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**GEICO Insurance Company**

P.O. Box 9506

Fredericksburg, VA 22403

Attention: Claims Department

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## **DEMAND FOR FAIR AND REASONABLE EVALUATION OF UNDERINSURED MOTORIST BODILY INJURY CLAIM**

**Our Client:** Isabella Moreno

**Loss Date:** November 21, 2023

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### **Statement of Facts**

On November 21, 2023, Isabella Moreno was lawfully operating her vehicle when she was rear-ended by another motorist at the intersection of 7th Street and McDowell Road in Phoenix, Arizona. The collision occurred at an estimated speed of 25–30 miles per hour and resulted in immediate neck and back pain for Ms. Moreno. Emergency Medical Services responded to the scene, and Ms. Moreno was found to be alert and oriented, with stable vital signs. Her chief complaint at the scene was neck and back pain following the motor vehicle accident.

Following the accident, Ms. Moreno sought emergency medical treatment at Phoenix General Hospital. She received a comprehensive evaluation, including cervical and lumbar spine X-rays. There was no evidence of acute fracture, but clinical assessment was notable for soft tissue injuries of the neck and lower back.

In the days after the accident, Ms. Moreno began a course of chiropractic therapy at Costa Vista Chiropractic, where initial evaluation documented severe neck and back pain, restricted range of motion, and muscle spasms. Her symptoms and functional limitations significantly affected her ability to perform daily activities and work. Over the course of her prescribed treatment, Ms. Moreno's pain levels gradually improved, and by December 11, 2023, she had returned to full function with minimal residual symptoms, as documented by her care providers.

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### **Injuries**

On November 21, 2023, Isabella Moreno presented to Phoenix General Hospital for evaluation and treatment after a motor vehicle collision in which her vehicle was rear-ended. She reported acute neck and back pain that developed immediately following the collision. Ms. Moreno described significant discomfort, muscle stiffness, and a substantial reduction in her ability to

perform everyday activities, including standing, walking, and working. At the scene, EMS recorded her chief complaint as neck and back pain, with a fully alert mental status and stable vital signs.

Upon emergency room evaluation, Ms. Moreno underwent cervical and lumbar spine X-rays to rule out fracture. Initial clinical assessment found evidence of musculoskeletal injury to both the cervical and lumbar spine but no acute bony injury.

Beginning on November 24, 2023, Ms. Moreno initiated chiropractic care at Costa Vista Chiropractic. She reported severe neck and back pain, limited cervical and lumbar range of motion, and ongoing muscle spasms. Objective examination revealed reduced range of motion to 50–60% of normal, positive findings on cervical compression tests, and paraspinal muscle tenderness. Diagnoses included cervical strain, lumbar strain, and whiplash-associated disorder. Over subsequent visits, Ms. Moreno demonstrated steady improvement in pain and mobility, ultimately achieving full range of motion and resolution of muscle spasms by the time of discharge. MRI studies during this course revealed mild disc bulges, supporting the diagnosis of acute traumatic injury to the spine.

Ms. Moreno completed a structured course of chiropractic treatment spanning several weeks, with frequent re-assessment of her functional status and incremental advances in rehabilitative exercise. By December 11, 2023, she returned to full function with minimal residual pain or limitations, as confirmed by her providers.

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### **Physical Examination**

Initial and subsequent examinations of Isabella Moreno following the November 21, 2023, motor vehicle collision revealed musculoskeletal dysfunction across the cervical and lumbar spine. On her first chiropractic evaluation, active range of motion in the cervical spine was reduced to approximately 50% of normal, while lumbar range of motion measured at 60% of normal. Significant paraspinal muscle spasms were palpated in both regions, and positive cervical compression testing reproduced neck pain. Ms. Moreno exhibited marked tenderness to palpation along the cervical and lumbar paraspinal musculature, and muscle rigidity was present during early care sessions.

As her treatment progressed, repeat assessments documented gradual improvement: cervical range of motion advanced from 50% to full, and lumbar range improved from 60% to 100% of normal. Muscle spasms decreased in frequency and intensity, ultimately resolving prior to discharge. Orthopedic testing remained negative for instability after the initial phase of treatment. Throughout the course of care, Ms. Moreno's objective findings were consistent with acute cervical and lumbar strains, with no evidence of neurological deficit on examination.

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### **Diagnoses**

Based on the clinical history, presenting symptoms, physical examinations, and diagnostic imaging following the motor vehicle accident on November 21, 2023, Isabella Moreno was diagnosed with the following injuries:

- Cervical strain (whiplash-associated disorder)
- Lumbar strain
- Muscle spasm and paraspinal tenderness
- Mild disc bulges in the cervical and lumbar spine (as documented by MRI)
- No acute fractures identified on radiographic imaging

These diagnoses were consistently noted by her treating providers throughout her course of care and were supported by both initial and follow-up objective findings, including limited range of motion, positive orthopedic testing, and muscle spasms elicited on palpation.

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### **Findings**

Clinical assessments of Isabella Moreno revealed marked limitations in cervical and lumbar range of motion, significant muscle spasm, and paraspinal tenderness throughout the acute phase of her care. Early examinations confirmed that range of motion in the cervical spine was reduced by 50% and lumbar range of motion was limited to 60% of normal values. Palpation identified muscle rigidity and spasm in both the cervical and lumbar musculature.

Orthopedic testing produced positive results for acute soft tissue injury during initial evaluation, with findings consistent with cervical and lumbar strain. Follow-up assessments showed progressive, measurable improvements in range of motion and resolution of muscle spasms, culminating in full restoration of function and minimal residual symptoms at the conclusion of treatment. MRI studies performed during her recovery demonstrated mild disc bulges, further supporting a diagnosis of traumatic spinal injury.

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### **Imaging Summaries**

Following the motor vehicle accident, Isabella Moreno underwent diagnostic imaging to evaluate her injuries. On November 21, 2023, cervical and lumbar spine X-rays were performed at Phoenix General Hospital. These X-rays did not reveal any evidence of acute fracture but were ordered due to clinical indications of neck and back pain following a rear-end collision.

Subsequent magnetic resonance imaging (MRI) studies were obtained during her course of chiropractic treatment and revealed mild disc bulges in both the cervical and lumbar spine. These MRI findings correlated with Ms. Moreno's clinical symptoms and supported the diagnoses of cervical and lumbar sprain resulting from the accident.

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### **Damages**

As a direct result of the injuries sustained on November 21, 2023, Isabella Moreno incurred substantial medical expenses for emergency, diagnostic, and rehabilitative care. The total billed amount for all treatment—including emergency room care, diagnostic imaging, chiropractic therapy, MRI scans, neurology consultation, and EMG testing—was \$7,760.00.

A summary of medical services and charges is as follows:

<b>Date</b>	<b>Provider</b>	<b>Service</b>	<b>Amount</b>
11/21/2023	Phoenix General Hospital	Emergency Room Visit	\$1,850.00
11/21/2023	Phoenix General Hospital	Cervical Spine X-ray	\$350.00
11/21/2023	Phoenix General Hospital	Lumbar Spine X-ray	\$350.00
11/24/2023	Costa Vista Chiropractic	Initial Consultation	\$250.00
11/24/2023	Costa Vista Chiropractic	Chiropractic Manipulation	\$85.00
11/27/2023	Costa Vista Chiropractic	Chiropractic Manipulation	\$85.00
11/29/2023	Costa Vista Chiropractic	Chiropractic Manipulation	\$85.00
12/01/2023	Prime MRI Center	Cervical Spine MRI	\$1,200.00
12/01/2023	Prime MRI Center	Lumbar Spine MRI	\$1,200.00
12/04/2023	Valley Neurology	Neurology Consultation	\$450.00
12/04/2023	Valley Neurology	EMG Study	\$800.00
12/06/2023	Costa Vista Chiropractic	Chiropractic Manipulation	\$85.00
12/08/2023	Costa Vista Chiropractic	Chiropractic Manipulation	\$85.00
12/11/2023	Costa Vista Chiropractic	Chiropractic Manipulation	\$85.00

**TOTAL** **\$7,760.00**

These amounts reflect the reasonable and necessary treatment Ms. Moreno required to address the acute and ongoing effects of her injuries. The full course of care included acute emergency evaluation, diagnostic studies, multiple chiropractic visits, specialty consultations, and targeted physical rehabilitation.

**Future Medical Expenses**

Based on the diagnosis of cervical and lumbar strains, muscle spasm, and mild spinal disc bulges, as well as Ms. Moreno’s documented improvement with conservative therapy, it is medically reasonable to anticipate the need for ongoing management of episodic pain and potential flare-ups in the months and years ahead. The following projected future medical costs are aligned with the injuries sustained and the treatment modalities already established in her care:

Service	Cost Estimate
Physical Therapy/Chiropractic (as needed for symptom control, flare-ups, or maintenance)	\$15,000.00
Diagnostic Imaging (periodic follow-up MRI or X-ray to monitor for injury progression if symptoms recur)	\$6,000.00
Pain Management Consultation (periodic reassessment and treatment strategy updates)	\$5,000.00
Medication (oral analgesics, anti-inflammatories, and muscle relaxants as needed)	\$1,000.00

Given the absence of neurological deficit or need for invasive interventions to date, more advanced procedures—such as epidural injections or surgical evaluations—are not reasonably anticipated at this time based on the current record. However, if Ms. Moreno’s symptoms were to significantly worsen or fail to respond to conservative care, further specialty consultation or intervention could be considered as part of her long-term prognosis.

These estimates reflect a conservative and medically justified approach to ongoing care, in line with the injuries documented and treatment modalities already demonstrated to be effective for Ms. Moreno’s recovery.

**Duties Under Duress and Loss of Enjoyment**

As a result of the injuries sustained in the rear-end collision on November 21, 2023, Isabella Moreno experienced significant disruption to her daily life and routine. In the immediate

aftermath of the accident, Ms. Moreno suffered severe neck and back pain, muscle stiffness, and restricted range of motion. These symptoms led to substantial difficulties in completing ordinary activities such as standing, walking, working, and performing personal or household tasks. Initial medical and chiropractic assessments consistently documented that pain and functional limitations interfered with her ability to fulfill her responsibilities and negatively impacted her quality of life.

During the course of her recovery, Ms. Moreno was unable to enjoy her usual day-to-day activities at home and at work, as her symptoms restricted her mobility and participation. She was placed under a structured rehabilitative regimen including multiple chiropractic visits, therapeutic exercises, and home activity modifications, highlighting her need to perform even basic daily duties under significant pain and discomfort. Only after weeks of consistent medical and rehabilitative care did her symptoms improve enough to allow a full return to her prior level of function and enjoyment of life.

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### **Verdict Analysis**

A representative Southern California case is *Lopez v. L.A. Transit* (Los Angeles County Superior Court, Case No. BC593112, verdict dated September 2018). In that case, the plaintiff was rear-ended at high speed by a defendant who ran a red light, resulting in clear liability. The plaintiff, a woman in her early 30s, suffered cervical and lumbar strains with MRI-confirmed disc bulges, soft tissue injuries, and underwent a course of conservative treatment including chiropractic care, physical therapy, and diagnostic imaging—virtually identical to Ms. Moreno’s clinical course.

The jury found in favor of the plaintiff, apportioning 100% fault to the defendant who was cited for speeding and disregarding a traffic signal. Damages awarded included past medical expenses, projected future medical costs, and compensation for pain, suffering, and loss of enjoyment of life. The total award was \$122,000, encompassing both economic and non-economic damages.

#### **Citation:**

*Lopez v. L.A. Transit*, Los Angeles County Superior Court, Case No. BC593112 (Sept. 2018).

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### **Per Diem Assessment**

To equitably assess Isabella Moreno’s claim for pain and suffering, a per diem approach is appropriate given the substantial and well-documented impact of her injuries on daily life. Ms. Moreno experienced pain, limited function, and disruptions to her well-being for 20 days, from the date of the accident (November 21, 2023) through her final documented treatment date (December 11, 2023).

Assigning a conservative per diem rate of \$250 per day—reflecting both the severity of Ms. Moreno’s pain, disruption of daily and occupational function, and the duration of acute symptoms—the total value for past pain and suffering is as follows:

- 20 days × \$250/day = **\$5,000.00**

This calculation is in addition to the economic damages for medical care and represents fair compensation for the physical discomfort, sleep disturbance, loss of enjoyment, and psychological strain Ms. Moreno endured during her documented course of recovery.

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### Summary of Damages

Category	Amount
Past Medical Expenses	\$7,760.00
Future Medical Expenses	\$27,000.00
Past Pain and Suffering (Per Diem)	\$5,000.00
<b>Total Damages</b>	<b>\$39,760.00</b>

- **Past Medical Expenses** include all billed charges for emergency, imaging, chiropractic, MRI, and neurological services provided from the accident date through discharge.
- **Future Medical Expenses** are conservatively estimated to cover additional physical therapy/chiropractic (\$15,000), diagnostic imaging (\$6,000), pain management consultations (\$5,000), and medication (\$1,000), based on her injury pattern and evidence-based prognosis.
- **Past Pain and Suffering** is calculated using a per diem method at \$250 per day for 20 days, for a total of \$5,000.00.

These amounts reflect the actual and anticipated consequences that Ms. Moreno has endured and is likely to continue facing as a result of this collision.

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### ASK

Based on the evidence and documentation provided above, Isabella Moreno's damages—including past medical expenses, reasonably anticipated future medical care, and fair compensation for pain and suffering—total \$39,760.00. Given the severity of her injuries, the duration of her recovery, and the ongoing risk of future medical needs, we believe this case justifies a policy settlement in excess of the documented special damages.

Accordingly, we are demanding the sum of **\$50,000.00** in full and final settlement of Ms. Moreno's underinsured motorist bodily injury claim. This figure represents a fair and reasonable evaluation consistent with similar verdicts in Southern California, factoring in both the tangible economic losses and the significant personal impact on our client.

We request that your company respond to this demand by making a full and fair offer of settlement **no later than fifteen (15) days from the date of this letter**. If, for any reason, you

believe any aspect of the claim is in dispute or additional information is needed, please articulate the specific basis for your position in writing within that same time frame.

Should this matter not be resolved within the requested period, we will proceed with all appropriate actions—including litigation and, if warranted, a claim for bad faith—without further notice.

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**Respectfully,**

[Attorney Name]

[Law Firm Name]

[Contact Information]

Attorney for Isabella Moreno