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**PERSONAL INJURY****AUTO V. PEDESTRIAN**  
Negligence

SETTLEMENT: \$365,000

CASE/NUMBER: Broadspire,  
Mika Laupola v. Ancon Marine  
Services / YC063471COURT/DATE: Los Angeles  
Superior Torrance / April 3, 2012

JUDGE: Hon. Dudley W. Gray, II.

ATTORNEYS: Plaintiff - Richard  
L. Bisetti (Magana, Cathcart &  
McCarthy, Los Angeles) for Mika  
Laupola; Kevin P. McVerry (Kevin  
P. McVerry, Attorney at Law,  
Camarillo) for Broadspire.Defendant - David M. Phillips  
(Pollard, Mavredakis, Cranert,  
Crawford & Stevens, Pasadena).FACTS: Mika Laupola worked  
for JV Industrial Cos. He went to  
ExxonMobil refinery as part of  
his job, and while walking to a tool  
shed on a road within the refinery,  
his back was clipped by the side  
view mirror of a pickup truck  
operated by another subcontractor  
working on the premises. The  
subcontractor was an employee of  
Ancon Marine Services. Laupola  
was knocked to the ground and  
suffered injuries as a result thereof.Laupola treated under JV's workers  
compensation carrier, Broadspire,  
which then sued Ancon to recoup  
its lien. Laupola sued Ancon for  
his personal injuries alleging it was  
vicariously liable for its employee's  
negligence.

## PLAINTIFF'S CONTENTION:

Plaintiff contended that he was  
wearing double ear protection at  
the time of the accident, and could  
not hear Defendant's vehicle.  
Plaintiff contended that defendant-  
employee was negligent in the  
operation of his vehicle.

## DEFENDANTS' CONTENTIONS:

Defendants contended that plaintiff  
should have heard the approaching  
vehicle. Defendants further  
contended that Plaintiff failed to  
take evasive action to avoid being  
clipped by the side view mirror.INJURIES: Laupola suffered  
injuries to his neck, back, and left  
knee. An MRI revealed internal  
derangement and both lateral and  
medial meniscal tears. He also  
claimed soft-tissue injuries to his  
neck and back, and he followed  
it up with physical therapy. He  
subsequently underwent an  
arthroscopy and partial medial  
meniscectomy on his left knee,  
followed by more physical therapy.  
Laupola continued to experience  
residual pain and discomfort in his  
left knee, neck, and back. He has  
not returned to work since and  
had maximized out his workers'  
compensation benefits.DAMAGES: Laupola sought  
damages for medical costs, lost  
earnings, and pain and suffering.  
Broadspire sought \$105,456.56 for  
the workers' compensation lien.RESULT: The parties negotiated  
a \$365,000 global settlement.  
Laupola received \$270,089.10 while  
Broadspire received \$94,910.90.INSURER: Zurich North America  
insured Ancon Marine Services.