

Plaintiff Owes Defendant \$10,000

More than Awarded

January 2007 Ronald Zurek (Senior Partner/Los Angeles Office) recently completed a trial where the defendant client was driving a car through a casino parking lot, looking for a parking place. At the end of an aisle he made a left turn and while doing so, struck a pedestrian who was walking in that aisle. Three years later the pedestrian plaintiff lawsuit went to trial, at which time he presented \$33,000 of medical expense associated with a neck injury and a knee injury for which he had surgery that documented a torn meniscus.

In defense the contention was that the pedestrian had caused or contributed to the accident himself, and, that the medical treatment was exaggerated and largely unnecessary. The connection between the documented knee injury and the accident was also disputed. The plaintiff had demanded defendant's full \$100,000 insurance policy and a \$40,000 offer had been made. In the end the jury awarded plaintiff the total sum of \$14,197 in damages and then found him to have been 50% negligent in his own right, thus resulting in a net verdict to the plaintiff of \$7,098.50. The low verdict amount means that the defendant will recover substantial costs and expert witness fees, likely to be more than \$17,000. This will result in a final outcome where the plaintiff himself will owe a judgment, to the defendant he initially sued, of about \$10,000.