

Santa Barbara Lawyer

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Verdicts & Decisions

Sotelo v. Holland

SANTA BARBARA SUPERIOR COURT, ANACAPA DIVISION

Case Number:	1439995
Type of Case:	Personal Injury/MVC/Rear-End Collision
Type of Proceeding:	Jury Trial
Judge:	Colleen Sterne, Dept. 5
Length of Trial:	12 Court Days
Length of Deliberations:	1 ½ days
Date of Verdict/Decision:	Monday Sept. 25, 2017
Plaintiff (full name(s)):	Maricela Sotelo
Plaintiff's Counsel:	John B. Richards of the Law Office of John B. Richards (Co-Counsel) Glenn Guenard of Guenard & Bozarth, LLP (Co-Counsel)
Defendant (full name(s)):	Brooke Holland and Julia Holland
Defendant's Counsel:	Benjamin Engle and Dan Carobini of Engle Carobini & Coats LLP
Insurance Carrier:	Farmers Insurance
Experts (names and specialties):	<u>Plaintiff's Retained Experts:</u> Richard Kahmann, M.D., Orthopedic Surgeon Philip Lewis, Ph.D., Vocational Rehabilitation Mark Schniepp, Ph.D., Economist <u>Defendants' Retained Experts:</u> Cary Alberstone, M.D., Neurosurgeon Gene Bruno, Vocational Rehabilitation Jennie McNulty, M.S., Economist

Overview of Case: Plaintiff Maricela Sotelo's ("Plaintiff's") car was rear-ended by defendant Brooke Holland's vehicle at the intersection of Victoria Street and Santa Barbara Street on February 12, 2013, causing less than one-thousand dollars in damage to the rear bumper. As a result, Plaintiff suffered neck and back injuries. Plaintiff's neck injury resolved but her back injury did not. On June 14, 2013 plaintiff ran a stop sign and was broadsided on her driver's side door by a SUV. In June 2014, Dr. Richard Kahmann recommended that Plaintiff undergo back surgery. Counsel for Plaintiff served a Code of Civil Procedure section 998 offer, in the amount of the \$100,000 Farmers Insurance policy limit, along with Dr. Kahmann's recommendation to Plaintiff regarding back surgery. Farmers Insurance refused/declined to accept the C.C.P. section 998 offer. Plaintiff continued her usual and customary work as a Certified Nursing Assistant at two different facilities, working sixty to eighty hours per week during the two years between the accident date and the date she had her low back surgery. On February 15, 2015 plaintiff fell from an exam table at her doctor's office and sustained injuries. Plaintiff underwent low back decompression surgery in April 2015, and was off of work for 10 months. Plaintiff continues to suffer from low back pain after returning to work. The evidence revealed that Plaintiff took 90 pain pills a month, due to her chronic low back pain. Prior to this incident, Plaintiff had no neck or low back injuries or treatment of any kind.

Facts and Contentions: Plaintiff contended that her low back injury was caused by the subject motor vehicle collision and that all of her resulting medical care was reasonable and necessary.

Defendants argued that: (1) Plaintiff's low back surgery was caused by Plaintiff's pre-accident physical condition (i.e., a congenital defect of her spine which caused severe stenosis of the spine and severe degenerative disc disease); 2) the

minor rear-end accident was not a substantial factor in causing Plaintiff's low back injury; 3) the subsequent motor vehicle collision also caused or contributed to injury to Plaintiff's neck and low back; and 4) the subsequent fall from the doctor's exam table also caused or contributed to the injury to Plaintiff's low back.

Summary of Claimed Damages:

Past Medical Billing On A Lien	~\$51,000.00
Past Lost Income	~\$45,000.00
Future Lost Income	\$507,000.00
<u>Past/Future P&S (Noneconomic Damages)</u>	<u>\$500,000.00 to \$1.5 million</u>
Total Damages Claim	~\$1,103,000 to \$2,103,000

Result:

The jury found in favor of Plaintiff, and made awards as follows:

Past Medical Expenses	\$20,552
Past Lost Income	\$14,235
Future Lost Income	\$76,544
<u>Noneconomic Damages</u>	<u>\$128,000</u>
TOTAL	\$239,331

This amount was reduced to \$225,537.00, to adjust the award for future lost income to present value. Following the verdict, plaintiff sought prejudgment interest and an award of costs based on the insurer's refusal to accept the 2014 statutory settlement offer. Those claims were settled, with the insurer agreeing to pay an additional \$106,463.00, ending in a total result of \$332,000.00 in favor of Plaintiff.



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GRANT REQUESTS

The Santa Barbara County Bar Association provides grants to projects that further its Mission Statement (please see page 4). Priority is given to requests where the funds will be used for the benefit of SBCBA members or for the benefit of individuals within Santa Barbara County.

Requests for grants shall be made in writing addressed to the SBCBA (15 W. Carrillo Street, #106, Santa Barbara CA, 93101) and include the following information:

- Name of Requestor
- Total Amount of Request
- Reason for Request
- Description of exactly how the requested funds will be used and whether said request is time-sensitive.