

TRIALS DIGEST®

THE COMPREHENSIVE SOURCE FOR CALIFORNIA CIVIL TRIAL RESULTS

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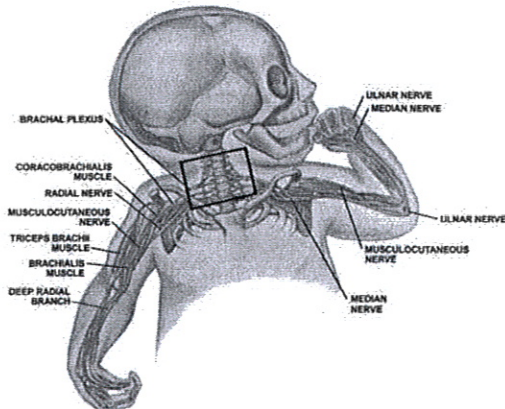
Notable Cases in This Week's Issue...

	Result	TR#
Abuse in foster home resulted from poor oversight	\$30,000,000	22
Airplane refueling truck bursts into flames, burns driver	\$20,375,000	26
Tree limb falls onto park bench, killing seated man	Defense	24
Wife/mother dies from undiagnosed strangulated hernia	\$650,000	21
Military personnel sue to enjoin illegal administrative offsets	\$7,400,000	1
Driver injured in fatal collision seeks damages from estate	\$1,500,000	30
Uneven pavement tosses cyclist from bike	\$500,000	23
College professor alleges breach of contract, retaliation	Defense	12
Expert witness prevails in malicious prosecution case	\$98,582	17

Minor suffers brachial plexus injury during vaginal birth: \$514,000

Trial Report No.: 19

Detailed Illustration: Page 4



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COMMENTS

According to court records: Financial Indemnity Company/Unitrin Specialty Lines Insurance was the insurance carrier for Hardy and Alexander.

38 TD 13TH 30

Driver injured in fatal collision seeks damages from estate

VEHICLE NEGLIGENCE

Motor Vehicle v. Motor Vehicle/Interstate/Freeway/Broadside/Excessive Speed

NO COURT/UNFILED SETTLEMENT

Obaidi v. Estate of Sophie Belknap, Trial type: Settlement. Settlement date: 6/28/2010.

SETTLEMENT: \$1,500,000

COUNSEL

Plaintiff: Stewart P. Galbraith, Penney & Associates, Chico. James E. Gingrich, Penney & Associates, Chico.

Defendant: David J. Samuelson, Bennett, Samuelson, Reynolds & Allard, Alameda.

FACTS/CONTENTIONS

According to plaintiff: On December 28, 2008, at approximately 5:10 a.m., 19-year-old Sophie Belknap was northbound on a freeway in Santa Clara County. For an unknown reason, her vehicle drifted off the roadway, contacted a sound wall, and careened back onto the freeway, coming to rest facing west and blocking parts of the numbers two and three northbound lanes.

Plaintiff Nassima Obaidi, 66, was on her way to work as a Certified Nursing Assistant. According to a witness, plaintiff was northbound in the number two lane behind his vehicle. The witness claimed he saw the disabled Belknap vehicle and was able to swerve into the number one lane and avoid a collision. Plaintiff, however, was unable to avoid the collision. The front of her Honda Accord struck the driver's side door of Belknap's Toyota Camry. Both vehicles sustained significant crush damage. Belknap suffered fatal injuries.

The investigating CHP officer placed complete blame on plaintiff for "traveling too fast for conditions." The defense took the position that because the witness could avoid the collision, plaintiff should also have been able to avoid the collision. Plaintiff's counsel argued that plaintiff had a different line of sight and was under vastly different circumstances than the witness due to the fact she was the "trail vehicle." Plaintiff also argued the "Imminent Peril" jury instruction.

Plaintiff sought damages from defendant Estate of Belknap.

CLAIMED INJURIES

According to plaintiff: Multiple broken bones, which included her femur, humerus, and ribs. Plaintiff also sustained a head injury and internal injuries to her diaphragm, small intestine, and left lower lung. Her injuries necessitated an in-patient hospital stay of 112 days. She underwent nine different surgical procedures.

CLAIMED DAMAGES

According to plaintiff: Belknap was insured, through her parents, with a \$500,000 liability policy and a \$1,000,000 umbrella policy. Plaintiff sought the policy limits.

SETTLEMENT DISCUSSIONS

According to plaintiff: There was no arbitration or mediation.

EXPERTS

Plaintiff: David M. Yoshida, Ph.D., accident reconstructionist, Accident Analysis Associates Inc., Palo Alto (650) 328-4220.

Defendant: Alan E. Brooker, Ph.D., neuropsychologist, Sacramento (916) 446-6519.

COMMENTS

According to plaintiff: The insurance carrier was California State Automobile Association.

38 TD 13TH 31

Broadsided driver alleges shoulder injury

VEHICLE NEGLIGENCE

Motor Vehicle v. Motor Vehicle/Broadside/Intersection

VICARIOUS LIABILITY

RIVERSIDE COUNTY SUPERIOR COURT

Sanchez v. Bergquist, Docket number: RIC433026, Central. Judge: John J. Lynch. Trial type: Jury. Verdict/Judgment date: 3/4/2009.

VERDICT: \$14,000

\$14,000 against defendant Devin James Bergquist.

The jury found only defendant Devin James Bergquist was negligent. Notwithstanding the jury's verdict in favor of defendants Brad and Shaila Daun Bergquist, the court found in favor of plaintiff in that owner liability was imputed to them. The court awarded \$14,000 against all three defendants. Vote: Not reported. Deliberations: Not reported.

COUNSEL

Plaintiff: James Migler, Law Offices of James Migler, Los Angeles.