

VERDICTS & SETTLEMENTS

Mother and son injured in T-bone collision settle at mediation

\$350,000 Settlement & \$100,000 Settlement

On Nov. 26, 2013, the plaintiffs' vehicle was T-boned by the defendant's vehicle. The accident resulted in two companion cases: the son who was driving the vehicle and his 82-year-old mother, who was a front seat passenger.

The son sustained strains and sprains of his neck and shoulder. He also suffered an exacerbation of preexisting rotator cuff tears. The son treated for his injuries for approximately a year. His shoulder pain resolved after he returned to physical therapy following an eight-month gap in treatment. The son's medical specials were \$42,000, of which

approximately \$33,000 consisted of the initial emergency room visit.

The mother sustained multiple fractures to her left ankle and foot that were non-operable. She was hospitalized for seven days after the accident. The mother was discharged from the hospital to a rehabilitation facility, where she stayed through February 2014. She last saw an orthopedic physician for her injuries in April 2014. The mother alleged she was wheelchair-bound as a



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result of the accident, and that she was no longer able to perform many of her activities of daily living. The defense centered on the mother's use of a wheelchair and walker before the crash and her multiple prior knee replacements that limited her mobility. The defense argued the mother returned to her baseline in April 2014. The defense focused on the mother's evaluation for an electronic wheelchair after a fall four years before the accident, which showed the need for the wheelchair to assist in her activities of daily living.

Both cases settled at mediation a month before the mother's trial.

[15-T-141]

Type of action: Personal injury - auto accident

Injuries alleged: Mother - tibia fracture, fibula fracture, malleolus fractures, talor dome fracture, talus fracture, metatarsal fracture; son - neck sprain, shoulder sprain, exacerbation of chronic rotator cuff tears

Court: Henrico County Circuit Court

Resolved by: Mediation

Mediator: Michael Allen

Date resolved: May 8, 2015

Special damages: Mother - \$119,000 in medical bills; son - \$42,000 in medical bills, \$7,700 in lost wages

Verdict or settlement: Settlement

Amount: Mother - \$350,000; son - \$100,000

Attorney for plaintiffs: Kelly B. Martin, Richmond