

**RESULT** Prior to trial, the parties agreed to a \$320,000 settlement, which was finalized via the guidance of mediator Gary Donovan, of Judicate West.

**INSURER(S)** State Farm Insurance Cos. for both defendants

**EDITOR'S NOTE** This report is based on information that was provided by plaintiff's counsel. Defense counsel did not respond to the reporter's phone calls.

—Priya Idiculla

## MOTOR VEHICLE

Passenger — Rear-ender — Multiple Vehicle — Emotional Distress

### Minor plaintiff witnessed sister's serious injuries in car accident

**SETTLEMENT** \$235,384

**CASE** Jenny Cher, by and through her Guardian ad Litem, Tung Cher v. Victor Mathews, No. BC611116; BC681095

**COURT** Superior Court of Los Angeles County, Santa Monica

**DATE** 5/30/2018

#### PLAINTIFF

**ATTORNEY(S)** Stewart H. Lim, Stewart H. Lim & Associates, Long Beach, CA  
Christopher Montes de Oca, Law Offices of Christopher Montes de Oca, Los Angeles, CA  
Artin Yadegarian, Law Offices of Artin Yadegarian, Glendale, CA

#### DEFENSE

**ATTORNEY(S)** Lilia M. Sandoval, Maranga | Morgenstern, Woodland Hills, CA

**FACTS & ALLEGATIONS** On March 30, 2012, plaintiff Jenny Cher, 9, a student, was a rear-seat passenger of a vehicle traveling on Westmont Drive, in Los Angeles. Her sister, Mary Cher, 10, was also in the rear seat. While the vehicle was stopped at a stop sign at the intersection with Mount Shasta Drive, it was rear-ended by a vehicle operated by Victor Mathews. Mary, who was seated behind the driver, sustained injuries to her head. Jenny suffered no injuries but saw the incident.

Tung Cher, acting as Jenny's guardian ad litem, sued Mathews, alleging that Mathews was negligent in the operation of his vehicle.

Mathews admitted liability.

The matter originally settled for \$3,500 on Oct. 18, 2016. However, the settlement was disaffirmed, and the matter was refiled on Oct. 27, 2017.

## INJURIES/DAMAGES *emotional distress; zone of danger*

Jenny witnessed her sister, Mary, become seriously injured in the crash.

Mary sustained multiple facial fractures, including fractures of her jaw, sinus and occipital condyle, as well as a T12 transverse process fracture. Mary also sustained fractured teeth, causing a tooth to become lodged in a sinus cavity, and several other injuries, including a traumatic brain injury. Mary was immediately taken to a hospital, where she was admitted for 11 days and her jaw was wired shut. She now requires continued supervision and help as a result of her cognitive impairments.

Jenny witnessed her sister's injuries and long recovery. She also witnesses how her sister's impairments impact her everyday life. As a result, Jenny, as a bystander, claimed she suffered emotional distress as a result of witnessing her sister's initial injuries while being in the zone of danger. Specifically, Jenny testified that since her sister was unresponsive after the accident, she believed that Mary had died in the crash. She further testified that as a result, she was emotionally impacted by believing her sister was dead immediately after the accident.

Jenny sought recovery of damages for her past and future emotional pain and suffering.

**RESULT** The parties agreed to settle Jenny's case for \$235,383.82.

**INSURER(S)** Liberty Mutual Insurance Co.

**EDITOR'S NOTE** This report is based on information that was provided by plaintiff's counsel. Defense counsel did not respond to the reporter's phone calls.

—Priya Idiculla

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