



When to Bring in New Defense Counsel and Other Tough Decisions

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CASE STUDY

FACTS:

This jury trial in Marin County, California arises out of a rear-end automobile accident involving an elderly female defendant and a father and teenage daughter plaintiffs. The impact occurred at about 25 mph, with the defendant's car being totaled. The father and daughter complained of back and neck pain to the responders at the scene. However, both declined medical treatment.

Plaintiff Father complained of lower and mid-back pain, with disc injuries. He also had a left wrist and hand injury. Plaintiff Father underwent four surgeries including spinal fusion and three wrist surgeries. Plaintiff Father sought \$143,000.00 in past medical expenses for the surgeries. He also sought \$520,000 in future medical expenses, \$1,022,020 in past lost wages, and \$800,646.00 in future lost wages. Plaintiff Father claimed approximately \$2,300,000 in economic damages. Plaintiffs' counsel also asked the jury for multiples of this amount in pain and suffering, for a total award for Father of over \$5,000,000.

Plaintiff Daughter claimed she sustained neck and mid back pain with disc injuries, bruises across her chest/sternum, headaches and spasm and pain in her trapezium, neck and mid back muscles, and occasionally in the low back. Plaintiff Daughter initially received conservative treatment for her claimed injuries then began receiving trigger point neck injections. Thereafter, she underwent a branch block procedure and began receiving rhizotomy treatments in order to reduce her neck pain. Plaintiff Daughter sought \$40,000 in past medical expenses and \$350,000 in future medical expenses. She also argued to the jury for multiples of the economic damages for a total award of nearly \$1,000,000.

Plaintiff Father served a CCP 998 Offer to Compromise for \$2,000,000 and the Daughter served a settlement demand for \$150,000.

The defense had an underlying auto policy of \$500,000 and an umbrella of \$5,000,000. The defendant's insurance carrier offered \$600,000 total to both plaintiffs during trial with an indication they would go higher.