

TEXAS REPORTER®

BEXAR COUNTY

CASE SUBMITTED BY THE CROSLY LAW FIRM, P.C.:
COURT: COUNTY COURT AT LAW NO. 7
CAUSE NO: 312995
BEXAR COUNTY
SAN ANTONIO, TEXAS
DATE OF SETTLEMENT: June 2007

Angela L. Kocurek
vs.
Patricia Infantine

COURT: 285TH JUDICIAL DISTRICT COURT
CAUSE NO: 2007-CI-11375
BEXAR COUNTY
SAN ANTONIO, TEXAS
DATE OF SETTLEMENT: March 17, 2008

Angela L. Kocurek
vs.
United States Automobile Association County Mutual
Insurance Company

PLAINTIFF COUNSEL: THE CROSLY LAW FIRM, P.C.
from San Antonio, TX, By: Mr. Thomas A. Crosley

DEFENDANT COUNSEL: BRIN & BRIN, P.C. from San
Antonio, TX, By: Mr. R. Barry Brin - Counsel represent-
ing Patricia Infantine

DEFENDANT COUNSEL: KRENEK & HEINEMEYER,
P.C. from San Antonio, TX, By: Mr. Chris Heinemeyer -
Counsel representing USAA

DATE & VENUE OF ACCIDENT, ETC.: May 19,
2004

PLAINTIFF INFORMATION: Angela C. Kocurek

DEFENDANT INFORMATION:

- Patricia Infantine (defendant driver)

- United States Automobile Association County Mutual Insurance Company (Defendant UIM carrier)

TYPE OF CASE: Motor Vehicle Collision - Under-
insured Motorist Claim

PLAINTIFF'S ALLEGATIONS:

Plaintiff, a 41 year-old stay-at-home mother, suffered a neck injury following a rear-end collision on May 19, 2004. Plaintiff was driving a Nissan Maxima. Defendant, a 58 year old retiree, was driving an Acura Integra. The accident happened in the 2700 block of N.W. Military Highway. Plaintiff was stopped in the inside lane waiting for on-coming traffic to clear so that she could make a left-hand turn into her sub-division. Defendant was reaching for a map in her passenger seat and did not realize Plaintiff's vehicle had stopped in front of her. She rear-ended her at a high rate of speed estimated to exceed 30 miles per hour.

Defendant Patricia Infantine was insured by State Farm and had a \$100,000 liability policy. Plaintiff incurred \$15,100 in medical expenses and no lost wages since she was not employed outside the home. For nearly two years, Plaintiff attempted to negotiate a settlement with State Farm on her own. State Farm's final offer (based on \$15,000 in past medical expenses) was \$17,750. Shortly before the statute of limitations expired, Plaintiff hired her attorney, who promptly filed suit. The claim against Defendant Infantine was settled four days before trial for her policy limits of \$100,000. Thereafter, an underinsured motorist claim was pursued against USAA, which initially refused to pay any of the claim. Plaintiff filed suit and five weeks prior to trial on the UIM claim, reached a settlement with USAA for \$100,000. Plaintiff had previously recovered \$5,000 on her PIP from USAA as well.

PLAINTIFF EXPERTS:

- Pablo Vasquez-Seone, M.D. - Orthopedic Surgeon - Treating Doctor - San Antonio, TX
- John Smith, P.E. - Accident Reconstructionist - Parker, CO

DEFENDANT INFANTINE EXPERTS:

- Rex Wilcox, M.D. - Orthopedic Surgeon - San Antonio, TX

DEFENDANT USAA EXPERTS:

- D. Rod Lee, M.D. - Orthopedic Surgeon - San Antonio, TX

RESULT: Gross recovery of \$205,000. \$100,000 from State Farm and \$105,000 from USAA.

