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DAILY REPORT

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ALM

\$1M Settles Lawsuit for Man Rear-Ended by Alleged DUI Driver

GREG LAND | gland@alm.com

A MAN WHO was rear-ended when he was stopped in traffic and slammed into the vehicle in front of him has settled his claim against the allegedly drunken driver who caused the wreck for \$1 million.

According to the demand letter and attorney James Rice Jr., his client Mike Chang suffered multiple injuries to his back and elbow, and eventually required lumbar surgery for his spine. Chang accrued more than \$107,000 in medical bills.

“We sent an initial demand for \$900,000, and their top offer was \$160,000, which we thought was low for a surgery case,” Rice said.

The defense was handled by Waldon Adelman Castilla Hiestand & Prout partner Trevor Hiestand, who said the case had been handled promptly and appropriately.

“This case quickly settled without lengthy litigation,” said Hiestand. “In fact, my client’s insurer made the final decision to settle this



Andrew Brandt (from left), Jimmy Rice and Kim McGowan represented a man who required back surgery after walking away from an accident in which he was rear-ended while stopped in traffic.

matter within 60 days of our firm’s receipt of the defense assignment.”

The accident happened at about 7 p.m. in March 2016 when Chang’s Toyota Sequoia was stopped in traffic at an intersection near Perimeter Mall.

A Honda Accord driven by Courtney Yarbrough hit Chang’s SUV and knocked him into the Toyota RAV4 in front of him.

According to the police report, Yarbrough’s car sustained “extensive” damage, while

Chang's was moderately damaged. The RAV4 was lightly damaged. Paramedics arrived and assessed all three drivers, but none were taken to the hospital.

Yarbrough was charged with driving under the influence, reckless driving, violation of the open container law and following too closely, the report said.

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Chang, 48, experienced pain in his mid and lower back and elbow that radiated into his lower limbs, and sought medical treatment within 48 hours of the accident. Chang, a truck-driver, did not want to take prescription pain

medications, but over-the-counter medications failed to provide the necessary relief. Steroid injections helped temporarily, but the pain remained intense nine months after the accident, and he underwent lumbar surgery.

In April 2017, James Rice Jr. P.C. associate Kimberly McGowan sent the demand letter to Yarbrough's insurer, State Farm, which was declined.

Before suing, "we made a last-ditch effort to settle for \$450,000," said Rice.

In July, Chang's lawyers filed suit in DeKalb County State Court.

During discovery, Rice associate Andrew Brandt subpoenaed Department of Motor Vehicle records and discovered two more DUI arrests, and video footage of the sobriety tests.

"I think that expedited things," Rice said. The case settled last month.

Rice credited McGowan and Brandt for doing much of the legwork that allowed them to increase their "walk away number" from \$450,000 to \$1 million without ever taking a deposition. ©