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Superior Court, Fresno County, California.

Scott vs. Mathis

TOPIC:

Synopsis: SETTLEMENT -- Woman dies, sister injured following head-on collision  
Case Type: Vehicle Negligence; Motor Vehicle v. Motor Vehicle; Vehicle Negligence; Head-On; Vehicle Negligence; Centerline Violation; Vehicle Negligence; Passenger; Wrongful Death; Adult

DOCKET NUMBER: 06CECG03458  
STATE: California  
COUNTY: Fresno  
Verdict/Judgment Date: December 12, 2007  
JUDGE: [Donald S. Black](#)

ATTORNEYS:

Plaintiff: [Robert M. Dowd](#), Griswold, LaSalle, Cobb, Dowd & Gin, Hanford; Michael R. Johnson, Griswold, LaSalle, Cobb, Dowd & Gin, Hanford.  
Defendant: [Thomas B. Spaulding](#), Law Offices of Donald J. DeShaw, Sacramento.

SUMMARY:

Verdict/Judgment: Settlement  
Verdict/Judgment Amount: \$2,000,000  
Range: \$2,000,000-4,999,999

The mediator was Hon. Edward A. Panelli (Ret.) of JAMS. Plaintiff Erin Scott: \$1,000,000; \$348,173 structure premium. Plaintiffs Kevin and Judy Scott: \$1,000,000; \$249,987 structure premium. Defendant was found 100 percent liable.

EXPERTS:

Plaintiff: Not reported.  
Defendant: Not reported.

TEXT: CASE INFORMATION FACTS/CONTENTIONS

According to Plaintiff: On December 18, 2005, around 6:00 p.m., defendant David H. Mathis was traveling on SR-41 in an unincorporated area of Fresno County, California and veered into oncoming traffic, striking decedent Megan Scott, age 20, and plaintiff Erin Scott, age 23, head-on. Defendant was driving a rented 2006 Pontiac G6. Decedent was driving a 2003 Mitsubishi Eclipse, and plaintiff Erin Scott was a passenger in the vehicle.

CLAIMED INJURIES According to Plaintiff: Plaintiff Erin Scott suffered multiple fractures in her right foot and right wrist. Plaintiff Erin Scott's ribs were fractured and she suffered from facial tearing. Decedent died three days later from an anoxic brain injury. Plaintiffs Kevin Scott, age 50, and Judy Scott, age 48, made a claim for loss of consortium following the death of their daughter, decedent.

CLAIMED DAMAGES According to Plaintiff: Plaintiff Erin Scott: \$60,418 medical; \$1,569 loss of income.

SETTLEMENT DISCUSSIONS According to Plaintiff: Demand: \$2,000,000 policy limits; Offer: Indication of \$1,000,000, with more at mediation.

COMMENTS According to Plaintiff: The **insurance** carriers for defendant were Progressive **Insurance** (adjuster Margaret Burtone) and Safeco **Insurance** (claims analyst Kathy Smith).

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