

CALIFORNIA

FRESNO OFFICE PREVAILS IN HOTLY-CONTESTED UIM CASE



ERICKSEN
ARBUTHNOT

On April 28, 2021, Keren H. Wasserman, Esq. secured a significantly favorable arbitration award in a case of uncontested liability. The last global settlement demand for the six (6) claimants was \$1.1 million. The arbitration, which took place over the course of four lengthy days, included thirteen live witnesses – four claimants, six experts, two treating physicians, and one investigator. Others were subpoenaed but failed to appear pursuant to those subpoenas.

The lead claimant, a surgeon/pain management physician from Beverly Hills, was claiming \$2.7 million in future medical expenses and approximately \$2 million in past loss of income alone. The

Arbitrator ultimately awarded \$0.00 to this claimant for his future medical expenses and \$0.00 for his alleged loss of earnings.

The collective “net” award to the six claimants was \$125,673.50. Of that amount, the lead claimant only netted \$54,247.50. Further, based on a CCP Section 998 Offer to Compromise to the lead claimant prior to arbitration on March 1, 2021, his award will be reduced by \$68,165.25, effectively owing Ericksen Arbuthnot’s client the sum of \$13,917.75. All told, the net arbitration award for all six claimants totaled a mere \$57,508.25, which is more than \$1 million less than claimants’ final settlement demand.



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