

Superior Court, Fresno County, California.

Castaneda vs. Graham

TOPIC:

Synopsis: Woman injured in low-speed rear-end accident

Case Type: Vehicle Negligence; Motor Vehicle v. Motor Vehicle; Vehicle Negligence; Rear-End; Vehicle Negligence; Parked/Stalled/Stopped Vehicle; Vehicle Negligence; Low Impact/Speed

DOCKET NUMBER: 07CECL06261

STATE: California COUNTY: Fresno

Verdict/Judgment Date: January 29, 2008

JUDGE: [Donald R. Franson Jr.](#)

ATTORNEYS:

Plaintiff: [David M. Moeck](#), Quinlan, Kershaw & Fanucchi, Fresno.

Defendant: Kou Lor, Law Offices of Sheila Gonzales, Sacramento.

SUMMARY:

Verdict/Judgment: Plaintiff

Verdict/Judgment Amount: \$28,800

Range: \$1-49,999

\$8,800 past medical; \$20,000 pain and suffering.

Trial Type: Jury

Trial Length: 2 days.

Deliberations: 2.5 hours.

Jury Poll: 12-0.

EXPERTS:

Plaintiff: [John Arakelian](#), D.C., chiropractor, San Joaquin Chiropractic, Fresno.; [Donald R. Huene](#), M.D., orthopedic surgeon, Fresno, (559) 233-2541.

Defendant: [Harold Haupt](#), accident reconstruction, Clovis.

TEXT: CASE INFORMATION FACTS/CONTENTIONS

According to Plaintiff: Plaintiff Kathy Castaneda, age 30, was traveling east on Belmont Avenue near its intersection with Willow Avenue in Fresno, California. Plaintiff slowed to a stop due to traffic. Defendant Garrena Graham, driving a vehicle owned by defendant Edna Banks, was traveling directly behind plaintiff and began to slow for traffic, but was unable to complete her stop before rear-ending plaintiff. Defendant testified she was traveling 15 mph at the point of impact.

Defendants argued that the accident was not a substantial factor in causing plaintiff's injuries and that her treatment was excessive. Defendants further argued that the low impact could not have caused plaintiff injury.

CLAIMED INJURIES According to Plaintiff: Plaintiff contended her injuries were caused by the impact, that she received reasonable and necessary medical treatment for her soft-tissue injuries, and that she has ongoing neck and back pain. Plaintiff alleged her injuries interfered with her activities of daily living.

CLAIMED DAMAGES According to Plaintiff: \$600 property damage.

SETTLEMENT DISCUSSIONS According to Plaintiff: Demand: \$10,000 ([CCP § 998](#)); Offer: \$501 ([CCP § 998](#)).

COMMENTS According to Plaintiff: The **insurance** carrier for defendant Banks was Safeco **Insurance**.

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Fresno County Superior Court

8 Trials Digest 11th 26 (Cal.Superior), 2008 WL 478402

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