

Plaintiff Awarded Less than Offered

Ronald Zurek (Senior Partner/Los Angeles Office) obtained a favorable verdict in a case forced to trial when the adverse party would not settle for the full amount of insurance coverage available. In the case, a pedestrian suffered a massive tear to the rotator cuff in his left shoulder when he was hit by Mr. Zurek's client, a gentleman who was driving a Chevy Tahoe. The Plaintiff had surgery and a full year of rehabilitation, but he never did regain full use of the left arm. Plaintiff had \$40,000 of medical expenses, \$40,000 of lost income and \$209,000 of alleged future lost income as a contractor. Defendant offered his \$100,000 of insurance coverage, but Plaintiff refused to accept it, seeking considerably more at trial.

In the case, Mr. Zurek's client had been driving westbound when he entered an intersection intending to turn left. He waited for oncoming traffic and ultimately, he said his light had turned to yellow before he began to turn. He was surprised to find the Plaintiff pedestrian crossing in an eastbound crosswalk. He braked but could not avoid striking him. Plaintiff insisted that he had a green/walk signal when he entered the crosswalk, and he was supported in this testimony by the only eyewitness. Negligence on the part of Mr. Zurek's client was admitted, but it was also contended that the Plaintiff and the witness were both mistaken. The pedestrian light had to have been yellow/don't walk, such that Plaintiff was partially responsible for being where he should not have been.

The jury ultimately agreed with Mr. Zurek's contentions. They awarded Plaintiff just over \$108,000 in damages but also found him to be 30% responsible for his own injuries. The net verdict was only \$75,600. When Defendant's costs and fees are deducted from the verdict, the Defendant will owe the Plaintiff slightly over \$55,000.