

THURSDAY, DECEMBER 31, 2015

PERSONAL INJURY

AUTO V. PEDESTRIAN
Negligence

SETTLEMENT: \$2,175,000.

COURT/DATE: San Diego
Superior / Jan. 15, 2015.

MEDIATOR: Wayne L. Peterson,
retired.

ATTORNEYS: Plaintiff - Janice
Mulligan, Elizabeth Banham, Brian
K. Findley (Mulligan, Banham &
Findley, San Diego).

Defendant - Michael Cayaban
(Office of the Attorney General,
San Diego).

FACTS: Plaintiff Jane Doe filed suit
against the State of California and a
state employee, in connection with
an accident, from which plaintiff
claimed she sustained injuries.

PLAINTIFF'S CONTENTIONS:
Plaintiff, a triathlete and mother of
two, contended a lifeguard truck
owned and operated by the State of
California ran over her with one of
its tires as she was lying face down
on a beach towel on a California
State Beach.

DEFENDANT'S CONTENTIONS:
Defendant conceded liability for
the jaw fracture, but contended
that plaintiff's neck injury was
pre-existing and that plaintiff's
subjective pain complaints were
inconsistent and not supported
by objective findings. Defendant
maintained that no compelling
evidence of brain injury existed in
brain scans or otherwise.

INJURIES: Plaintiff claimed a
fractured jaw, herniated disc in her
neck, radiating pain down her arm,
and a mild traumatic brain injury.
Plaintiff claimed her injuries would
prevent her from returning to work
as an educator and prevent her
participating in triathlons and other
athletic events.

DAMAGES: Plaintiff's husband
claimed loss of consortium.

RESULT: The case settled for
\$2,175,000. A portion of the
settlement was structured.

OTHER INFORMATION: The
parties attended two mediations
and settled shortly before trial.

FILING DATE: June 20, 2013.