



Reply to:
WESTLAKE VILLAGE
31824 Village Center Road, G-Unit
Westlake Village, CA 91361
Tel: (818) 852-7300
Fax: (818) 852-7298

April 29, 2021

Attn: [REDACTED]
Kemper Insurance
P.O. Box 83087
Birmingham, AL 35283

Sent Via Email Only: mail.claims@kemper.com

Re: Our Client : [REDACTED]
Date of Accident : April 26, 2019
Your Insured : [REDACTED]
Claim No. : 20003479119

Dear Ms. [REDACTED]:

Got your letter. Your company has had more than enough information to reasonably determine that the value of this case far exceeds the available policy limits of your insured. Attached are my last two one-level fusion surgery cases that the carriers allowed to go to a jury. Neither case had a wage-loss component and both verdicts were over 3.8M.

This letter will serve as my client's final policy-limits demand. It expires in 15 days.

I appreciate that we live in different spheres. One of the habits that most carriers develop is to undervalue cases until it is too late. Capitalizing on this mistake has allowed me to obtain financial freedom.

Attached is a good illustration. Lauren is now dealing with a neck fusion case. My opening demand at mediation next month will be \$7.5M.

Will you be the latest Lauren? Fail to meet my demand if you wish to find out.

This letter has been written in an effort to settle the claim and is therefore inadmissible at trial under Evidence Code section 1152.

Sincerely,
THE SWANSON LAW GROUP

A handwritten signature in blue ink, appearing to be 'B. Swanson'.

Benjamin D. Swanson, Esq.



June 30

8:08 PM

Edit

Hello Lauren.

Let me share with you a secret I learned about 10 years ago. The playbook that the insurance industry runs by is very effective against 95% of plaintiff lawyers. The remaining 5% rarely lose in large part because they have vision.

Take this case for example. Time is actually your enemy here. My client is having a neck fusion performed on 8.17. This will change the verdict range drastically. You are no longer able to settle this case for the underlying policy of \$1M.

I don't even like mediation and have zero objection with taking this case to verdict. I have no doubt that Marc is itching to try a case after this Covid shutdown eventually gets lifted.

...

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...

Add a Caption



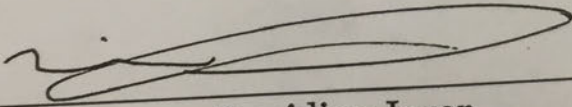
1 **Question 1:** Was the negligence of Defendants ENAMNUEL PARADA & BUSINESS
2 SOLUTIONS TRANSPORT a substantial factor in causing harm to Plaintiff PEDRO DIAZ
3 RODRIGUEZ?

4 YES NO

5
6
7 If your answer to Question 1 is YES, answer question 2. If your answer to Question 2 is
8 NO, do not answer any more questions, sign this form, and return it to the clerk.

9
10
11 **Question 2:** What are the damages of Plaintiff PEDRO DIAZ RODRIGUEZ?

12 Past medical expenses: \$ 140,000
13 Past non-economic damages: \$ 1,400,000
14 Future medical expenses: \$ 267,200
15 Future non-economic damages: \$ 2,000,000
16 **TOTAL:** \$ 3,807,200

17
18 Signed: 
19 Presiding Juror

Date: October 15, 2015

20
21 After this form has been signed,
22 notify the court attendant that you
23 are ready to present your verdict in
24 the courtroom.
25
26
27

SPECIAL VERDICT FORM – PAMELA PACIFIC FEB 05 2018

We the jury hereby answer the questions submitted to us as follows:

BY Kimberly Reynolds
KIMBERLY REYNOLDS, DEPUTY

1. Was Martin Preciado negligent?

Yes No

If you answered yes for question 1, then answer question 2. If you answered no for question 1, then stop here, answer no further questions, and have the presiding juror sign and date this form.

2. Was Martin Preciado's negligence a substantial factor in causing harm to driver Pamela Pacific?

Yes No

If you answered yes for question 2, then answer question 3. If you answered no for question 2, insert the number zero next to that defendant's name in question 6.

3. What are driver Pamela Pacific's total damages? Do not reduce the damages based on the fault, if any, of Pamela Pacific or Martin Preciado.

a. *Past economic loss*

medical expenses

\$ 345,421.42

other past economic loss

\$ 3,000.00

Total Past Economic Damages: \$ 348,421.42

b. *Future economic loss*

medical expenses

\$ 355,168.00

other ~~past~~ economic loss

\$ 112,320.00

future

Total Future Economic Damages: \$ 467,488.00

c. Past noneconomic loss, including physical pain/mental suffering:

\$ 1,000,000.00

d. Future noneconomic loss, including physical pain/mental suffering:

\$ 2,000,000.00

TOTAL:

\$ 3,815,909.42

If driver Pamela Pacific has proved any damages, then answer question 4. If driver Pamela Pacific has not proved any damages, then stop here, answer no further questions, and have the presiding juror sign and date this form.

4. Was Pamela Pacific negligent?

Yes ___ No X

If your answer for question 4 is yes, then answer question 5. If you answered no, insert the number zero next to that Pamela Pacific's name in question 6, skip question 5, and answer question 6.

5. Was driver Pamela Pacific's negligence a substantial factor in causing her own harm?


Yes ___ No ___

If your answer to question 5 is yes, then answer question 6. If you answered no, insert the number zero next to Pamela Pacific's name in question 6.

6. What percentage of responsibility for driver Pamela Pacific's harm do you assign to the following?

Martin Preciado	% <u>100</u>
Pamela Pacific	% <u>0</u>
TOTAL	100%

Signed:



Dated: 2/5/18

Jerome M. Mack Presiding Juror \$ 12

After all verdict forms have been signed, notify the clerk or court attendant that you are ready to present your verdict in the courtroom.