

VERDICTS & SETTLEMENTS

FRIDAY, OCTOBER 15, 2021



Krsto Mijanovic

—VERDICT: DEFENSE—

This case arises out of a tractor-trailer versus motorhome rear-end collision on Interstate 15 northbound at approximately 11:45 p.m. on May 24, 2017. Defendant Donald Williams, Jr. was driving a tractor-trailer while pulling a trailer owned by Machado Custom Hayloading, Inc. Defendant Williams was driving his truck at 56 mph when he rear-ended the motorhome, which was traveling at 40 mph. Plaintiff, Olga Belikova, 23, was driving a 1977 Ford Fairwinds motorhome. Her brother, Edgar Belikov, 32, was a front seat passenger, and Alexander Kleshchenko, 31, was asleep in the back of the motorhome at the time of impact.

PERSONAL INJURY

AUTO V. TRACTOR-TRAILER Rear-End Collision

VERDICT: Defense

CASE/NUMBER: Alexander Kleshchenko; Edgar Belikov; Olga Belikova v. Don Williams Trucking, Inc.; Donald Ray Williams Jr; Donald Ray Williams Sr; Machado Custom Hayloading, Inc. / CIVDS1801281

COURT/DATE: San Bernardino Superior / September 1, 2021

JUDGE: Bryan F. Foster

ATTORNEYS:

Plaintiff – Gerald L. Laderman
(Law Offices of Gerald Laderman)

Defendants – Krsto Mijanovic, Steven A. Scordalakis (Haight, Brown & Bonesteel LLP); Lizel R. Cerezo (Freeman, Mathis & Gary LLP)

FACTS:

This case arises out of a tractor-trailer versus motorhome rear-end collision on Interstate 15 northbound at approximately 11:45 p.m. on May 24, 2017. Defendant Donald Williams, Jr. was driving a tractor-trailer while pulling a trailer

owned by Machado Custom Hayloading, Inc. Defendant Williams was driving his truck at 56 mph when he rearended the motorhome, which was traveling at 40 mph. Plaintiff, Olga Belikova, 23, was driving a 1977 Ford Fairwinds motorhome. Her brother, Edgar Belikov, 32, was a front seat passenger. Alexander Kleschenko, 31, was asleep in the back of the motorhome at the time of impact.

PLAINTIFFS' CONTENTIONS:

Defendant Williams admitted he was at fault for the accident. All three plaintiffs presented expert testimony that plaintiffs sustained significant injuries that were caused by the rear-end impact. Plaintiffs retained Jai Singh, an accident reconstruction and biomechanics expert, who testified that the change in velocity generated by the impact was as high as 20 mph, and that a mechanism of injury existed to cause the traumatic brain injuries and low back injuries that Olga and Edgar claimed required surgery, as well as the brachial plexus injury that Alexander allegedly sustained. Plaintiffs presented expert testimony from a board certified orthopedist, a neurologist, a neuropsychologist, and two chiropractors to support their injury claims.

DEFENDANTS' CONTENTIONS:

Defendants admitted liability and disputed causation and damages. The defendants retained Michael Callahan, an accident reconstruction expert, who disputed Mr. Singh's reconstruction and testified that the severity of the impact was significantly less than the change in velocity calculated by Mr. Singh. Defendants presented evidence that while the motorhome was totaled in the accident, the impact did not cause plaintiffs' injuries, that none of the three plaintiffs were surgical, that Olga and Edgar failed to meet their burden regarding their TBI claims, and Alexander did not sustain a nerve injury (brachial plexus), which his treating doctor, Dr. Jeremiah Carlson, testified was a permanent injury.

INJURIES:

Plaintiff Olga claimed she sustained a TBI, that she had ongoing problems with headaches, a laundry list of debilitating impairments in cognitive function, emotional issues, fatigue, and lower back pain radiating into her right hip. She also claimed to have suffered from intermittent left-sided hearing loss; memory problems; loss of concentration, affecting her ability to complete tasks and read; dizziness;

extreme fatigue; mental and emotional distress; irritability and agitation/ poor frustration tolerance; difficulty sleeping; and lack of appetite. She also complained of neck pain; upper and lower back pain, including a 5 mm disc herniation at L5-S1, which her treating orthopedist testified required a \$200,000 surgery.

Plaintiff Alexander complained of headaches; pain in the neck, including bulging discs, left shoulder, left arm, left wrist, chest and left-sided rib cage, upper back, mid-back, and lower back, including disc bulges/herniations and annular tears at L4-5 and L5- S1 with radiating symptoms down his buttocks and left leg. He also claimed to have suffered from a permanent brachial plexus nerve injury that caused permanent numbness in his left arm for which he is still treating.

Plaintiff Edgar claimed he sustained a mild traumatic brain injury (including, headaches, nausea, lack of focus, irritation and frustration, dizziness, blurry vision, loss of memory; and loss of energy); pain in the back of his skull; depression; neck pain, including clicking, bulging discs and a syrinx from C2-C5; upper back pain; mid back pain; low back pain; and bilateral hand pain, numbness and weakness (right greater than left). Edgar claimed the impact was so strong, he broke the seat he was sitting in, which caused his seat to recline back at 150 degrees. Edgar claimed he continues to suffer from lack of focus, which affects his ability to multi-task, with continued complaints of intermittent irritation, frustration, depression, head pain, back pain, mid back pain, and numbness/tingling in his right hand. His treating orthopedist testified that he required back surgery at the cost of \$200,000.

SETTLEMENT DISCUSSIONS:

Prior to trial, plaintiffs alleged special damages in excess of \$725,000, which was comprised of two low back surgeries and epidural injections, past medical treatment, and loss of personal property. Plaintiffs demanded that the insurance carrier pay its policy limits of \$2 million. Plaintiffs also issued statutory offers for a total of \$2 million. Prior to trial, Defendants issued statutory offers totaling \$600,000. Plaintiffs refused to enter into a high-low agreement.

RESULT:

Defense verdict. The jury returned a defense verdict as to each plaintiff and found the accident did not cause plaintiffs' alleged injuries. The jury reached as decision in favor of the defense as follows: 12-0 as to Edgar, 11-1 as to Alex, and 10-2 as to Olga.