

**Case Title: N.W. vs. DOE Construction and Concrete Company\***

**Court:** San Francisco Superior

**TOPIC:** Personal Injury (Vehicular - Moped)

**SUB TOPIC:** Dangerous Road Condition

**FURTHER DESCRIPTION:** Negligence

**SETTLEMENT:** \$750,000

**PLAINTIFF ATTORNEY:** Sally Morin (Sally Morin PC, San Francisco).

**FACTS:** On December 8, 2007 at approximately 5:30pm, plaintiff N.W., a self-employed graphic artist, was riding his moped on a small side street in San Francisco. Due to road construction being conducted by defendant during the daytime, there were large sections of the street that were severely uneven and dangerous in the evening. There were no signs in the street to give warning. Given these conditions, plaintiff was thrown from his moped several feet into the street sustaining serious personal injuries.

**PLAINTIFF'S CONTENTIONS:** Plaintiff claimed that defendant was negligent in causing significantly uneven driving surfaces in the street and failing to provide adequate warning.

**DEFENDANTS' CONTENTIONS:** Defendant contended that the conditions were open and obvious.

**INJURIES:** Plaintiff sustained a fracture to both bones in his left forearm, which required surgical repair and physical therapy.

**RESULT:** Plaintiff sought \$170,000 in past medical costs, \$50,000 in future medical costs, and \$35,000 in lost earnings.

**Demand:** \$975,000.00

**Offer:** \$325,000.00

**SETTLEMENT:** \$750,000.00

*\*Due to confidentiality clauses in the settlement agreement between the parties, certain information (including the names of the parties) cannot be disclosed.*