

VIRGINIA LAWYERS WEEKLY

Vol. 26, No. 33

January 16, 2012

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VERDICTS & SETTLEMENTS

Off-duty policewoman's back injured in rear-end collision

\$165,000 Verdict

Plaintiff was a 37-year-old police officer with a local police department. The accident occurred in April 2007 when she was on her way home from an off-duty private security job. As she was approaching the intersection of Belvidere and Broad Street in the city of Richmond, she noticed a vehicle ap-

proaching from her right which appeared to be weaving in and out of its lane.

Suspecting the operator to be intoxicated, she stopped her vehicle in the middle of the intersection to avoid a collision. The DUI driver was also able to bring his vehicle to a stop prior to a collision.

Approximately 10 to 20 seconds later the plaintiff was struck in the rear by another vehicle. Plaintiff filed suit against both the DUI driver and the driver that struck her. The DUI driver admitted liability prior to trial but argued that the other defendant was equally responsible. The other defendant denied responsibility for the collision and argued a sudden emergency defense.

The plaintiff was diagnosed with chronic myofacial pain and bilateral sacroiliitis. She initially made a good recovery with physical therapy, and it appeared that her symptoms resolved several months after the accident. However, her symptoms returned when she went back to work.

Her treating physiatrist opined that her gunbelt aggravated the injury and caused it to reoccur because the weight of the gun belt rested directly over her sacroiliac joint. The physiatrist testified live at trial and did an excellent job of explaining the injury to the jury.

The defense retained Dr. Howard Stern, who also testified live at trial. Dr. Stern opined that the plaintiff had fully recovered from her injuries within 12 weeks of the accident. He further testified that any current injuries the plaintiff had were the result of several subsequent alterca-

tions she had while attempting to restrain suspects while on duty. Dr. Stern admitted on cross-examination to earning more than \$3,000,000 from defense exams in the past ten years.

The jury was out for several hours before returning a verdict against both defendants for \$150,000 in compensatory damages and \$15,000 in punitive damages against the DUI defendant.

[10-T-025]



NEWBY

Type of action: Auto accident

Injuries alleged: Chronic myofascial pain and bilateral sacroiliitis

Name of case: Confidential

Court: Richmond Circuit Court

Tried before: Jury

Name of judge: Margaret Spencer

Special damages: \$27,781.30 medicals, \$12,401.26 wage loss

Verdict or Settlement: Verdict

Amount: \$150,000 compensatory, \$15,000 punitive

Date: Jan. 26, 2010

Highest offer: \$37,500

Plaintiff's attorney: John Newby, Richmond