

## **Injured Busboy Settles with UIM Carrier**

**Amount:** \$210,000

**Type:** Settlement

**State:** Texas

**Venue:** Harris County

**Case Type:** UIM -

**Case Name:** Julio Azuara v. Fireman's Fund Insurance Co.

**Date:** July 2, 2002

### **Parties**

**Plaintiff(s):** Julio Azuara (Male, 0 )

**Plaintiff Attorney(s):** Scott J. Davenport; Glover, Miller, Lewis & Prebeg; Houston, TX, for Julio Azuara Paul Shanklin; Law Offices of Paul Shanklin; Houston, TX, for Julio Azuara

**Plaintiff Expert(s):** Carl Hansen ; Vocational rehabilitation; Austin, TX called by: Julio Azuara

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**Defendant(s):** Fireman's Fund Insurance Co.

**Defense Attorney(s):** William Book; Tekell, Book, Matthews & Limmer; Houston, TX, for Fireman's Fund Insurance Co. Robin Pickel; Tekell, Book, Matthews & Limmer; Houston, TX, for Fireman's Fund Insurance Co.

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**Insurer(s):** Fireman's Fund Insurance Co.

## **Facts:**

Fireman's Fund Insurance Co. agreed to a \$210,000 settlement with a busboy injured while riding in the pick-up truck of the company's insured.

On July 18, 2000, Julio Azuara was one of several busboys riding as a passenger in the bed of a pickup driven by Jeffery Vallone, Azuara's employer, and owner of the Grotto restaurant. Fireman's Fund insured Vallone's vehicle. A vehicle being operated by Raier Mahmood Fecto failed to yield the right-of-way when he ran a red light hitting Valone, causing Azuara and the others to be thrown out of the truck.

After Fecto's insurance carrier settled with Azuara for Fetco's policy limits of \$100,000, Azuara sued Fireman's Fund under Vallone's underinsured motorist coverage, alleging that his damages exceeded the \$100,000 tendered by Fecto's insurance company.

## **Injury:**

Azuara claimed injuries, including a tibial plateau fracture to his left leg. He also alleged acromioclavicular separation to the right shoulder. His medical bills exceeded \$50,000, and future medical care was estimated to be \$25,000. As of July 2002, Azuara had unable to work since the incident. At the time of the incident, Azuara was working two bus boy jobs earning \$6 - \$7 per hour.

## **Result:**

Fetco's insurance carrier tendered the policy limits of \$100,000 to Azuara. At mediation before Ronald Wardell, Fireman's Fund agreed to pay \$210,000 plus costs of court up to \$3,500 in settlement of all claims.

**Actual**            \$0

**Award:**

## **Trial Information:**

**Judge:**            Jeff Work

**Trial Length:** 0

**Trial**                0  
**Deliberations:**