Amy B. Benakote, Michael L. Kelly (Kirtland & Packard, LLP, El Segundo).

Defendant - Yuk K. Law (Law & Brandmeyer, LLP, Pasadena).

MEDICAL EXPERTS: Plaintiff - Gary Brazina, M.D., orthopedic surgery, Los Angeles.

Defendant - Thomas J. Grogan, M.D., orthopedics, Santa Monica.

TECHNICAL EXPERTS: Plaintiff - Kenneth A. Solomon, Ph.D., P.E., accident reconstruction, Woodland Hills.

Defendant - Jon B. Landerville, M.S., P.E., accident reconstruction, Torrance.

FACTS: On Nov. 8, 2006, there was a four-vehicle accident in the northbound right turn lane on Pacific Coast Highway and Temescal Canyon Road. The first vehicle was a Toyota Land Cruiser driven by a non-party driver. The second vehicle was plaintiffs' Lincoln Navigator. The third vehicle was a Chevrolet Tahoe driven by defendant/cross-complainant Monica Alarcon, who settled out. The last vehicle was a Ford F550 driven by defendant Alpha M. Barry; he was on the job for defendants CBS Corp. and Paramount Pictures; Midway/HFC and Midway Rent A Car were the lessors of the F550. All four vehicles sustained damage and plaintiffs claimed the accident was caused by Barry, whose F550 rear-ended the Tahoe, which rear-ended plaintiffs' Navigator, resulting in the Navigator rear-ending the Land Cruiser.

PLAINTIFFS' CONTENTIONS:

The plaintiffs contended that their Navigator and the Tahoe behind it were at a complete stop in the right turn lane when the Tahoe was rear-ended by defendants' F550, and that defendant Barry was negligent in his operation of the F550 when entering the right turn lane.

DEFENDANTS' CONTENTIONS:

The defendants contended the sequence of impacts. The defendants alleged that the first impact was when plaintiffs' Navigator rear-ending the Land Cruiser. The second impact was caused by the Tahoe abruptly coming into the right turn lane and cutting off defendants' F550, resulting in the F550 rear-ending the Tahoe, which resulted in the third impact between the front of the Tahoe and the rear of the Navigator.

INJURIES: Plaintiff David Anthony Rodriguez alleged injury to his right shoulder that required an operation to repair his rotator cuff, shoulder joint and tendons, along with musculoskeletal pain in this neck, back and shoulders for about 5 months.

Plaintiff Shayeste Rodriguez alleged musculoskeletal pain to her neck, shoulders and back, as well as emotional injuries due to the fact that she was seven months pregnant and she was worried about the well-being of her unborn baby.

DAMAGES: David Anthony Rodriguez was a 49-year-old real estate mortgage broker. He asked the jury to award him \$255,000 for past and future non-economic damages.

Shayeste Rodriguez was a 32-year-old homemaker. She asked the jury for \$175,000 for past non-economic damages.

About \$10,000 for repairs done to the Navigator, and about \$12,000 for diminished value when the Navigator was traded in.

SPECIALS IN EVIDENCE:

MEDS: \$53,000 for David Anthony Rodriguez; \$10,000 for Shayeste Rodriguez Future MEDS: \$2,400 for David Anthony Rodriguez for physical therapy LOE: \$45,000.

JURY TRIAL: Length, five days; Poll, 11-1 (no negligence); Deliberation, one hour.

SETTLEMENT DISCUSSIONS: The plaintiffs demanded \$245,000. The defendants made no offer.

RESULT: Defense verdict.