

Personal Injury
Auto v. Auto
Rearend Collision

Verdict: \$1,150,000.00

Case Number: SCV-226644; Janice French v. Julie Atwood

Court/Date: Sonoma Superior/March 25, 2003

Judge: Honorable Raymond J. Giordano

Attorneys: Plaintiff: Bill Kuziara, Law Offices of Bill Kuziara, 713 Spring Street,
Santa Rosa, CA 95404; (707) 546-1040

Defendant:: Frederick D. Schwarz, Esq., Law Offices of Vincent B.
McLorg, One Post Street, Suite 3500, San Francisco, CA 94104;
(415) 788-1313

Technical Experts: Plaintiff: Mariusz Ziejewski, Ph.D. (Biomechanical Engineer)

Medical Experts: Plaintiff: Jack E. Miller, M.D. (Neurologist)
Stephen Bunker, M.D. (Nuclear Medicine)
Edgar Angelone, Ph.D. (Neuropsychologist)
David Toppino (Vocational Rehab Economist)

Defendant:: Robert L. Burton, M.D. (Neurologist)
George Becker, M.D. (Orthopedist/Psychiatrist)
Randall Smith, Ph.D. (Psychologist)
William Hoddick, M.D. (Neuroradiologist)

Facts: On September 15, 2000, plaintiff Janice French was a passenger in the right front passenger seat of a 90 Mercury Sable when it was rearended at approximately 40 mph by a 99 Suburban driven by Julie Atwood. The impact caused a override of the Sable's car frame pinning a car seat to the back of plaintiff's so her seat could not collapse and dissipate energy.

Plaintiff's Contentions: The accident caused a closed head injury; L5-S1 Disc Injury

Defendant's Contentions: The driver of plaintiff's car did not have on her headlights which could have prevented the accident because of foggy conditions. The accident did not cause a head injury as plaintiff had no demonstrable loss of consciousness and did not complain of memory problems until 3 weeks post-accident. The L5-S1 disc did not require surgery.

Injuries: Closed head injuries. A SPECT scan showed abnormal blood flow to left temporal region to the brain. Plaintiff also sustained an L5-S1 disc disruption requiring surgery. Plaintiff was given Social Security Disability 100% after the accident.

Specials In Evidence: Medical Specials--\$27,000.00; Future Medicals--\$150,000.00; Loss of Earnings--\$550,000.00

Jury Trial: Length 6 days; Poll 11-1; Deliberation 6 hours

Settlement Discussions: Mediation offer by Defendant--\$150,000.00; Plaintiff CCP998 of \$500,000.00; Defendant CCP998--\$225,000.00 ten days before trial

Other Information: Judgment Satisfied--\$1,150,000 verdict. CCP998 Interest of \$158,793.38. Costs of \$49,427.20. Total Judgment of \$1,358,220.54.