

Superior Court, Orange County, California.

Lembo vs. Decarlo

TOPIC:

Synopsis: Defendant says phantom vehicle caused him to lose control of car

Case Type: Vehicle Negligence; Motor Vehicle v. Motor Vehicle; Vehicle Negligence; Excessive Speed; Vehicle Negligence; Runaway Vehicle; Vehicle Negligence; Phantom Vehicle; Vehicle Negligence; Lane Change

DOCKET NUMBER: 07CC03965

STATE: California

COUNTY: Orange

Verdict/Judgment Date: March 5, 2008

JUDGE: [H. Warren Siegel](#)

ATTORNEYS:

Plaintiff: [Neil Berry](#), Law Offices of Robert B. Reeves, Santa Ana.

Defendant: [Tioni A. Phan](#), Law Offices of Tioni A. Phan, Santa Ana.

SUMMARY:

Verdict/Judgment: Defendant

Verdict/Judgment Amount: Defense

Range: \$0

Trial Type: Jury

Trial Length: 3 days.

Deliberations: 30 mins.

Jury Poll: 10-2.

EXPERTS:

Plaintiff: Sam Kim, D.C., chiropractor, Redlands First Chiropractic, Redlands.

Defendant: [Milton E. Legome](#), M.D., orthopedic surgeon, Orange Orthopedic Medical Group Inc., Orange, (714) 538-8549.

TEXT:

CASE INFORMATION

FACTS/CONTENTIONS

According to Defendant: Plaintiffs Gustavo and Patricia Lembo, age 62 and 58, respectively, alleged that defendant Adam N. Decarlo, age 20, was traveling in excess of the speed limit of 65 mph on the 55 freeway. Plaintiffs said defendant lost control of his vehicle and hit plaintiffs' vehicle. Defendant contended that he was cut off by a phantom vehicle pulling out of the carpool lane, causing him to lose control.

CLAIMED INJURIES

According to Defendant: Plaintiff Gustavo Lembo: Right leg sciatica; low-back disc bulges. Plaintiff Patricia Lembo: Soft-tissue injuries to neck and back, with residuals.

CLAIMED DAMAGES

According to Defendant: Plaintiff Gustavo Lembo: \$6,058 economic; \$59,700 general. Plaintiff Patricia Lembo: \$4,297 economic; \$52,200 general.

#### SETTLEMENT DISCUSSIONS

According to Defendant: Demand: \$15,000 for each plaintiff ([CCP § 998](#)). Offer: \$6,000 to each plaintiff ([CCP § 998](#)).

#### COMMENTS

According to Defendant: The **insurance** carrier was Mercury **Insurance** Company; the adjuster was Katey McDonnell. The defense will submit a memorandum of costs.

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Orange County Superior Court

11 Trials Digest 11th 31 (Cal.Superior), 2008 WL 681871

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