

Settlement: \$237,500

Case: *Larrobis v. Ralphs Grocery Company, et. al.*
Court: Superior Court - Los Angeles County/Judge Swart

Pltf Atty: **Jeffery R. Neubarth**, Long Beach
Deft Atty: Robert Ryder, Brady, Vorwerck & Ryder, Orange

Settlement: **\$237,500 on first day of trial**

Facts: On Monday, October 7, 1996, all parties including plaintiff age 61, were eastbound on the I-10 freeway at Rosemead (exit). The Ralphs truck driver alleged that 6 vehicle in front of him stopped suddenly to avoid a disabled car, and to avoid hitting and crushing those vehicles, he swerved into the lane of plaintiff who was overtaking him on the left side. The vehicles collided at a speed of 4-5 miles per hour. The police and EMT responded. Plaintiff refused medical treatment at the scene, and drove to work, working until the end of the week. Police report/EMS indicated "Non- Injury Accident". Early on October 12, 1996 at 4:30 Am, plaintiff had a stroke at home when he got up to get a drink of water.

Contentions: Plaintiff claimed that defendant made an illegal lane change and caused the accident. Plaintiff denied that he was speeding or in any way culpable. Plaintiff claimed that he was injured in the accident but did not know until 5 days later when he had his stroke. Plaintiff claimed that most likely a plaque was dislodged by the accident, floated around for days and then caused a stroke 5 days after the accident. Plaintiff claimed he was more susceptible to stroke than most but that a defendant must take a plaintiff "as he finds him"

Defense: As to liability, Ralphs claimed that they were confronted by an emergency situation when the vehicle stopped suddenly in front of their driver, and that the driver reasonably acted by swerving to avoid crushing six cars in front of him. More importantly, defense claimed that there was no relationship between the stroke 5 days after a "non-injury accident" and the happening of the accident. That plaintiff and his father had both had prior strokes ,and thus that this was an unfortunate coincidence. That if the accident were to cause a stroke it would have happened right away, not 5 days later. Defense noted that plaintiff's girlfriend/roommate never even knew that he had been in an accident and decided to sue 10 months later. That there was no support in the medical literature for a claim such as this.

Pltf Experts: Hyman Gross, M.D. Neurologist, Marina Del Ray
Sara J. Guentz, R.N., Life Care Planner, Long Beach
Claudette Varanko, R.N., Nurse/Medical Record Review
Judson B. Welcher, M.S., Biomechanics/Accident Reconstruction
Raymond G. Schultz, Ph.D., Economist, San Marino

Deft Experts: Michael A. Weinir, M.D., Neurologist, Tarzana
Barry Ludwig, M.D., Neurologist, Los Angeles
Gene Bruno, Life Care Planner, Los Angeles
George Brinton, Ph.D., Economist, Los Angeles
John Brault, Biomechnics, El Segundo
David King,MS, Accident Reconstruction
Charles Plemons, Accident Reconstruction, Los Angeles