

VEHICLE NEGLIGENCE

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Bicyclist struck by left-turning tractor-trailer suffers brain injury

VEHICLE NEGLIGENCE

Bicycle/Truck/Trailer/Left Turn/Right-of-Way

LOS ANGELES COUNTY SUPERIOR COURT

Krienke v. Confidential, Docket number: Confidential, Compton, Judge: William P. Barry. Trial type: Settlement. Settlement date: 3/14/2013.

SETTLEMENT: \$5,000,000

\$5,000,000 to plaintiff for damages

After completing damages discovery, defendants agreed to pay their policy limits. The settlement was finalized and approved by the court less than 15 months after the accident.

COUNSEL

Plaintiff: Roger E. Booth, Booth & Koskoff, Torrance.

Defendant: Confidential.

FACTS/CONTENTIONS

According to plaintiff: On Dec. 16, 2011, plaintiff Stewart Lee Krienke, 63, allegedly rode his bicycle down Figueroa Street in Carson, Calif., when a large tractor-trailer reportedly made a left turn into a driveway and collided with him. According to Krienke, the truck driver was in the course and scope of his employment with a medium-sized trucking company.

Plaintiff contended he had the right-of-way and defendant truck driver negligently turned into the driveway without stopping or ensuring that there was no oncoming traffic of any kind.

Defendants contended defendant truck driver did look for oncoming traffic before starting his left turn. Defendants contested the severity of plaintiff's injury and the amount of his future care expenses. In discovery, defendants focused on the fact that, prior to this incident, plaintiff lived on the street and was most likely suffering from a mental illness of some kind.

CLAIMED INJURIES

According to plaintiff: Plaintiff sustained a major traumatic brain injury and will require lifetime attendant care.

CLAIMED DAMAGES

According to plaintiff: \$187,832 past medical; \$1,109,324 future medical.

SETTLEMENT DISCUSSIONS

According to plaintiff: Plaintiff served a Cal. Civ. Proc. Code § 998 offer to compromise in the amount of the defendants' insurance policy limits of \$5,000,000.

EXPERTS

Plaintiff: Tamorah G. Hunt, Ph.D., economist, Formuzis, Pickersgill & Hunt Inc., Santa Ana (714) 542-8853. Sharon K. Kawai, M.D., rehabilitation medicine, Fullerton (714) 449-3340.

Defendant: Doreen Casuto, R.N., life care planner, Rehabilitation Care Coordination, San Diego (619) 299-9922. Milton E. Legome, M.D., orthopedic surgeon, Orange Orthopedic Medical Group Inc., Orange (714) 538-8549. Kenneth L. Nudleman, M.D., F.R.C.P., neurologist, Santa Ana (714) 542-7996.

COMMENTS

According to plaintiff: The complaint was filed Jan. 10, 2012.