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95-year-old plaintiff secures \$1.25 million settlement in rear-end crash

A rare policy-limits settlement highlights how non-economic damages and personal narrative can drive recovery for elderly plaintiffs.

By Douglas Saunders Sr.

Daily Journal Staff Writer

A 95-year-old Laguna Woods woman injured when her driver lost control and rear-ended a parked car has secured a \$1.25 million policy-limits settlement, a rare result for an elderly plaintiff whose losses fall outside the damages categories that typically drive verdicts.

Sarah Moscoe alleged that her driver, Gerald Halpert, lost control of his vehicle and struck a parked car on Dec. 28, 2024, injuring her as his passenger. *Moscoe v. Halpert*, 30-2025-01525586-CU-PA-CJC (O.C. Super. Ct., filed Nov. 12, 2025).

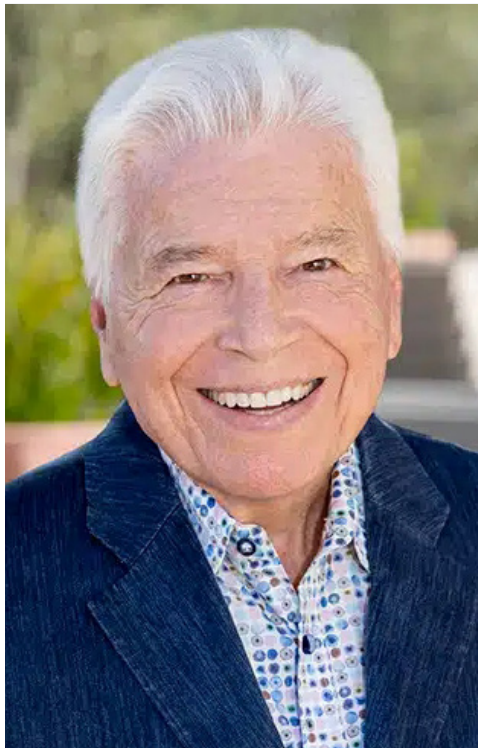
Wylie A. Aitken, founding partner of the Santa Ana firm Aitken Aitken Cohn, represents Moscoe. The complaint pleads motor vehicle and general negligence, alleging Halpert's conduct proximately caused Moscoe's injuries.

Moscoe had no wages to lose, no future earning capacity and limited life expectancy—a profile that often leads carriers to undervalue or decline such claims, according to her counsel.

"After a fairly long career as a plaintiff trial lawyer, it's probably one of the most interesting cases I've ever handled," Aitken said. "First time I've ever been called by a family to represent their 95-year-old mother."

Calculating damages posed an immediate problem: Moscoe had outlived the actuarial tables trial lawyers rely on. Then Aitken met her.

"I have met many people who are 40, 50, 60 not as alert as this young lady," he said. He compared her to Betty White, who hosted "Saturday Night Live" at 88 and worked into her late 90s. "She's a modern-day Golden Girl."



WYLIE A. AITKEN

Moscoe remained active in her church, performed in local theater and kept a full social life into her 90s. She acted in productions at her temple in Laguna Woods and attended the Chance Theater in Orange County before the accident. The trial strategy, Aitken said, followed from who she was.

"All I need is to get her in front of 12 people and let her talk," he said. "That will tell the story itself."

Two legal levers shaped the negotiation. Aitken filed suit and moved to advance the trial under California's preference statute for plaintiffs over 70, denying the defense any benefit from delay. He also signaled a bad-faith claim if the carrier failed to tender the \$1.25 million policy in good faith – a body of law he helped develop earlier in his career.

"I certainly knew I had a legal weapon in my hands," Aitken said. "But the fact that it's the right thing to do doesn't necessarily mean they do that. I have learned that over the time of my career."

The carrier tendered full limits on the 30th day of the demand period. Aitken put the odds at 50-50 and said a misstep might have benefited his client further, but Moscoe wanted the matter resolved.

The settlement, Aitken's firm said, reflects her loss of quality of life rather than economic damages alone. Moscoe sold her home after the accident because she could no longer live alone — a fact Aitken said weighed heavily on the carrier.

"This lady was fully capable of living on her own before the accident," he said. "She made her meals. She was extremely active in her community. She's lost her home along with her quality of life."

Aitken said the case carries a lesson for plaintiffs' attorneys.

"Too often we put cases in a box. We look at age. We look at other jury verdicts," he said. "Everybody has their own unique story. Once you find out what that story is, you're going to be far more effective."

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