

**INJURED PARTY:** 17 year old male

**EVENT:** The plaintiff resided at an apartment complex that hired a private security force. The plaintiff was sitting on the steps of his apartment complex when he was shot by a gang member

**SPECIFIC INJURY:** Above-the-knee amputation of both legs; shoulder pain; back pain; stomach pain; rectal pain

**PERTINENT INFORMATION:** The award of \$55,151,509. The jury apportioned fault as follows 49% on the security defendants, 49% on the defendant shooter, and 2% on the plaintiff

---

**AMOUNT:** \$956,834 (San Francisco Co., CA)

**CASE:** Douglas Miranda v. Lilia Orneelas, et al., 2013 Nat. Jury Verdict Review LEXIS 169 (July 16, 2013)

**CASE NUMBER:** CGC-12-519979

**JUDGE:** Anne Bouliane

**EXPERTS:** Joanna Moss, Ph.D. (economist) Berkeley, CA, Michael Braun (mechanical engineer) Livermore, CA, Dr. Thomas Sampson (orthopedic surgery) San Francisco, CA for the plaintiff; name of the defendant's expert not published

**ATTORNEYS:** Eric J. Ratinoff and John R. Parker, Jr. of Kershaw Cutter & Ratinoff, Sacramento, CA for the plaintiff; name of the defendant's attorney not published

**INJURED PARTY:** 35 year old male

**EVENT:** The plaintiff's motorcycle was struck by the defendant's vehicle as it proceeded through the intersection. The plaintiff alleged that the defendant failed to obey the stop sign

**SPECIFIC INJURY:** Right arm fracture; Fractured ribs; Fractured sternum; Fractured scapula; Back injury; Concussion

**PERTINENT INFORMATION:** The jury award of \$956,834 included \$200,000 in medical expenses, \$300,000 in past pain and suffering, \$100,000 in future damages and interest

---

**AMOUNT:** \$910,048 (New London Co., CT)

**CASE:** Lori Shriver v. Wal-Mart Stores, Inc., 2013 Nat. Jury Verdict Review LEXIS 217 (April 4, 2013)

**CASE NUMBER:** CV-08-6000756-S

**JUDGE:** Robert Martin

**EXPERTS:** Dr. Mark H. Blechner (orthopedics) Waterford, CT for the plaintiff; Dr. Steven Selden (orthopedics) Bloomfield, CT for the defendant

**§ 4.02**

**BACK INJURIES**

**ATTORNEYS:** Frank J. McCoy of McCoy & McCoy LLC, Hartford, CT for the plaintiff; Michael C. Kenney of LeClair Ryan, Hartford, CT for the defendant

**INJURED PARTY:** 59 year old female Navy veteran

**EVENT:** While shopping at the defendant's store, the plaintiff was injured when a dressing room bench broke as the plaintiff sat down on it

**SPECIFIC INJURY:** Exacerbation to preexisting back injury at L4-L5

**PERTINENT INFORMATION:** The award of \$910,048 included \$350 in attorney fees, \$247,592 in interest and \$8,106 in costs

---

**AMOUNT:** \$1,296,337.54 (Broward Co., FL)

**CASE:** Theresa Karl v. Allstate Ins. Co., 2014 FL Jury Verdicts Rptr. LEXIS 45 (June 18, 2013)

**CASE NUMBER:** 11-008424

**JUDGE:** John B. Bowman

**EXPERTS:** Dr. Waden E. Emery III, FAAN (neurology) Lighthouse Point, FL, Dr. Stephen Jacobs (orthopedic surgery) Plantation, FL, Dr. Ronald I. Landau (radiology) Delray Beach, FL, Sandra Bassett (exercise instructor) Hollywood, FL for the plaintiff; name of the defendant's expert not published

**ATTORNEYS:** Valerie A. Conzo and Charles B. Patrick of Schlesinger Law Offices, P.A., Fort Lauderdale, FL for the plaintiff; Joseph R. Giaramita of Hankin & Giaramita, P.A., Davie, FL for the defendant

**INJURED PARTY:** Female

**EVENT:** The plaintiff was involved in an automobile accident that caused her vehicle to roll over. The other driver's policy limits of \$10,000 was not enough to cover her damages. The plaintiff had a \$250,000 policy with the defendant insurer as well as a \$1,000,000 umbrella policy

**SPECIFIC INJURY:** Head and Back injuries; post-concussion syndrome causing neurocognitive deficiencies; lumbar and cervical spine pain; pain and suffering

**PERTINENT INFORMATION:** The plaintiff was awarded \$1,250,000, the policy limits. The court also awarded the plaintiff \$54,067.85 in costs

---

**AMOUNT:** \$794,381 (Duval Co., FL)

**CASE:** Ronald and Lynn Green v. Arlington Salvage and Wrecker Co. and Alexander Karchaske, 2015 FL Jury Verdicts Rptr. LEXIS 45 (Nov. 6, 2014)

**CASE NUMBER:** 2012-CA-O10366

**JUDGE:** Virginia Norton

**EXPERTS:** J. Rody Borg, Ph.D., Economics, Jacksonville, FL for the plaintiff; Dr. Harold Lynn Norman, Orthopedic Surgery, Jacksonville, FL for the defendants

**ATTORNEYS:** Aaron Metcalf of Aaron Metcalf, P.A., Jacksonville, FL, G. Glenn Warren of Glenn Warren, P.A., Jacksonville, FL for the plaintiff; Robert C. Crabtree of Andrews, Crabtree, et al., LLP, Tallahassee, FL for the defendants

**INJURED PARTY:** Male

**EVENT:** The defendant's vehicle rear-ended the plaintiff's vehicle when he was stopped at a red light

**SPECIFIC INJURY:** Neck, back and shoulder injuries

**PERTINENT INFORMATION:** The award included \$592,757 for past and future medical expenses, \$165,624 for future medical expenses and \$36,000 for loss of consortium

---

**AMOUNT:** \$3,400,000 (Hillsborough Co., FL)

**CASE:** Askew v. Encon Inc., et al., 2012 FL Jury Verdicts Review LEXIS 305 (Mar. 25, 2012)

**CASE NUMBER:** 10-007262

**JUDGE:** Herbert Berkowitz

**EXPERTS:** Scott Smith (football agency) Monroe, MI, Elliot Stern (mechanical engineering) Tampa, FL, Robert Martinez (neurology) Tampa, FL, Michael Foley (neurosurgery) Tampa, FL for the plaintiff; Jeremy M. Cummings (biomedical engineer) Tallahassee, FL, Reed Murtagh (neuroradiology) Tampa, FL, Frank Bironis (neurosurgery) Tampa, FL for the defendant

**ATTORNEYS:** Timothy F. Prugh of Prugh & Associates, Tampa, FL for the plaintiff; name of the defendant's attorney not published

**INJURED PARTY:** 29 year old male football player

**EVENT:** While driving to football practice, the plaintiff's car was struck from behind by a box truck driven by the defendant driver and owned by the defendant company. The plaintiff alleged that the injuries he suffered because of the accident ended his promising football career

**SPECIFIC INJURY:** Disc herniation; permanent neck injury

**PERTINENT INFORMATION:** The plaintiff sought \$20,000 in past medical expenses and approximately \$4,500,000 in lost earnings

---

**AMOUNT:** \$2,182,000 (Manatee Co., FL)

**CASE:** Richard Carrier v. Edward O'Connell, The Hertz Corp., and Progressive Select Ins. Co., 2012 FL Jury Verdicts Rptr. LEXIS 452 (Oct. 10, 2012)

**CASE NUMBER:** 11-CA-01445

**JUDGE:** Not published

**EXPERTS:** Brenda Mulder (economics) Tampa, FL, Dr. Marc S. Kallins (physical medicine) Bradenton, FL, Dr. Daniel Pope (ophthalmology) Bradenton, FL, Dr. Marc H. Levy (ophthalmology) Sarasota, FL, James McGovern, Psy.D., Bradenton, FL, Dr. Edward Melmed (plastic and reconstructive surgery) Dallas, TX for the plaintiff; Dr. John R. Cassidy (neurosurgery) Venice, FL, Joyce Eastbridge, MBA (economics) Tampa, FL, Dawn Freyder (biomechanics) Tampa, FL, Gerri Pennachio, M.A., CRC, CCM, CVE, CLCP (vocational rehabilitation) Lakeland, FL for the defendant

**ATTORNEYS:** Scott Kallins and Melton Little of Kallins, Little, et al., Palmetto, FL for the plaintiff; J. Emory Wood, Julian E. Wood, and Paul N. Gross of Law Office of J. Emory Wood, P.A., St. Petersburg, FL for defendant O'Connell; Jon McAuliffe of Law Office of David Hendricks, Tampa, FL for defendant Progressive

**INJURED PARTY:** Male salesman

**EVENT:** The defendant O'Connell made a left-hand turn from the southbound lane into the bike lane, striking the plaintiff, who was riding a recumbent bike

**SPECIFIC INJURY:** Fractured vertebrae; facial/vision injuries

**PERTINENT INFORMATION:** The award included \$64,395 for past medical expenses, \$60,000 for past lost earnings, \$250,000 for future medical expenses, \$430,000 for future loss of earning capacity, \$250,000 for past pain and suffering, and \$1,250,000 for future pain and suffering. The jury found the plaintiff 18% negligent for not wearing a helmet and the verdict was reduced to \$1,787,600

---

**AMOUNT:** \$3,035,000 (Miami-Dade Co., FL)

**CASE:** Dyer v. Morrow Equipment, 2012 FL Jury Verdicts Review LEXIS 269 (July 17, 2012)

**CASE NUMBER:** 08-80099CA58

**JUDGE:** Beatrice Butchko

**EXPERTS:** Nicholas Suite (neurology) Hollywood, FL, Roberto Moya (orthopedic surgery) Hialeah, FL, Steven Essig (psychology) Delray Beach, FL for the plaintiff; Jordon Grabel (neurosurgery) West Palm Beach, FL, Jay Stein (orthopedic surgery) Miami, FL, Robert Kagan (radiology) Fort Lauderdale, FL for the defendant

**ATTORNEYS:** William Ruggiero, Vanessa Lagios of Law Offices of William Ruggiero, Fort Lauderdale, FL, Jeffrey Wolfson of Law Offices of Jeffrey Wolfson, Fort Lauderdale, FL for the plaintiff; name of the defendant's attorney not published

**INJURED PARTY:** 48 year old male truck driver

**EVENT:** While the plaintiff was working on a construction site, the plaintiff

either fell or jumped from the top of a truck when he saw a falling section of crane

**SPECIFIC INJURY:** Knee injury; Cervical and lumbar disc herniations; Post-traumatic stress disorder

**PERTINENT INFORMATION:** The jury found the defendant 100% negligent.

---

**AMOUNT:** \$800,000 (Miami-Dade Co., FL)

**CASE:** Beth Stuckey v. Wal-Mart Stores, Inc., 2012 FL Jury Verdicts Rptr. LEXIS 221 (Mar. 6, 2012)

**CASE NUMBER:** 10-20186 CA 25

**JUDGE:** Jorge Cueto

**EXPERTS:** Dr. Elliot Lang (orthopedic surgery) Miami, FL for the plaintiff; Dr. Michael Zeide (orthopedic surgery) Boynton Beach, FL for the defendant

**ATTORNEYS:** Jack Paris of The Cochran Firm, Miami, FL for the plaintiff; Scott A. Boyer of Quintairos, Prieto, et al., P.A., Miami, FL for the defendant

**INJURED PARTY:** Female

**EVENT:** While walking through the defendant's store, the plaintiff slipped and fell in a puddle of water that had allegedly been leaking from a malfunctioning cooler

**SPECIFIC INJURY:** Ankle; left arm; lower back; right foot; left hip contusion; pelvis; left shoulder

**PERTINENT INFORMATION:** The damages included \$98,000 for past medical expenses, \$102,000 for past pain and suffering, and \$600,000 for future pain and suffering. The jury found plaintiff 50% negligent and defendant 50% negligent

---

**AMOUNT:** \$7,134,760.50 (Palm Beach Co., FL)

**CASE:** Noguera v. Ceron, et al., 2012 FL Jury Verdicts Review LEXIS 185 (Mar. 8, 2012)

**CASE NUMBER:** 2011CA003559XXXXMBAD

**JUDGE:** David French

**EXPERTS:** Bernard Pettingill (economics) Palm Beach Gardens, FL, Thomas Roush (orthopedic surgery) Lake Worth, FL, Craig Lichtblau (psychiatry) Palm Beach, FL, Ajay Ajmani (rheumatology) Sanford, NC, Freddy Avni (rheumatology) Wellington, FL for the plaintiff; name of the defendant's expert not published

**ATTORNEYS:** Mark Packo, Michael Dickenson of Ellis, Ged & Bodden, Boca Raton, FL for the plaintiff; Ronald Pena, Luis A. Diz of Hinshaw & Culbertson, Miami, FL for the defendant

**INJURED PARTY:** 57 year old male

**EVENT:** The plaintiff alleged that the defendant's truck drifted into his lane and struck the left rear of his car. The plaintiff's vehicle spun in front of the truck and was pushed forward for some distance by the truck's front grill

**SPECIFIC INJURY:** Cervical and lumbar vertebra injuries

**PERTINENT INFORMATION:** The jury found the defendant 50% negligent and the plaintiff 50% comparatively negligent. The gross verdict of \$14,269,521 was reduced

---

**AMOUNT:** \$320,959.74 (Pasco Co., FL)

**CASE:** Danny Wooten v. Jarr, Inc., 2015 FL Jury Verdicts Rptr. LEXIS 63 (Dec. 9, 2014)

**CASE NUMBER:** 51-2012-CA-2514-WS

**JUDGE:** William Burgess

**EXPERTS:** Rachel Keller, P.E., Accident Reconstruction, Tampa, FL for the plaintiff; Dr. Steven Knezevich, orthopedics, Tampa, FL, Ying Lu, Ph.D., Biomedical Engineering, Lake Mary, FL for the defendant

**ATTORNEYS:** Craig A. Laporte and Frances Werner-Watkins of Proly, Laporte, et al., P.A., Port Richey, FL for the plaintiff; Anthony Petrillo and Joseph Kopacz of Luks, Santaniello, et al., Tampa, FL for the defendant

**INJURED PARTY:** 58 year old male

**EVENT:** The defendant taxicab struck the plaintiff's truck as he was backing out of a parking lot

**SPECIFIC INJURY:** Neck contusion; left shoulder and low back injuries; torn rotator cuff injury; lumbar spine injury

**PERTINENT INFORMATION:** The award included \$75,059.74 for past medical expenses, \$145,900 for future medical expenses and \$100,000 for past pain and suffering

---

**AMOUNT:** \$4,160,000 (DuPage Co., IL)

**CASE:** Joshua Jaeger v. City of Elmhurst, 2012 LexisNexis Jury Verdicts & Settlements 131 (Oct. 5, 2012)

**CASE NUMBER:** 10 L 245

**JUDGE:** Ronald D. Sutter

**EXPERTS:** Not published

**ATTORNEYS:** Joshua Weisberg, Rapoport Law Offices, Chicago, IL for the plaintiff; Norman J. Barry, Donahue Brown Mathewson & Smyth, Chicago, IL for the defendant

**INJURED PARTY:** Male

**EVENT:** The plaintiff, a garage door serviceman, fell from a platform while providing the city with an estimate for repairing a broken garage door spring

**SPECIFIC INJURY:** Fractured femur; Soft tissue back injury

---

**AMOUNT:** \$2,287,500 (Johnson Co., IN)

**CASE:** Bamberger v. Pilot Travel Center, LLC., 2014 IN Jury Verdicts Rptr. LEXIS 23 (May 23, 2013)

**CASE NUMBER:** 41D01-1012-CT-84

**JUDGE:** Barton

**EXPERTS:** H. Richard Hicks (engineer) Indianapolis, IN, Sara Ford and David Gibson (vocational economist), Louisville, KY for the plaintiff; Michael Blanksenhip (vocational) Indianapolis, IN for the defendant

**ATTORNEYS:** Michael E. Simmons, Hume Smith Geddes Green & Simmons, LLP., Indianapolis, IN for the plaintiff; Keith A. Kinney, Kinney Law Firm, LLC., Indianapolis, IN for the defendant

**INJURED PARTY:** 46 year old male

**EVENT:** When the plaintiff was walking in the defendant's truck stop, he slipped and fell on a floor that had been treated with a material intended to make it slip resistant

**SPECIFIC INJURY:** Low back injury

**PERTINENT INFORMATION:** The jury awarded \$3,050,000 with a reduction for comparative fault. Lost earning capacity were estimated at between \$1,190,624 and \$1,216,924

---

**AMOUNT:** \$500,000 (Kosciusko Co., IN)

**CASE:** Master v. Parker & Sons Equipment, Inc., et al., 2014 IN Jury Verdicts Rptr. LEXIS 138 (Aug. 13, 2014)

**CASE NUMBER:** 43C01-1205-CT-45

**JUDGE:** Reed

**EXPERTS:** Dr. Mark Reecer, Pain Medicine, Warsaw, IN, Robert Bond, Spencerville, IN for the plaintiff; Dr. L. Dean Jansen, Orthopedics, Warsaw, IN for the defendant

**ATTORNEYS:** Ryan N. Lindinger, Blackburn & Green, Granger, IN for the plaintiff; Richard K. Helm, Rockhill Pinnick, Warsaw, IN for the defendant

**INJURED PARTY:** Female lab technician

**EVENT:** The defendant tractor-trailer driver ran a stop sign, pulled into the

intersection, and crashed into the driver's side of the plaintiff's vehicle

**SPECIFIC INJURY:** Cervical disc herniation; neck pain; radicular symptoms in the left arm; herniated disc at C6-7

**PERTINENT INFORMATION:** The plaintiff lost her job because she was no longer able to perform her job. She incurred medical expenses of \$18,791

---

**AMOUNT:** \$350,000 (Lake Co., IN)

**CASE:** Becchino v. Ultra Foods, 2014 IN Jury Verdicts Rptr. LEXIS 119 (March 26, 2014)

**CASE NUMBER:** 45D10-1205-CT-90

**JUDGE:** Pera

**EXPERTS:** Not published

**ATTORNEYS:** David Cerven, Highland, IN for the plaintiff; Steven P. Polick, Steven P. Polick & Assoc., P.C., Griffith, IN for the defendant

**INJURED PARTY:** 58 year old male

**EVENT:** While shopping at the defendant's grocery store, the plaintiff stepped on a grape lying in the aisle and slipped and fell

**SPECIFIC INJURY:** Back and shoulder injuries

---

**AMOUNT:** \$3,638,888 (Rockcastle Co., KY)

**CASE:** Merritt v. Super Service, 2013 KY Trial Ct. Rev. LEXIS 25 (Feb. 18, 2013)

**CASE NUMBER:** 11-27

**JUDGE:** Tapp

**EXPERTS:** Dr. Robert Granacher (neuropsychiatry) Lexington, KY, Sharon Lane (vocational) Louisville, KY for the plaintiff; Dr. David Shraber (neuropsychiatry) Lexington, KY for the defendant

**ATTORNEYS:** E. Liddell Vaughn, Anderson Vaughn & Allen, Louisville and Robert D. Walker, II, Walker Wallace, Louisville, KY for the plaintiff; Scott Jones and Danielle Ravencraft, Reminger, Lexington, KY for the defendant

**INJURED PARTY:** 41 year old female social worker

**EVENT:** While the plaintiff was stopped at a stop light, the defendant truck rear-ended the plaintiff at about 55 mph

**SPECIFIC INJURY:** Broken nose; Traumatic brain injury; Back, rib and scapula fractures

**PERTINENT INFORMATION:** The verdict included medical expenses of \$235,000, future care expenses of \$75,000, impairment of \$250,000, pain and

suffering of \$3,000,000

---

**AMOUNT:** \$1,546,720 (U.S. Dist. Ct.-E. LA)

**CASE:** Earls v. Medtec Ambulance, 2012 Federal Jury Verdicts Rptr. LEXIS 130 (Apr. 9, 2012)

**CASE NUMBER:** 2:11-398

**JUDGE:** Ivan L.R. Lemelle

**EXPERTS:** Patricia Riggle (vocational) New Orleans, LA, Carla Seyler (life care plan), New Orleans, LA, A.J. McPhate, (engineer) for the plaintiff; Larry Stokes (vocational) Metairie, LA for the defendant

**ATTORNEYS:** David W. Oestricher, II, New Orleans, LA for the plaintiff; P. Ann Bailey, Gulfport, MS and R. Bruce Barze, Balch & Bingham, Birmingham, AL for the defendant

**INJURED PARTY:** 25 year old male paramedic

**EVENT:** The plaintiff brought a products liability action against the defendant manufacturer of a seat in the back of an ambulance, which failed as the ambulance passed over a bump

**SPECIFIC INJURY:** Disc injury; urinary and erectile dysfunction problems

**PERTINENT INFORMATION:** The verdict included medical expenses of \$40,000, lost wages of \$6,720, future lost earning capacity valued at \$200,000, future medical expenses of \$600,000 and non-economic damages of \$700,000

---

**AMOUNT:** \$400,000 (Camden Co., NJ)

**CASE:** Pennese v. Allstate Ins. Co., 2015 NJ Jury Verdicts Review LEXIS 292 (November 20, 2015)

**CASE NUMBER:** CAM-L-2217-13

**JUDGE:** Michael Kassel

**EXPERTS:** Dr. Joel Lehrer, ENT, Teaneck, NJ, Dr. Barry Gleimer, orthopedic surgeon, Cherry Hill, NJ for the plaintiff; Dr. Robert Belafsky, ENT, Cherry Hill, NJ, Dr. Scott Sharrets, neurology, Willingboro, NJ, Dr. Roy Friedenthal, orthopedic surgeon, Berlin, NJ for the defendant

**ATTORNEYS:** Scott M. Goldberg of Petrillo & Goldberg, PC, Pennsauken, NJ for the plaintiff; name of the defendant's attorney not published

**INJURED PARTY:** 72 year old male

**EVENT:** The plaintiff alleged that the defendant driver made a left turn into his path and the two vehicles collided

**SPECIFIC INJURY:** Disc injuries in both lumbar and cervical areas; tinnitus

**PERTINENT INFORMATION:** The plaintiff settled with the other driver for less than the available coverage and proceeded under a \$100,000 underinsured motorist (UIM) policy

---

**AMOUNT:** \$4,735,000 (Hudson Co., NJ)

**CASE:** Thomas v. Schindler Elevator Group, et al., 2013 NJ Jury Verdicts Review LEXIS 127 (May 16, 2013)

**CASE NUMBER:** Not published

**JUDGE:** Martha T. Royster

**EXPERTS:** Steven Greene (elevator) Petaluma, CA, Dr. Carl Giordano (orthopedic surgeon) Morristown, NJ for the plaintiff; Jon Halpern (elevator) Syosset, NY, Dr. Andrew Hutter (orthopedic surgeon) Roseland, NJ for the defendant

**ATTORNEYS:** Edward P. Capozzi of Seigel Capozzi Law Firm, L.L.C., Ridgewood, NJ for the plaintiff; name of the defendant's attorney not published

**INJURED PARTY:** Adult male

**EVENT:** The plaintiff was using an elevator in defendant's building when the elevator suddenly stopped

**SPECIFIC INJURY:** Cervical herniation; Lumbar soft tissue injuries

**PERTINENT INFORMATION:** The jury found award included \$4,500,000 for pain, suffering, disability, impairment and loss of enjoyment of life and \$235,000 to the plaintiff's wife

---

**AMOUNT:** \$1,350,000 (Middlesex Co., NJ)

**CASE:** Janiszak v. Extended Stay, et al., 2014 NJ Jury Verdicts Review LEXIS 234 (Aug. 13, 2014)

**CASE NUMBER:** MID-L-4051-11

**JUDGE:** Phillip Paley

**EXPERTS:** Not published

**ATTORNEYS:** Craig M. Aronow of Rebenack Aronow Mascolo, LLP, New Brunswick, NJ for the plaintiff; name of the defendant's attorney not published

**INJURED PARTY:** Female

**EVENT:** The plaintiff slipped and fell after coming to the assistance of another guest who had slipped and fallen on a walkway on the defendant hotel's property

**SPECIFIC INJURY:** L5-S1 herniation and aggravation and exacerbation of scoliosis; severe radiculopathy to right leg

**PERTINENT INFORMATION:** The award included \$1,350,000 in non-economic damages

**AMOUNT:** \$505,507 (Monmouth Co., NJ)

**CASE:** Lebrio v. The Pier Shops at Caesars, 2013 NJ Jury Verdicts Review LEXIS 145 (June 6, 2013)

**CASE NUMBER:** MON-L-003980-10

**JUDGE:** Joseph P. Quinn

**EXPERTS:** Dr. Robert Dennis (orthopedist) Neptune, NJ for the plaintiff; Dr. Michael Brooks (neuroradiology) Darby, PA, Dr. Michael Lospinoso (orthopedist) Red Bank, NJ for the defendant

**ATTORNEYS:** Eugene C. Hendrickson of Hendrickson & Edelstein, Lakewood, NJ for the plaintiff; name of the defendant's attorney not published

**INJURED PARTY:** 35 year old female

**EVENT:** The plaintiff slipped on a spilled drink while walking through the defendant's shopping mall

**SPECIFIC INJURY:** Lumbar herniation; Meniscal tear (knee)

**PERTINENT INFORMATION:** The jury award included \$290,000 for pain and suffering and \$137,000 for lost wages. A motion is pending to mold the lost wage portion of the verdict under the collateral source rule for disability payments received

---

**AMOUNT:** \$3,500,000 (Bronx Co., NY)

**CASE:** Pizarro v. City of New York, et al., 2014 NY Jury Verdicts Review LEXIS 206 (July 31, 2014)

**CASE NUMBER:** 304460/08

**JUDGE:** Not published

**EXPERTS:** Not published

**ATTORNEYS:** Raymond E. Gazer of Getz & Braverman, PC, Bronx, NY for the plaintiff; name of the defendant's attorney not published

**INJURED PARTIES:** Male and female in their 50s

**EVENT:** The plaintiffs were at a block party where the police were called. The male plaintiff was beaten by five police officers at the scene in the patrol car and at the police station. The female was restrained on the ground at the scene by a police officer. The criminal charges against the male plaintiff were dismissed

**SPECIFIC INJURIES:**

Male plaintiff: Degenerative disc disease; groin injury; lacerated tongue, fractured tooth

Female plaintiff: Cervical and lumbar injuries

**PERTINENT INFORMATION:** The jury awarded \$2,000,000 for past pain and

suffering and \$1,000,000 in punitive damages to the male plaintiff and \$250,000 for past pain and suffering, and \$250,000 in punitive damages to the female plaintiff

---

**AMOUNT:** \$5,500,000 (Kings Co., NY)

**CASE:** Ye and Weng, et al. v. Universal Bus Travel, 2015 NY Jury Verdicts Review LEXIS 177 (May 12, 2015)

**CASE NUMBER:** 11567/13

**ARBITRATOR:** Not published

**EXPERTS:** Dr. Joseph Carfi, life care planning, New Hyde Park, NY, Dr. Lone Fanning, medical examiner, New York, NY, Marcia Knight, PhD, neuropsychology, New York, NY for the plaintiff; name of the defendant's expert not published

**ATTORNEYS:** James C. Napoli of Caesar and Napoli, P.C., New York, NY for the plaintiff; name of the defendant's attorney not published

**INJURED PARTY:** 29 year old male

**DECEDENT:** 29 year old male

**EVENT:** The plaintiff and the decedent were passengers on a bus that lost control and flipped over

**SPECIFIC INJURY:** Closed head injury; Multiple left sided rib fractures; fractures of the lumbar process at two lumbar levels; Ruptured spleen; Death

**PERTINENT INFORMATION:** The award included \$4,000,000 to the surviving plaintiff and \$1,500,000 for the death of the decedent

---

**AMOUNT:** \$2,270,000 (Kings Co., NY)

**CASE:** Rosemary McKnight v. New York City Transit Authority and Jimmie Cotton, 2013 NY Jury Verdicts Review LEXIS 123 (July 31, 2013)

**CASE NUMBER:** 23705/2010

**JUDGE:** Richard Velasquez

**EXPERTS:** Not published

**ATTORNEYS:** Scott C. Occhiogrosso & Frederick C. Aranki of Block O'Toole & Murphy, LLP, New York, NY for the plaintiff; Gossett, Wallace D. of New York City Transit Authority, Brooklyn, NY for the defendant

**INJURED PARTY:** Female

**EVENT:** The plaintiff, a passenger on a city bus, was injured when the bus was rear ended by another vehicle

**SPECIFIC INJURY:** Lower back injury; cervical injury

**PERTINENT INFORMATION:** The jury awarded \$2,270,000

---

**AMOUNT:** \$5,000,000 (Kings Co., NY)

**CASE:** Ortiz v. 164 Atlantic Avenue LLC, et al., 2012 NY Jury Verdicts Review LEXIS 154 (May 4, 2012)

**CASE NUMBER:** 30521/07

**JUDGE:** Bernadette Bayne

**EXPERTS:** Not published

**ATTORNEYS:** S. Joseph Donahue, Jeffrey A. Block of Block O'Toole & Murphy LLP, New York, NY for the plaintiff; name of the defendant's attorney not published

**INJURED PARTY:** 53 year old male carpenter

**EVENT:** While working on a renovation project, the plaintiff fell backwards off a scaffold, struck the sidewalk, but continued falling through an adjacent sidewalk cellar, landing approximately 15 feet below the sidewalk

**SPECIFIC INJURY:** Closed head injury causing relatively mild cognitive deficits; Moderate hearing loss; Lumbar and cervical herniations; Tears to the left shoulder and right wrist

**PERTINENT INFORMATION:** The jury awarded included \$1,000,000 for past pain and suffering, \$2,600,000 for future pain and suffering, \$400,000 for past medical expenses and \$1,000,000 for future medical costs. While the jury was deliberating, the parties entered into a \$2,000,000/\$4,500,000 high/low agreement. After the verdict, the case then settled for \$4,500,000

---

**AMOUNT:** \$10,015,000 (New York Co., NY)

**CASE:** Ordonez v. 346 W. 17th St., et al., 2012 NY Jury Verdicts Review LEXIS 77 (March 2, 2012)

**CASE NUMBER:** 104175/08

**JUDGE:** Geoffrey Wright

**EXPERTS:** Alan M. Leiken, Ph.D. (economics) East Setauket, NY, Dr. Kerin Hauseknecht (neurology) Lynbrook, NY, Dr. Barry Root (physical medicine) Roslyn Heights, NY, Dr. Gautam K. Khakhar (physical rehabilitation) Rego Park, NY for the plaintiff; name of the defendant's expert not published

**ATTORNEYS:** Howard R. Borowick, New York, NY, John Dalli (of counsel) of Dalli & Marino, LLP, Mineola, NY for the plaintiff; name of the defendant's attorney not published

**INJURED PARTY:** Male in his 30s

**EVENT:** The plaintiff fell 10–15 feet from an unsecured cherry picker

**SPECIFIC INJURY:** Mild traumatic brain injury; seizure disorder; lumbar transverse process fractures; lumbar herniation; rib fracture

**PERTINENT INFORMATION:** The jury award of \$10,015,000 included \$134,000 for past medical bills, \$1,300,000 for future medical bills, \$181,000 for past lost earnings, \$1,680,000 for future lost earnings, \$520,000 for past pain and suffering and \$6,200,000 for future pain and suffering. The parties had entered into a \$500,000/\$4,250,000 high/low agreement and the case subsequently resolved for \$4,250,000

---

**AMOUNT:** \$1,218,000 (New York Co., NY)

**CASE:** Stephanie Adams v. The City of New York, et al., 2012 Nat. Jury Verdict Review LEXIS 213 (Mar. 2, 2012)

**CASE NUMBER:** 113646/2006

**JUDGE:** Geoffrey D. Wright

**EXPERTS:** Not published

**ATTORNEYS:** Sanford Rubenstein of Rubenstein & Rynecki, Brooklyn, NY for the plaintiff; Corporation Counsel, New York, NY for the defendant

**INJURED PARTY:** Adult female

**EVENT:** The plaintiff, a former Playboy Playmate, brought an action against the New York City Police Department for excessive force involving her arrest during a dispute with a cab driver

**SPECIFIC INJURY:** Neck and back injuries; Psychological trauma

---

**AMOUNT:** \$1,017,500 (Wayne Co., NY)

**CASE:** David Reynolds v. State of New York, 2012 NY Jury Verdicts Review LEXIS 182 (May 14, 2012)

**CASE NUMBER:** 2012-009-102

**JUDGE:** Nicholas Midey

**EXPERTS:** Steven Ess (chiropractor) Rochester, NY, William Blanchfield (economist) Utica, NY, Kenneth Reagles (life care planning) Syracuse, NY, Clifford Ameduri (physical medicine) Rochester, NY for the plaintiff; Arlen Snyder (orthopedic medicine) Canandaigua, NY for the defendant

**ATTORNEYS:** Charles Burkwit & Robert Burkwit of Cellino & Barnes, Rochester, NY for the plaintiff; Bonnie G. Levy, Ed J. Thompson, Office of the Attorney General, Albany, NY for the defendant

**INJURED PARTY:** 37 year old male

**EVENT:** The defendant state police officer pulled over the plaintiff's vehicle when he was informed by dispatch that the vehicle's registered owner was not licensed. The defendant ordered the plaintiff from the vehicle, handcuffed him, and struck his head against the rear of the vehicle several times

**SPECIFIC INJURY:** Closed head injury; Herniated discs; blurred vision in one eye

---

**AMOUNT:** \$620,000 (Clermont Co., OH)

**CASE:** Michael E. McRoberts v. John R. Jurgensen Co., 2012 LexisNexis Jury Verdicts & Settlements 27 (Feb. 17, 2012)

**CASE NUMBER:** 2008CVC01051

**JUDGE:** Richard Ferenc

**EXPERTS:** Not published

**ATTORNEYS:** R. Craig McLaughlin, Elk & Elk, Mayfield Heights, OH for the plaintiff; Mark A. MacDonald, Cincinnati, OH for the defendant

**INJURED PARTY:** Adult male

**EVENT:** The defendant clipped the back of another car during a lane change causing that car to spin out and strike the plaintiff's vehicle on the passenger side

**SPECIFIC INJURY:** Two herniated disks in the lower back, requiring surgery

---

**AMOUNT:** \$4,386,817 (U.S. Dist. Ct. OR)

**CASE:** Morris v. Walgreen Oshkosh, Inc., 2016 Ore. Jury Verdicts & Sett. LEXIS 12 (Jan. 18, 2016)

**CASE NUMBER:** 3:14-cv-01718-ST

**JUDGE:** Janice Stewart

**EXPERTS:** Scot Bowles, DC, chiropractor, Oregon City, OR, Dr. Jordi Kellogg, neurosurgeon, Portland, OR for the plaintiff; Scott Stipe, vocational rehabilitation, Scott Losk, Ph.D., psychologist, Portland, OR, for the defendant

**ATTORNEYS:** James Dwyer & Timothy Williams of Heiling Dwyer & Associates, Portland, OR for the plaintiff; David Ernst & Nicholas Kampars of Davis Wright Tremaine, Portland, OR for the defendant

**INJURED PARTY:** 37 year old male union dockworker

**EVENT:** The defendant truck driver attempted to change lanes on a highway and struck the plaintiff' vehicle

**SPECIFIC INJURY:** Wrist, neck and back injuries; Carpal tunnel syndrome; post traumatic stress disorder

**PERTINENT INFORMATION:** The award included \$134,747 in past medical expenses, \$18,000 in future medical expenses, \$206,000 in lost wages, \$3,385,240 in impaired earning capacity, \$25,000 for vocational rehabilitation expenses, \$67,830 in substitute household services, and \$550,000 in non-economic damages.

---

**AMOUNT:** \$1,675,140 (Linn Co., OR)

**CASE:** Tyler Wingett v. Gary Silbernagel, Denise Silbernagel, Lawrence Silbernagel and Eric Silbernagel and the Estate of Kyle Entrekin, 2012 Ore. Jury Verdicts & Sett. LEXIS 82 (Jan. 9, 2012)

**CASE NUMBER:** 08 3505

**JUDGE:** DeAnn Novotny

**EXPERTS:** Not published

**ATTORNEYS:** Brian Whitehead, Law Office of Brian R. Whitehead, Salem, OR, for the plaintiff; John Kilcullen of Brown Roseta Long McConville & Kilcullen, Eugene, OR, for defendant Silbernagel; Ryan Collier, Salem, OR, for the defendant Estate of Kyle Entrekin

**INJURED PARTY:** 18 year old male

**EVENT:** The plaintiff, a recent high school graduate, went to a "field party" that was hosted by defendant where alcohol was served. After the party, the plaintiff took a ride with defendant Kyle, who was driving under the influence of alcohol. Defendant Kyle lost control of his vehicle and struck a telephone pole. The plaintiff was ejected from the vehicle

**SPECIFIC INJURY:** Back injury with four thoracic spine fractures; Left arm injury; Decreased vision in the right eye; Brain and intra-cranial injuries; organic brain syndrome; Fractured skull; Punctured and collapsed lung; Cardiac injury; torn aorta; Fracture of eleven ribs

**PERTINENT INFORMATION:** The award included \$50,000 in punitive damages. The plaintiff claimed medical expenses of \$497,968 and lost wages of \$38,350

---

**AMOUNT:** \$58,873 (Multnomah Co., OR)

**CASE:** Motresku v. Olsen, 2016 Ore. Jury Verdicts & Sett. LEXIS 19 (February 1, 2016)

**CASE NUMBER:** 15CV06037

**JUDGE:** Stephen Bushong

**EXPERTS:** Not published

**ATTORNEYS:** Steven Kahn of Kahn & Kahn, Portland, OR, for the plaintiff; Mark Monson, Geico Staff Counsel, Portland, OR, for the defendant

**INJURED PARTY:** Male

**EVENT:** The plaintiff alleged that the defendant driver failed to stop at a stop sign and collided with the plaintiff's vehicle

**SPECIFIC INJURY:** Back & Head Injuries; Post Concussive Syndrome

**PERTINENT INFORMATION:** The verdict included \$3,873 in economic

damages and \$55,000 in non-economic damages

---

**AMOUNT:** \$468,000 (Multnomah Co., OR)

**CASE:** Jaun Manuel Garcia v. Dawson Construction LLC, et al., 2013 Or. Jury Verdicts & Sett. LEXIS 154 (September 23, 2013)

**CASE NUMBER:** 1209-11784

**JUDGE:** Youlee You

**EXPERTS:** Dr. Robert Orgaly (orthopedic surgeon) Portland, OR, Thomas Fries PE (forensic engineer) Portland, OR for the plaintiff; name of the defendant's expert not published

**ATTORNEYS:** R. Brendan Dummigan & J. Randolph Pickett of Pickett Dummigan, Portland, for the plaintiff; Gary Norris, Law Office of Gary Norris, McMinnville, for the defendant

**INJURED PARTY:** 45 year old male day laborer

**EVENT:** The plaintiff fell off a steep roof while working on a residential construction project

**SPECIFIC INJURY:** Knee injury; Fractured patella; Facial and elbow fractures; Back injury; traumatic disc herniation

**PERTINENT INFORMATION:** The jury award of \$468,000 included medical expenses of \$118,000 and no lost wages

---

**AMOUNT:** \$595,074 (Multnomah, OR)

**CASE:** Nicholas Mancuso v. Jeffrey Peabody and Flying J Transportation, 2012 Ore. Jury Verdicts & Sett. LEXIS 113 (July 17, 2012)

**CASE NUMBER:** 1106-08287

**JUDGE:** Stephen Bushong

**EXPERTS:** Dr. Paul Puziss (orthopedic surgeon) Beaverton, OR, Dr. Todd Kuether (neurosurgeon-by video) Tualatin, OR, Dr. Ashok Jayaram (anesthesiologist-by video) Portland, OR, Franklin Wong PE (accident reconstructionist), Richard Ross (vocational rehabilitation), Portland, OR for the plaintiff; Dr. Price Gripekoven (orthopedic surgeon) Portland, OR, Thomas Fries (accident reconstructionist) Portland, OR for the defendant

**ATTORNEYS:** Russell Hanf, Attorney at Law, Portland, OR for the plaintiff; Matthew Casey & Kyle Sciuchetti of Bullivant Houser Bailey, Portland, OR for the defendant

**INJURED PARTY:** 47 year old male

**EVENT:** The defendant's tanker truck rear ended the plaintiff's pick up truck when the plaintiff was stopped at a red light

**SPECIFIC INJURY:** Soft tissue neck and back injuries

**PERTINENT INFORMATION:** The damages included past medical expenses of \$65,000, future medical expenses of \$75,000, past lost wages of \$165,000, future lost wages of \$75,000, and property damages of \$3,000

---

**AMOUNT:** \$2,375,547 (U.S. District Court-M. D. PA)

**CASE:** Bieber v. Nace, et al., 2012 PA Jury Verdicts Review LEXIS 21 (Mar. 16, 2012)

**CASE NUMBER:** 1:10-CV-00718-CCC

**JUDGE:** Christopher Conner

**EXPERTS:** Steven Schorr (accident reconstruction) Abington, PA, Edward Mathis (economics) Broomall, PA, Darl Bell (family medicine) Atoka, TN, Lorraine Buchanan (life care) Blue Bell, PA, Francis X. Camillo (orthopedic surgery) Memphis, TN, and Edward Perez Memphis, TN (orthopedic surgery) for the plaintiff; Robert Cipko (vocational) Plymouth Meeting, PA for the defendant

**ATTORNEYS:** J. Scott Kramer, Philadelphia, PA for the plaintiff; John Floun-lacker of Thomas, Thomas & Hafer, Harrisburg, PA for defendant driver, Thomas Bracaglia of Marshall, Dennehey, Warner, Coleman & Goggin, Philadelphia, PA for defendant construction company

**INJURED PARTY:** 49 year old male bank executive

**EVENT:** The plaintiff was injured while on a motorcycle tour of Central Pennsylvania with friends. The plaintiff brought an action against the defendant driver who struck the plaintiff's motorcycle and the construction company that was performing road work in the area

**SPECIFIC INJURY:** Below-knee amputation; Lumbar and thoracic vertebral fractures

**PERTINENT INFORMATION:** The jury found the defendant construction company 65% negligent and the defendant driver 35% negligent. The award included \$750,000 in pain and suffering to the plaintiff and \$350,000 to the plaintiff's wife for her loss of consortium claim

---

**AMOUNT:** \$32,000,000 (Alleghany Co., PA)

**CASE:** Estate of Straw v. Kirk Fair and Golon Masonry Restoration, Inc., 2015 PA Jury Verdicts Review LEXIS 234 (December 15, 2015)

**CASE NUMBER:** GD-13-003294

**JUDGE:** Paul F. Lutty

**EXPERTS:** Not published

**ATTORNEYS:** Jon R. Perry of Rosen Louik & Perry, P.C., Pittsburgh, PA for the

plaintiff; Robert A. Arcovio of Margolis, Edelstein, Pittsburgh, PA, Andrew R. Benedict of Weber, Gallagher in Philadelphia, PA for the defendant

**DECEDENT:** 6 year old male

**INJURED PARTIES:** 4 year old male, adult male, adult female

**EVENT:** The defendant driver, who was intoxicated and driving at an excessive speed, struck the plaintiffs' vehicle, which had pulled over to the side of the road after their vehicle had a malfunction

**SPECIFIC INJURIES:**

Decedent—death

4 year old—concussion; seizures; right femur fracture

Female—broken ribs; lumbar spine fracture; scalp lacerations

Male—lumbar fracture; facial lacerations

**PERTINENT INFORMATION:** The award included \$10,000,000 to the estate of decedent for wrongful death; \$10,000,000 to the estate for survival; \$3,000,000, the female; \$3,000,000 to the male and \$6,000,000 to the 4 year old male

---

**AMOUNT:** \$28,000,000 (Allegheny Co., PA)

**CASE:** Trail, et al. v. Lesko, et al., 2013 PA Jury Verdicts Review LEXIS 286 (November 25, 2013)

**CASE NUMBER:** GD-10-017249

**JUDGE:** Alan Hertzberg

**EXPERTS:** Elizabeth Trendowski (alcohol safety) Lake Worth, FL, Donald Kirwan (forensic economist) Pittsburgh, PA, Dr. Cyril Wecht (forensic pathology) Pittsburgh, PA, Dr. Gary Gruen (orthopedic surgery) Pittsburgh, PA, Dr. Jerry Richman (orthopedic surgery), Dr. Charles Wynek (toxicology) for the plaintiff; name of the defendant's experts not published

**ATTORNEYS:** John Gismondi of Gismondi & Associates, Pittsburgh, PA for the plaintiff; name of the defendant's attorney not published

**INJURED PARTIES:** 24 year old female waitress (decedent); 26 year old male (deceased); 22 year old; male in his 20s

**EVENT:** The plaintiff's vehicle was struck by a drunk driver who had just been at an all you can drink party at the defendant Elks club

**SPECIFIC INJURIES:**—

24 year old female waitress—fatal blunt force trauma

26 year old male—multiple fractures; blunt force trauma; pain medication related death

22 year old—vertebral fractures in the low back

Male in his 20s—fractured femur (thigh)

**PERTINENT INFORMATION:** The jury awarded the female decedent \$7,750,000, including \$100,000 for pain and suffering, \$650,000 for future economic loss and \$7,000,000 for her parents' wrongful death claim; the 26 year old male \$500,000 for pain and suffering, \$7,000 for past economic loss, \$1,300,000 for future economic loss and \$7,000,000 for the mother's wrongful death claim, the 22 year old \$300,000 for past pain and suffering and \$100,000 for future economic loss, and the male in his 20s \$700,000 for past pain and suffering, \$150,000 for disfigurement and \$200,000 for future economic losses. The jury also awarded \$10,000,000 in punitive damages

---

**AMOUNT:** \$3,000,000 (Philadelphia Co., PA)

**CASE:** White v. Drywall Inc., et al., 2015 PA Jury Verdicts Review LEXIS 53 (June 25, 2015)

**CASE NUMBER:** 130603238

**JUDGE:** Kenneth J. Powell

**EXPERTS:** Not published

**ATTORNEYS:** Jenimae Almquist of Messa & Associates, P.C., Philadelphia, PA for the plaintiff; Gary S. Williams of Baginski, Mezzanotte, Hasson & Rubinate in Philadelphia, PA; Mark Riley of Marshall, Dennehey, Warner, Coleman, & Goggin, King of Prussia, PA; Frederick Lachat of Margolis, Edelstein, Philadelphia, PA, Steven G. Leventhal of Reger, Rizzo, & Darnall, LLP, Philadelphia, PA for the defendant

**INJURED PARTY:** Male carpenter

**EVENT:** The plaintiff was walking down a temporary staircase on a construction site when it collapsed under him and he fell to the next level below

**SPECIFIC INJURY:** Traumatic closed head injury with post-concussion syndrome; multiple scapula fractures; traumatic thyroid bleeding and trauma; partial rotator cuff tear; injuries to tissues of neck and back; arm/shoulder muscle atrophy and weakness

**PERTINENT INFORMATION:** The award included \$2,500,000 in damages to the plaintiff and \$500,000 to the plaintiff's wife for loss of consortium

---

**AMOUNT:** \$8,900,000 (Philadelphia Co., PA)

**CASE:** Wilson v. Scotchbrook Townhouses, 2013 PA Jury Verdicts Review LEXIS 97 (May 13, 2013)

**CASE NUMBER:** 11-09-00442

**JUDGE:** Annette Rizzo

**EXPERTS:** G. Greg Anderson (orthopedic surgery) Bensalem, PA, Sanford Davne (orthopedic surgery) Bala Cynwyd, PA for the plaintiff; name of the defendant's expert not published

**ATTORNEYS:** Wayne Schaible of McCann, Schaible & Wall, Philadelphia, PA for the plaintiff; name of the defendant's attorney not published

**INJURED PARTY:** 59 year old male carpet installer

**EVENT:** While installing carpet in a second floor bedroom of the defendant's apartment complex, the plaintiff's right foot went through the floor

**SPECIFIC INJURY:** Herniated lumbar disc

**PERTINENT INFORMATION:** The awarded the plaintiff \$8,900,000 in damages

---

**AMOUNT:** \$4,600,000 (Philadelphia Co., PA)

**CASE:** Nertavich v. PPL Electric Utilities Corporation, 2012 PA Jury Verdicts Review LEXIS 32 (Mar. 9, 2012)

**CASE NUMBER:** 09-09-02316

**JUDGE:** Mark I. Bernstein

**EXPERTS:** Stephen Estrin (construction safety) Sarasota, FL, Royal Bunin (economics) Wynnewood, PA, Greg Booth (electric engineering) Raleigh, NC, Mona Yudkoff (life care) Bala Cynwyd, PA, Paul Brockman (physiatrist) West Reading, PA, Donald Jennings (vocational) Feasterville, PA for the plaintiff; Michael Wright (construction safety) New Carlisle, OH for the defendant

**ATTORNEYS:** Joel S. Rosen, J.B. Dilsheimer of Cohen, Placitella & Roth, Philadelphia, PA for the plaintiff; Andrew F. Susko, Luke A. Repici of White & Williams, Philadelphia, PA for the defendant

**INJURED PARTY:** 37 year old male

**EVENT:** The plaintiff, a painting contractor hired by the defendant, fell to the ground when his safety equipment slipped off the peg of his portable climbing ladder

**SPECIFIC INJURY:** Right femur fracture; Left tibia plateau fracture; Right ankle fracture; multiple foot fractures; Burst compression fractures of the lumbar vertebra at the L2-L5 levels

**PERTINENT INFORMATION:** The jury found the defendant 51% negligent and the plaintiff 49% comparatively negligent. There was a \$546,000 worker's compensation lien

---

**AMOUNT:** \$1,044,579 (Davidson Co., TN)

**CASE:** Bloomfield v. Metro Government, 2014 TN Jury Verdicts & Sett. LEXIS 33 (January 22, 2014)

**CASE NUMBER:** 09-3451

**JUDGE:** Joe P. Binkley, Jr.

**EXPERTS:** Dr. Thomas O'Brien (orthopedics) Nashville, TN, Gilbert Mathis, Murray, KY for the plaintiff; name of the defendant's expert not published

**ATTORNEYS:** Rocky McElhaney, Nashville, TN for the plaintiff; Andrew D. McClanahan, Assistant Metropolitan Attorney, Nashville, TN for the defendant

**INJURED PARTY:** Adult male paramedic/firefighter

**EVENT:** The plaintiff was injured when a co-worker tipped over a wheelchair as they were transporting a patient

**SPECIFIC INJURY:** Shoulder injury; Lower back injury

**PERTINENT INFORMATION:** The judge awarded lost wages of \$221,216, \$422,928 for future lost earnings, \$30,000 for permanent injury, \$100,000 for past suffering, \$120,450 for future suffering, \$50,000 for past mental suffering, \$25,000 for future mental suffering and \$75,000 for loss of enjoyment of life. The judge reduced the award to \$300,000 in the final judgment to conform to the statutory cap in actions against the government

---

**AMOUNT:** \$2,248,927 (U.S. Dist. Ct. E.D. TX)

**CASE:** Ferrell v. Tyson Foods, Inc., 2015 TX Jury Verdicts Review LEXIS 273 (Nov. 2015)

**CASE NUMBER:** 14-cv-00775

**JUDGE:** Don D. Bush

**EXPERTS:** not published

**ATTORNEYS:** Ted B. Lyon, Jr. of Ted B. Lyon & Associates, P.C., Mequite, TX for the plaintiff; Zach T. Mayer of Kane Russell Coleman & Logan, PC, Dallas, TX for the defendant

**INJURED PARTY:** Adult male

**EVENT:** The plaintiff alleged that the defendant maintained an unsafe work environment and that he was injured on three separate occasions on the job

**SPECIFIC INJURY:** Disabling injuries to neck and back

**PERTINENT INFORMATION:** The award included \$498,382 for physical impairment; \$774,478 for pain and suffering; \$111,531 for mental anguish and emotional distress; \$505,936 for lost earning capacity and \$358,600 for past and future medical expenses

---

**AMOUNT:** \$2,041,000 (Dallas Co., TX)

**CASE:** Jorge Rodriguez, Sandra Tonche v. Lee Lewis Construction, Inc., 2014

TX Jury Verdicts Review LEXIS 196 (June 25, 2014)

**CASE NUMBER:** CC-12-01898-D

**JUDGE:** Ken Tapcott

**EXPERTS:** Not published

**ATTORNEYS:** Luis M. Avila, Costa Mesa, CA for the plaintiff; John S. Kenefick & John R. Sigety of MacDonald Devin, PC, Dallas, TX for the defendant

**INJURED PARTY:** 52 year old male electrician

**EVENT:** The plaintiff was running electrical conduits in close proximity to the unguarded pulley on an operational air handling unit when the pulley caught some electrical wires and wrapped around his leg, wrenching his back and left knee

**SPECIFIC INJURY:** Permanent back and left knee injuries

**PERTINENT INFORMATION:** The award included \$600,000 for past and future pain and suffering, \$370,000 in past and future medical expenses, \$700,000 in past and future physical impairment and \$740,000 in loss of past and future wage earning capacity

---

**AMOUNT:** \$28,400,000 (Jim Wells Co., TX)

**CASE:** Angelique and Elida Briones v. Lefleur Transportation of Texas, Inc., 2014 TX Jury Verdicts Review LEXIS 263 (Aug. 7, 2014).

**CASE NUMBER:** 12-03-50941-CV

**JUDGE:** Richard C. Terrell

**EXPERTS:** Not published

**ATTORNEYS:** Thomas J. Henry & Susan Harr of Thomas J. Henry Injury Attorneys, San Antonio, TX for the plaintiff; Frank Sabo of Guerra, Leeds, Sabo & Hernandez, PLLC, McAllen, TX for the defendant

**INJURED PARTY:** 40 and 57 year old females

**EVENT:** The plaintiffs were passengers in a company transport vehicle that was struck by another vehicle in an intersection

**SPECIFIC INJURY:** Back and neck injuries

---

**AMOUNT:** \$5,400,000 (Nueces Co., TX)

**CASE:** George Barnhill v. Derrick Molina, 2013 TX Jury Verdicts Review LEXIS 29 (March 5, 2013)

**CASE NUMBER:** 10-60602-2

**JUDGE:** Lisa Gonzalez

**EXPERTS:** Dr. Michael Leonard (neurosurgery) San Antonio, TX for the plaintiff; Dr. Warren Neely (neurosurgery) San Antonio, TX for the defendant

**§ 4.02**

**BACK INJURIES**

**ATTORNEYS:** Thomas J. Henry of Thomas J. Henry Injury Attorneys, Corpus Christi, TX for the plaintiff; Foster Reese & Julie Shehane of Willis Law Group, Dallas, TX for the defendant

**INJURED PARTY:** 67 year old male

**EVENT:** The defendant lost control of his vehicle and ran into a retaining wall. The plaintiff attempted to stop to avoid hitting the defendant's vehicle but could not and struck the defendant's vehicle and was rear ended by another vehicle

**SPECIFIC INJURY:** Neck and back injuries

**PERTINENT INFORMATION:** The jury awarded \$5,400,000

---

**AMOUNT:** \$3,927,867 (U.S. Dist. Ct. E.D. VA)

**CASE:** Kargin v. Grace Food Distribution, 2014 Federal Jury Verdicts Rptr. LEXIS 108 (Feb. 7, 2014)

**CASE NUMBER:** 3:13-112

**JUDGE:** John A. Gibney, Jr.

**EXPERTS:** Not published

**ATTORNEYS:** Dabney J. Carr, IV, Troutman Sanders, Richmond, VA, Nelson Tyrone, III, Tyrone Law Firm, Atlanta, GA and Lloyd N. Bell, Bell Law Firm, Atlanta, GA for the plaintiff; E. Lewis Kincer, Jr., Knicer Snyder, Glen Allen, VA for the defendant

**INJURED PARTY:** 40 year old male truck driver

**EVENT:** The plaintiff truck driver, who was driving a tractor-trailer, was injured in a crash involving another tractor trailer driver

**SPECIFIC INJURY:** Traumatic brain injury; post-traumatic stress disorder; arm and leg fractures

**PERTINENT INFORMATION:** The award included incurred medical bills of \$856,426, and lost earning capacity (reduced to present value of \$621,673). The parties entered into a \$7,000,000-\$3,000,000 high-low agreement

---

**AMOUNT:** \$466,323 (Clark Co., WA)

**CASE:** Birdie Whithorn v. Kent Whithorn, 2013 WA Jury Verdicts & Sett. LEXIS 161 (July 29, 2013)

**CASE NUMBER:** 11-2-04152-6

**JUDGE:** David Gregerson

**EXPERTS:** Dr. Jordi Kellogg (neurosurgeon), Dr. Price Gripekoven (orthopedic surgeon), Portland OR, John Lewis DC (chiropractor), Troy Dreiling DC (chiropractor) for the plaintiff; Dr. Jay Miller (neurosurgeon) Vancouver, WA for the defendant

**ATTORNEYS:** Don Jacobs, NW Injury Law Center, Vancouver, WA for the plaintiff; Michael Mitchell of Zipse Elkins & Mitchell, Vancouver, WA for the defendant

**INJURED PARTY:** 59 year old female

**EVENT:** The plaintiff was riding on the back of her husband's motorcycle when he swerved to avoid another motorcycle and lost control of it

**SPECIFIC INJURY:** Knee, neck and back injuries

**PERTINENT INFORMATION:** The award of \$466,323 included medical expenses of \$334,000 and no lost wages

---

**AMOUNT:** \$4,352,350 (Clark Co., WA)

**CASE:** Chantelle Fogle v. Clark County, Clark Public Utilities, Bradford Conrad, Brother Enterprises, Inc., and Michael Hopkins, 2013 WA Jury Verdicts & Sett. LEXIS 21 (Oct. 22, 2012).

**CASE NUMBER:** 10-2-00209-3

**JUDGE:** John Wulle

**EXPERTS:** Dr. Jaime Nicacio (Physiatrist); Dr. Wael Musleh (Neurosurgeon), Dr. Amar Purandare (Radiologist), Dr. Thomas Demlow (Radiologist), Vancouver, WA, Dr. Igor Grant (Psychiatrist/expert) La Jolla, CA, Dr. Randall Benson (Neurologist/expert) Novi, MI., Anthony Choppa (Vocational Rehabilitation) Bothell, WA, Richard Gill Ph.D. (Human Factors) Spokane, WA; Glenn Goodwin Ph.D. (Neuropsychologist) Edmonds, WA, Robert Male Ph.D. (Economist) Kamuela, HI; Edward Stevens (Traffic Engineer) Olympia, WA, Larry Tompkins (Accident Reconstructionist) Battleground, WA, David Townsend PE (Electrical Engineer) Clinton, WA, Carley Ward Ph.D. (Biomechanical Engineer) Phoenix AZ, Frank Vincenzi Ph.D. (Pharmacologist) Arlington, WA for the plaintiff; Dr. Richard Rosenbaum (Neurologist) Portland OR, Dr. Franklin Wong (Physiatrist/expert) Portland OR, Lawrence Binder Ph.D. (Neuropsychologist) Beaverton, OR, John Biskey PE (Accident Reconstructionist) Lake Oswego, OR, John Dagenhart (Electrical Engineer), Dale Mickelson (Construction Design) Vancouver, WA, Joseph Rempe PE (Electrical Engineer) Tacoma, WA, Erin Harley Ph.D. (Human Factors) Bellevue, WA, John Vasiliades Ph.D. (Toxicologist) Omaha, NE, Rebecca Bellerive RN (Life Care Planner) Gig Harbor, WA, David Knowles Ph.D. (Economist) Seattle, WA, Stanley Owings (Vocational Rehabilitation) Seattle, WA, Tom Wickizer Ph.D. (Health Services Management) Columbus, OH, Wendy Adams Ph.D. (Toxicologist) Willow Grove, PA, David Predmore (Forensic Toxicologist) Eatonville, WA, Laurence Juhnke PE (Forensic Engineer) Portland, OR, Brianna Peterson (Toxicologist) Seattle, WA, Richard Chapman (Accident Reconstructionist) Shoreline, WA, John Hunter (Accident Reconstructionist) Woodinville, WA, Toby Rickman (Traffic Engineer) Olympia, WA, Cinda Johnson Ph.D. (Special Education) Bellevue, WA, M. Richard Syring PE (Electrical

Engineer) Cowlitz, WA, John Yamashita (Surveyor) Vancouver, WA for the defendant

**ATTORNEYS:** Karen Koehler & Paul Stritmater of Stritmater Kessler Whelan Coluccio, Seattle/Hoquiam, WA, Gordon C. Johnson, Jr., Attorney at Law, Sheboygan, WI for the plaintiff; E. Bronson Potter, Clark County Prosecutor's Office, Civil Division, Vancouver, WA & W. Dale Kamerrer of Law Lyman Daniel Kamerrer & Bogdanovich, Olympia, WA for defendant Clark County, Nicholas Scarpelli, Jr. of Carney Badley Spellman, Seattle, WA for defendant Clark Public Utilities, William Davis of Davis Rothwell Earle & Xochihua, Portland, OR for defendants Conrad & Brother Enterprises, Kathryn Reynolds Morton, Law Offices of Thomas A. Andersen, Portland, OR for defendant Hopkins

**INJURED PARTY:** 18 year old female

**EVENT:** The plaintiff was a passenger in a vehicle driven by defendant Hopkins that was struck by defendant Conrad's vehicle. Defendant Conrad failed to yield the right-of-way, and his van struck the left rear quarter panel of the Hopkins vehicle. The impact of the collision propelled the Hopkins vehicle into a utility pole.

**SPECIFIC INJURY:** Abdominal injuries; Traumatic brain injury requiring a right hemicraniectomy with right frontal ventriculostomy; Fractured rib; collapsed lung; Lacerated spleen; Respiratory injuries resulting in tracheostomy; Partially paralyzed lower limb

**PERTINENT INFORMATION:** The damages included medical expenses of \$733,449, \$2,000,000 lost wages and future lost earning capacity. The plaintiff settled her case against defendant Clark County for \$2,000,000 prior to trial for a total recovery of \$6,352,350

---

**AMOUNT:** \$170,922 (King Co., WA)

**CASE:** Brown v. Keystone Freight Corp., 2015 WA Jury Verdicts & Sett. LEXIS 397 (August 10, 2015)

**CASE NUMBER:** 13-2-34826-8

**JUDGE:** Richard McDermott

**EXPERTS:** Not published

**ATTORNEYS:** David Soles, Durham Law Offices, Bellevue, WA for the plaintiff; Duncan Fobes & Matthew Erickson of Patterson Buchanan Fobes & Leitch, Seattle, WA for the defendant

**INJURED PARTY:** Female

**EVENT:** The plaintiff alleged that she was rear ended by the defendant's truck and the force of the impact pushed her vehicle into a truck that was stopped ahead of her

**SPECIFIC INJURY:** Medial epicondylitis; Neck and back injuries

**PERTINENT INFORMATION:** The award included \$18,000 in past medical specials, \$6,250 in future medical specials, \$4,003 in lost wages, \$169 in travel expenses and \$142,500 in non-economic damages

---

**AMOUNT:** \$2,595,622 (King Co., WA)

**CASE:** Salas v. Hi-Tech Erectors, 2015 WA Jury Verdicts & Sett. LEXIS 282 (June 29, 2015)

**CASE NUMBER:** 04-2-36411-6SEA

**JUDGE:** Monica Benton

**EXPERTS:** Dr. John Robertson, orthopedic Surgeon, Ronald Early Ph.D., psychiatrist, Seattle, WA, Daniel Brzusek DO, psychiatrist, Bellevue, WA for the plaintiff; name of the defendant's expert not published

**ATTORNEYS:** Robert Kornfeld of Kornfeld Trudell Bowen & Lingenbrink, Kirkland, WA for the plaintiff; Matthew Boyle, Law Offices of Matthew T. Boyle, Seattle, WA for the defendant

**INJURED PARTY:** 34 year old male carpenter

**EVENT:** The plaintiff slipped off a ladder while working at a construction site

**SPECIFIC INJURY:** Ankle, back, foot, hip, legs and wrist fractures

**PERTINENT INFORMATION:** The verdict included medical expenses of \$187,782 and lost wages of \$62,780

---

**AMOUNT:** \$1,134,175. (King Co., WA)

**CASE:** Kevin Balfour v. Jay and Jane Doe Snowden, 2015 WA Jury Verdicts & Sett. LEXIS 103 (Nov. 19, 2014)

**CASE NUMBER:** 13-2-30829-1SEA

**JUDGE:** Jean Rietschel

**EXPERTS:** Dr. Andrew Cole, psychiatrist, Kirkland, WA, Esther Poon DC L, treating acupuncturist, Kirkland, WA, John Fountaine, vocational rehabilitation, Christina Tapia Ph.D., economist, Bothell, WA for the plaintiff; Dr. Linda Wray, neurologist, Burien, WA, James Ryan DC, chiropractor, Poulsbo, WA for the plaintiff

**ATTORNEYS:** Daniel McLafferty, Law Office of Scott M. Donaldson, Lake Forest Park, WA, Karl Malling, Shoreline, WA for the plaintiff; Darren Gafe, Timothy J. Whitters & Associates, Seattle, WA for the defendant

**INJURED PARTY:** 39 year old male dog boarding business owner

**EVENT:** The defendant's vehicle rear ended the plaintiff's vehicle

**SPECIFIC INJURY:** Neck and back injuries

**PERTINENT INFORMATION:** The plaintiff claimed medical expenses of \$25,567 and loss of business

---

**AMOUNT:** \$354,000 (King Co., WA)

**CASE:** Chris Stogner v. Orange Cab and Adie Handule, 2012 WA Jury Verdicts & Sett. LEXIS 176 (Aug. 20, 2012)

**CASE NUMBER:** 10-2-24061-6SEA

**JUDGE:** Dean Lum

**EXPERTS:** Dr. Richard Seroussi (physiatrist) Seattle, WA, Diane Tufel PA (physician's assistant) Seattle, WA, Theodore Becker Ph.D. (physical capacities) Everett, WA, John Fountaine (vocational rehabilitation) Bothel, WA for the plaintiff; Dr. Barbara Jessen (neurologist) Burien, WA, Merrill Cohen (vocational rehabilitation) Seattle, WA for the defendant

**ATTORNEYS:** Scott Blair & Melissa Odama, The Blair Firm, Seattle, WA for the plaintiff; Aaron Dean & Rossi Maddalena of Merrick Hofstedt & Lindsey, Seattle, WA for the defendant

**INJURED PARTY:** 25 year old male

**EVENT:** The plaintiff was a passenger in the defendant's taxi cab when the defendant driver lost control on the icy road, striking a telephone pole

**SPECIFIC INJURY:** Neck injury; Herniated disc and nerve damage to C6-7; Back injury with compression fractures at T3-4 and T4-5

---

**AMOUNT:** \$783,000 (King Co., WA)

**CASE:** Hue Le v. Melody Brutscher, 2012 WA Jury Verdicts & Sett. LEXIS 140 (Apr. 16, 2012)

**CASE NUMBER:** 10-2-36999-6SEA

**JUDGE:** Kimberly Prochnau

**MEDIATOR:** Teresa Wakeen

**EXPERTS:** Dr. Minh Pham (family practice), Dr. Ben Snyder (physiatrist), Dr. Alan Langman (otolaryngologist), Seattle, WA, Nancy Torgerson OD (optometrist) Seattle, WA, Martha Glisky Ph.D. (neuropsychologist) Bellevue, WA, Bryan Jorgenson PE (accident reconstructionist) Seattle, WA for the plaintiff; Dr. James Blue (neurosurgeon/expert) Everett, WA for the defendant

**ATTORNEYS:** Edward Le & Vienna Le, Le & Associates, Renton, WA for the plaintiff; Nicholas Jones, Mary E. Owen & Associates; Gregory Southworth, Southworth Law Office, Seattle, WA for the defendant

**INJURED PARTY:** 56 year old female cafeteria worker

**EVENT:** The plaintiff was struck by the defendant's vehicle

**SPECIFIC INJURY:** Back and neck injuries; Piriformis syndrome; Mild traumatic brain injury

**PERTINENT INFORMATION:** The damages included medical expenses of \$52,991 and lost wages of \$2,000

---

**AMOUNT:** \$479,394 (King Co., WA)

**CASE:** Valerie Smith v. State Farm Mutual Automobile Insurance Co., 2012 WA Jury Verdicts & Sett. LEXIS 82 (Feb. 29, 2012)

**CASE NUMBER:** 10-2-20153-OKNT

**JUDGE:** Jay White

**EXPERTS:** Dr. Christopher Howe (treating orthopedic surgeon) Covington, WA, Dr. Craig McGoran (family practice/treating) Renton, WA, Theodore Becker Ph.D. (physical capacities) Everett, WA, Judith Parker (vocational rehabilitation/life care planner) Bothell, WA for the plaintiff; name of the defendant's expert not published

**ATTORNEYS:** James J. Holland, The Gosanko Law Firm, Mercer Island, WA for the plaintiff; Thomas Crowell, State Farm Staff Counsel, Seattle, WA for the defendant

**INJURED PARTY:** 57 year old female

**EVENT:** The plaintiff's vehicle was struck from the rear by an SUV, and the force of the impact caused her seat back to break

**SPECIFIC INJURY:** Shoulder, neck and back sprains/strains

**PERTINENT INFORMATION:** The plaintiff settled her underlying claim against the at fault driver for \$100,000 and brought this action for her underinsured motorist (UIM) benefits

---

**AMOUNT:** \$446,938 (Kitsap Co., WA)

**CASE:** Hagen and Dominique Springer v. John and Patsy Damico, 2015 WA Arb. Dec. LEXIS 8 (Oct. 7, 2014)

**CASE NUMBER:** 13-2-00972-4

**JUDGE:** Kevin D. Hill

**EXPERTS:** Dr. Guy Earle, family practice, Silverdale, WA, Dr. Michael Hatzakis, psychiatrist, Issaquah, WA, Theodore Becker Ph.D., physical capacities, Everett, WA, Merrill Cohen, vocational rehabilitation, Seattle, WA, William Brandt, economist, Bainbridge Island, WA, Cheryl Mustard, medical expenses, Seattle, WA for the plaintiff; Dr. Lawrence Murphy, neurologist, Issaquah, WA, Dr. Dennis Chong MD, psychiatrist, Seattle, WA, William Skilling, vocational rehabilitation, Seattle, WA, Thomas Wickizer Ph.D., economist, Columbus OH for the defendant

**ATTORNEYS:** William S. McGonagle of Sherrard McGonagle & Tizzano, Bainbridge Island, WA for the plaintiff; Elizabeth Jensen, Richard J. Jensen & Associates, Tacoma, WA for the defendant

**INJURED PARTY:** 40 year old male bartender and longshoreman

**EVENT:** The defendant's vehicle rear ended the plaintiff's motorcycle when he was stopped at an intersection

**SPECIFIC INJURY:** Temporary closed head injury; concussion; right shoulder, cervical, thoracic and lumbar sprains and strains

**PERTINENT INFORMATION:** The verdict included medical expenses of \$40,738, past lost wages of \$15,592, future lost wages of \$751,118 and \$25,000 for the plaintiff's wife's loss of consortium claim

---

**AMOUNT:** \$1,200,000 (Pierce Co., WA)

**CASE:** Megan Sacks v. Gustavo Banuelos, Jr. et al., 2013 WA Jury Verdicts & Sett. LEXIS 213 (August 23, 2013)

**CASE NUMBER:** 11-2-12440-7

**JUDGE:** Garold Johnson

**EXPERTS:** Dr. Lowell Finkelman (family practice) Gig Harbor, WA for the plaintiff; name of the defendant's expert not published

**ATTORNEYS:** Kari I. Lester, Ben F. Barcus & Associates, Tacoma, WA for the plaintiff; James Cushing, Tacoma, WA for the defendant

**INJURED PARTY:** 26 year old female hairdresser

**EVENT:** The plaintiff was a passenger in a single vehicle roll-over collision

**SPECIFIC INJURY:** Acute cervical, thoracic, lumbar sprains/strains; Disc protrusions; Right shoulder impingement; Post Traumatic Stress Disorder (PTSD); Obsessive Compulsive Disorder (OCD)

**PERTINENT INFORMATION:** There was a judgment of \$1,287,606 for plaintiff. The defendant filed an interlocutory appeal. The case was settled after the filing of the appeal for \$1,200,000. The plaintiff has medical expenses of \$83,750 and general damages of \$2,107 for travel expenses

---

**AMOUNT:** \$410,000 (Snohomish Co., WA)

**CASE:** Becky Bayern v. 24 Hour Fitness, 2012 WA Jury Verdicts & Sett. LEXIS 90 (Mar. 19, 2012)

**CASE NUMBER:** 10-2-06854-4

**JUDGE:** George Appel

**EXPERTS:** Dr. Matthew Klein (plastic surgeon) Seattle, WA for the plaintiff;

Randal Beaton Ph.D. (psychologist) Seattle, WA for the plaintiff; Dr. Alfred Blue (plastic surgeon) Seattle, WA, Dr. John Hackett (dermatologist) Bellevue, WA, Dr. John Hamm (psychiatrist) Seattle, WA for the defendant

**ATTORNEYS:** Ronald Unger of Buckley & Associates, Seattle, WA for the plaintiff; Sean Lanz, Barger Law Group, Lake Oswego, OR for the defendant

**INJURED PARTY:** 56 year old female

**EVENT:** The plaintiff fell backwards onto a sauna burner in the defendant's dry sauna when the rail she was leaning on gave way

**SPECIFIC INJURY:** Back injury; second degree burns to back, shoulder and arms

**PERTINENT INFORMATION:** The award included medical expenses of \$3,625

---

**AMOUNT:** \$1,581,400 (Thurston Co., WA)

**CASE:** Kelly Srsen v. State Farm Mutual Automobile Ins. Co, 2014 WA Jury Verdicts & Sett. LEXIS 150 (May 27, 2014)

**CASE NUMBER:** 13-2-00417-5

**JUDGE:** Gary Tabor

**EXPERTS:** Dr. Carleton Keck, orthopedic surgeon, Seattle, WA, Dr. Devin Swyer, family practice, Olympia, WA, Dr. Ross Vogelgesang, pain management, Olympia, WA for the plaintiff; Dr. Theresa McFarland, orthopedic surgeon, Bremerton, WA for the defendant

**ATTORNEYS:** Frank Ladenburg of Troup Christnacht Ladenburg McKasy Durkin & Speir, Tacoma, WA for the plaintiff; Richard Lockner of Lockner & Crowley, Tacoma, WA for the defendant

**INJURED PARTY:** 46 year old female clerical worker

**EVENT:** The plaintiff was involved in an automobile accident with an underinsured motorist and brought this UIM claim against her insurer

**SPECIFIC INJURY:** Chronic mid and low-back strains/sprains; thumb injury

**PERTINENT INFORMATION:** The award included past medical expenses of \$63,480, and past and future lost wages of \$1,000,000

---

**§ 4.03**

**BACK INJURIES**

**§ 4.03 Inadequate**

**AMOUNT:** \$1,023,910 (Cullman Co., AL)

**CASE:** Culwell v. Progressive Specialty Ins. Co., 2015 AL Jury Verdicts Rptr. LEXIS 181 (May 6, 2015)

**CASE NUMBER:** 13-900445

**JUDGE:** Gregory A. Nicholas

**EXPERTS:** Not published

**ATTORNEYS:** J. Barton Warren, Warren & Simpson, P.C., Huntsville, AL, for the plaintiff; Paul A. Miller, Miller Christie & Kinney, P.C., Birmingham, AL, for the defendant

**INJURED PARTY:** Disabled male veteran

**EVENT:** The plaintiff was rear ended by another driver when he slowed to make a right turn

**SPECIFIC INJURY:** Low back injury

**PERTINENT INFORMATION:** The jury returned a verdict for the plaintiff and awarded him damages of \$1,023,910. The court reduced the amount to \$75,000, the plaintiff's policy limits

---

**AMOUNT:** \$3,817,250 (Tillamook Co., OR)

**CASE:** Cole Ortega v. Darrell Martin and State of Oregon, 2014 Ore. Jury Verdicts & Sett. LEXIS 127 (July 15, 2014)

**CASE NUMBER:** 102070

**JUDGE:** Marie Garric Trevino

**EXPERTS:** Not published

**ATTORNEYS:** Daniel Dziuba of Tichenor & Dziuba, Portland, OR for the plaintiff; John Geil & Jill Schneider, Oregon Department of Justice, Portland, OR, for Defendant state of Oregon, Thane Tienson of Landye Bennett Blumstein, Portland, OR for defendant Martin

**INJURED PARTY:** 14 year old male

**EVENT:** The plaintiff was surfing at a state park when he was struck by an incoming dory boat operated by the defendant Martin

**SPECIFIC INJURY:** Severed arm between the elbow and shoulder; back and rib fractures; scalp laceration

**PERTINENT INFORMATION:** The jury apportioned 70% liability to defendant State of Oregon and 30% liability to the plaintiff. The plaintiff claimed loss of earning capacity and past medical expenses of \$300,000

---

**§ 4.04 Excessive****AMOUNT:** \$6,793,881 (Kings Co., NY)**CASE:** Lopez v. City of New York, et al., 2015 NY Jury Verdicts Review LEXIS 226 (October 2015)**CASE NUMBER:** 3698/06**JUDGE:** Lawrence Knipel**EXPERTS:** Not published**ATTORNEYS:** Jeffrey A. Block and S. Joseph Donahue of Block, O'Toole & Murphy, LLP, New York, NY for the plaintiff; name of the defendant's attorney not published**INJURED PARTY:** 44 year old male safety engineer**EVENT:** The plaintiff fell backwards from the roof of a water treatment plant and became impaled on a steel rebar**SPECIFIC INJURY:** Gastrointestinal injuries; abdominal pain; erectile dysfunction; rectal laceration; lumbar spine herniation**PERTINENT INFORMATION:** The awarded included \$2,000,000 for past pain and suffering, \$3,000,000 for future pain and suffering, \$123,519 for past lost earnings and benefits, \$400,000 for future lost earnings and benefits, \$162,927 for past medical expenses, and \$1,107,434 for future medical expenses. The court reduced the future pain and suffering award to \$1,500,000

---

**AMOUNT:** \$316,000 (Polk Co., OR)**CASE:** Ramirez v. Stake Center Locating, Inc., 2015 Ore. Jury Verdicts & Sett. LEXIS 189 (June 9, 2015)**CASE NUMBER:** Norman Hill**JUDGE:** Norman Hill**EXPERTS:** Dr. Daryl Brett, neurosurgeon, Portland, OR, Dr. Donald Pennington, orthopedic surgeon, Corvallis, OR, Kristin Ramiriz, family practice, Portland, OR for the plaintiff; Dr. John Ballard, orthopedic surgeon, Salem, OR, Dr. Richard Rosenbaum, neurosurgeon, Portland, OR, Patrick Riedlinger PE, accident reconstructionist, Redmond WA for the defendant**ATTORNEYS:** Alex Dunn of Dunn & Roy, Salem, OR, for the plaintiff; Michael Hallinan, Law Office of Barry J. Goehler, Portland, OR, for the defendant**INJURED PARTY:** Male**EVENT:** The plaintiff alleged that the defendant failed to yield the right-of-way and made a left turn into the path of his vehicle, resulting in a "t-bone" collision. The defendant was in the scope of employment at the time of the accident**SPECIFIC INJURY:** Double crush syndrome in the hands; Disc injuries with

**§ 4.04**

**BACK INJURIES**

neck and back sprains/strains; complex bucket handle tear of the meniscus

**PERTINENT INFORMATION:** The verdict was reduced by 45% for the plaintiff's contributory negligence

---

## **CHAPTER 5**

### **BRAIN AND NEUROLOGICAL INJURIES**

#### **§ 5.01 Settlement**

**AMOUNT:** \$1,500,000 (Walker Co., AL)

**CASE:** Johnny Huffman and Lorra Huffman v. Stone & Webster Construction, Inc. Alabama Power Co., and Scaffold Concepts, 2012 AL Civil Trial Rptr. LEXIS 149 (Mar. 1, 2012)

**CASE NUMBER:** CV-2009-000143

**JUDGE:** Hoyt M. Elliot

**EXPERTS:** Not published

**ATTORNEYS:** Ben L. Locklar and P. Parker Miller of Beasley Allen Law Firm, Montgomery, AL for the plaintiff; Sean C. Pierce & Christopher Lydick of Carr Allison, Birmingham, AL for defendant Stone & Webster Construction, Phillip R. Collins and Joseph R. Duncan, Jr., of Huie, Fernambucq, et al., LLP, Birmingham, AL for defendant Scaffold Concepts, Robert O. Bryan of Bryan & Jones, LLC, Jasper, AL for defendant Scaffold Concepts, Sean W. Shirley and S. Allen Baker, Jr., of Balch & Bingham, LLP, Birmingham, AL for defendant Alabama Power Company

**INJURED PARTY:** 48 year old male carpenter

**EVENT:** A metal beam from scaffolding struck the plaintiff carpenter in the head

**SPECIFIC INJURY:** Traumatic brain injury

---

**AMOUNT:** \$1,000,000 (Los Angeles Co., CA)

**CASE:** Bryan Mendrez v. Jan M. Richards, 2013 LexisNexis Jury Verdicts & Settlements 27 (Apr. 3, 2013)

**CASE NUMBER:** BC497938

**JUDGE:** Richard E. Rico

**EXPERTS:** Not published

**ATTORNEYS:** Kevin Danesh, Banafsheh Danesh & Javid, Beverly Hills, CA for the plaintiff; name of the defendant's attorney not published

**INJURED PARTY:** Adult male

**§ 5.01**

BRAIN AND NEUROLOGICAL INJURIES

**EVENT:** The plaintiff alleged that the defendant's vehicle failed to yield the right of way and made a left turn directly into the path of the plaintiff's motorcycle as it was legally proceeding through an intersection on a green light

**SPECIFIC INJURY:** Forearm fracture; Head and brain trauma; Two broken wrists; two dislocated elbows

---

**AMOUNT:** \$1,000,000 (Orange Co., CA)

**CASE:** Patricia Chaidez v. Garfa Transport LLC, 2012 LexisNexis Jury Verdicts & Settlements 102 (July 18, 2012)

**CASE NUMBER:** 30-2011-00515475

**JUDGE:** Glenda Sanders

**EXPERTS:** Not published

**ATTORNEYS:** Sean Banafsheh, Banafsheh Danesh & Javid, Beverly Hills, CA for the plaintiff; name of the defendant's attorney not published

**INJURED PARTY:** Female

**EVENT:** The plaintiff lost control of her vehicle and as she backed up to straighten out her vehicle, and the defendant driver rear-ended her vehicle. The force of the impact knocked her unconscious

**SPECIFIC INJURY:** Multiple rib fractures; liver and thyroid lacerations; diffuse axonal injury; severe intracranial hemorrhaging

---

**AMOUNT:** \$1,700,000 (Sutter/Yuba Co., CA)

**CASE:** Dan Ortega v. Sierra Gold Nursery, 2012 Nat. Jury Verdict Review LEXIS 62 (Feb. 15, 2012)

**CASE NUMBER:** CVCS10-1876

**JUDGE:** Perry Parker

**EXPERTS:** Alvin Lowi, III, P.E. (accident reconstruction) El Segundo, CA, Peter Formuzis, Ph.D. (economics) Santa Ana, CA, Dr. Ron Fisk (neurology) Los Angeles, CA, Dr. Lester Zackler, M.D. (neuropsychiatry) Sherman Oaks, CA, Carlos Saucedo (neuropsychology) Los Angeles, CA, Dr. Sanjog Pangarkar (pain management) Los Angeles, CA, Rick A. Sarkisian, Ph.D. (vocational rehabilitation) Fresno, CA for the plaintiff; Thomas Christensen (accident reconstruction) San Ramon, CA, Craig Enos (economics) Folsom, CA, Tim Sells (life care planning) Sacramento, CA, Dr. Steven McIntire (neurology) Rancho Cordova, CA, Alan Brooker, Ph.D. (neuropsychology) Sacramento, CA, Dr. Andrew Brooks (orthopedics) Rancho Cordova, CA for the defendant

**ATTORNEYS:** Spencer R. Lucas and Adam Shea of Panish Shea & Boyle, Los Angeles, CA for the plaintiff; name of the defendant's attorney not published

**INJURED PARTY:** 46 year old male

**EVENT:** The plaintiff alleged that the defendant driver was negligent in failing to yield the right-of-way and in striking the plaintiff while he was riding his bicycle

**SPECIFIC INJURY:** Brain micro hemorrhage; Shoulder fracture; Nasal fracture; Wrist fracture

---

**AMOUNT:** \$3,500,000 (New Haven Co., CT)

**CASE:** Fagan v. Black & Boucher, LLC, 2015 CT Jury Verdicts Review LEXIS 46 (June 4, 2015)

**CASE NUMBER:** NNH-CV11-6025092-S

**JUDGE:** Not published

**EXPERTS:** Not published

**ATTORNEYS:** Christopher Cramer and Ron Etemi of Trantolo & Trantolo, LLC, Trumbull, CT for the plaintiff; Greg Kreiger of Howard, Kohn, Sprague, and Fitzgerald, Hartford, CT for the defendant

**INJURED PARTY:** Adult male

**EVENT:** The plaintiff alleged that because of a poor milling job, the plaintiff crashed his motorcycle on a Connecticut highway

**SPECIFIC INJURY:** Traumatic brain injury with permanent impairment to his speech, comprehension and gait

---

**AMOUNT:** \$2,500,000 (New London, CT)

**CASE:** Donna Antczak v. Fred Lathrop and the Town of Waterford, 2013 CT Jury Verdicts Review LEXIS 54 (August 8, 2013)

**CASE NUMBER:** CV11-6008652

**JUDGE:** Not published

**EXPERTS:** Not published

**ATTORNEYS:** Joseph Barnes of The Reardon Law Firm, New London, CT for the plaintiff; name of the defendant's attorney not published

**INJURED PARTY:** 62 year old female

**EVENT:** The defendant's van broadsided the plaintiff's vehicle as she went through an intersection with the light

**SPECIFIC INJURY:** Fractures to lumbar spine, pelvis, skull and ocular chain; nerve damage; brain injury

**PERTINENT INFORMATION:** The case was resolved at mediation for \$2,500,000

**§ 5.01**

BRAIN AND NEUROLOGICAL INJURIES

**AMOUNT:** \$750,000 (U.S. Dist. Ct., M.D. FL)

**CASE:** Jackson v. USA, 2012 Medical Litig. Alert LEXIS 171 (July 2012)

**CASE NUMBER:** 3:09-CV-00026

**JUDGE:** Timothy J. Corrigan

**EXPERTS:** Not published

**ATTORNEYS:** Sean B. Cronin of Cronin & Maxwell, Jacksonville, FL for the plaintiff; name of the defendant's attorney not published

**INJURED PARTY:** 53 year old male veteran

**EVENT:** The plaintiff went to the emergency room of the defendant hospital on three separate occasions with complaints of low to mid abdominal pain, but was discharged and placed on narcotic medication for the first two visits. On the third visit, the defendant discovered that the plaintiff's condition deteriorated until he developed peritonitis, severe acidosis, and overwhelming sepsis and went into complete respiratory failure requiring intubation. The plaintiff was transferred from the defendant's hospital to a non-party hospital for surgical management and a perforated appendix was confirmed. The plaintiff suffered peritonitis, sepsis, respiratory failure and a stroke

**SPECIFIC INJURY:** Peritonitis; Sepsis; Stroke; Permanent cognitive deficits; Hemiparesis

**PERTINENT INFORMATION:** The case was settled prior to trial. The plaintiff claimed a total disability from employment and his wife has become his primary caregiver

---

**AMOUNT:** \$5,000,000 (Miami-Dade Co., FL)

**CASE:** Adlan v. Defendant Nightclub, et al., 2015 FL Jury Verdicts Review LEXIS 333 (July 24, 2015)

**CASE NUMBER:** 2015-001035-CA-01

**JUDGE:** Migna Sanchez-Llorens

**EXPERTS:** Not published

**ATTORNEYS:** Jeffrey S. Altman of The Altman Law Firm, Miami, FL, Jason R. Brenner of the Haggard Law Firm, Coral Gables, FL for the plaintiff; name of the defendant's attorney not published

**INJURED PARTY:** 22 year old male college student

**EVENT:** A bouncer from the defendant nightclub struck the plaintiff in the face and knocked him down, causing his head to strike the pavement

**SPECIFIC INJURY:** Traumatic brain injury; brain hemorrhage; skull fracture

**PERTINENT INFORMATION:** The parties settled for the defendants' joint liability policy limits of \$5,000,000

---

**AMOUNT:** \$1,000,000 (Miami-Dade Co., FL)

**CASE:** Plaintiff v. Nationwide Ins. Co., 2013 FL Jury Verdicts Review LEXIS 227 (June 10, 2013)

**CASE NUMBER:** Not published

**JUDGE:** Not published

**EXPERTS:** Richard Hamilton (neuropsychology) Coral Gables, FL, Vitaly Siomin (neurosurgery) Miami, FL for the plaintiff; name of the defendant's expert not published

**ATTORNEYS:** Mario Quintero, Jr. of Law Offices of Mario Quintero, Jr., Miami, FL for the plaintiff; name of the defendant's attorney not published

**INJURED PARTY:** 13 year old male

**EVENT:** The plaintiff was hit in the head by a baseball thrown by an assistant coach during a baseball practice

**SPECIFIC INJURY:** Permanent brain injury; Skull fracture

**PERTINENT INFORMATION:** The case settled before trial for the policy limits of \$1,000,000

---

**AMOUNT:** \$1,025,000 (Miami-Dade Co., FL)

**CASE:** Herrera v. Defendant Delivery Co., 2012 FL Jury Verdicts Review LEXIS 111 (Feb. 10, 2012)

**CASE NUMBER:** 09-87561

**JUDGE:** Ronald Dresnick

**EXPERTS:** Richard Hamilton (neuropsychology) Coral Gables, FL for the plaintiff; name of the defendant's expert not published

**ATTORNEYS:** Judd G. Rosen; Jesse B. Sofer; Brett M. Rosen of Rosen & Goldberg, Miami, FL for the plaintiff; name of the defendant's attorney not published

**INJURED PARTY:** 65 year old male

**EVENT:** The defendant driver, who was driving a commercial delivery truck, struck the plaintiff as he was riding his bicycle. The defendant driver had a fraudulent driver's license as a result of a criminal history and prior motor vehicle accidents, which precluded him from obtaining a legitimate driver's license

**SPECIFIC INJURY:** Lumbar disc herniations; Mild traumatic brain injury; Facial fractures

---

**AMOUNT:** \$4,500,000 (Collier Co., FL)

**CASE:** Maxine Desimone and Phillip Desimone v. Island Plaza Center, LLC, and

Dazzel, Inc., 2012 FL Jury Verdicts Rptr. LEXIS 255 (Feb. 13, 2012)

**CASE NUMBER:** 10-CA-003355

**JUDGE:** Cynthia Pivacek

**EXPERTS:** Dr. Craig Lichtblau (physical medicine) North Palm Beach, FL, Frederick Raffa, Ph.D. (economics) Orlando, FL, Anthony Sasso, P.E. (accident reconstruction) Tallahassee, FL for the plaintiff; Dr. Anthony Dorts (physical medicine) Aventura, FL, Dr. Brian Wolff (neurology) Naples, FL, John Bakshis (accident reconstruction) Tampa, FL for the defendant

**ATTORNEYS:** Randall L. Spivey of Spivey Law Firm, P.A., Fort Myers, FL for the plaintiff; Thomas J. McCausland and Christopher Corkran of Conroy, Simberg, et al., P.A., Hollywood, FL for the defendant

**INJURED PARTY:** 71 year old retired female

**EVENT:** As the plaintiff walked through the entry doors of a store, one of the doors allegedly struck her from behind, causing her to fall head first into a display case

**SPECIFIC INJURY:** Traumatic brain injury; Left hip fracture

---

**AMOUNT:** \$320,000 (Palm Beach Co., FL)

**CASE:** Todd Rozzo, Valerie M. Rozzo and their minor children v. 43rd Street, Inc., Florida's Finest Seafood Co. and Whole Foods, 2012 FL Jury Verdicts Rptr. LEXIS 435 (Aug. 21, 2012)

**CASE NUMBER:** 2008 CA 028502

**JUDGE:** Catherine Brunson

**EXPERTS:** Names of the plaintiffs' expert not published (plaintiffs withdrew their experts after deposing defendants' experts due to favorable testimony); Byron Truglio (seafood safety) TX, Steve Otwell, Ph.D. (seafood safety), Gainesville, FL, Dr. Doraiswami Ayyar, (neurology) Miami, FL for the defendant

**ATTORNEYS:** Todd S. Stewart of Law Offices of Todd S. Stewart, P.A., Jupiter, FL, Leonel R. Plasencia, West Palm Beach, FL for the plaintiff; Laurie Adams of Kubicki Draper, West Palm Beach, FL for defendant 43rd St, Inc., Derek Lloyd and Christopher Wadsworth of Wadsworth Huott, Miami, FL for defendant Whole Foods, Robert Goodrich, Hollywood, FL for defendant Florida's Finest Seafood Company

**INJURED PARTIES:** Mother and father and their minor children

**EVENT:** The plaintiffs purchased and consumed fish, black grouper, which was allegedly contaminated with Ciguatera toxin.

**SPECIFIC INJURY:** Abdominal cramping, diarrhea; neurological problems

**AMOUNT:** \$9,000,000 (U.S. Dist. Ct. D. HW. August 11, 2015)

**CASE:** Whitney v. United States, 2015 LexisNexis Jury Verdicts & Settlements 71

**CASE NUMBER:** 12-382

**JUDGE:** Richard L. Puglisi

**EXPERTS:** Not published

**ATTORNEYS:** Michael K. Livingston, Loretta Sheehan and Mark S. Davis, Davis, Levin, Livingston, Honolulu, HI, for the plaintiff; Harry Yee, Assistant U.S. Attorney, Honolulu, HI, for the defendant

**INJURED PARTY:** Infant male

**EVENT:** The plaintiff alleged that the defendant medical center was negligent in performing a c-section leaving their infant son with cerebral palsy and other developmental delays

**SPECIFIC INJURY:** Cerebral palsy and developmental delays

**PERTINENT INFORMATION:** The plaintiff's damages included claims for medical negligence, negligent infliction of emotional distress, loss of consortium and a claim for parents' economic losses

---

**AMOUNT:** \$17,000,000 (Cook Co., IL)

**CASE:** Comasen William, et al. v. The University of Chicago Hospitals, 2014 Medical Litig. Alert LEXIS 275 (March 5, 2014)

**CASE NUMBER:** 09-L-1173-D

**JUDGE:** Not published

**EXPERTS:** Not published

**ATTORNEYS:** Kevin Burke & Elizabeth Kaveny of Burke Wise Morrissey Kaveny, Chicago, IL; Rudy Schade & Tanya Park of Cassiday, Schade, LLP, Chicago, IL for the defendant

**INJURED PARTY:** 23 year old male

**EVENT:** The plaintiff went to the defendant's emergency room with severe headaches, pain in his back and chest, a rapid heart rate and a fever. The plaintiff alleged that the defendant failed to treat and diagnose endocarditis complications

**SPECIFIC INJURY:** Heart damage; brain damage

---

**AMOUNT:** \$2,700,000 (Cook Co., IL)

**CASE:** Heather and Randy May v. Howard Roth, M.D. and Central Illinois Radiological, 2014 Medical Litig. Alert LEXIS 216 (Feb. 5, 2014)

**CASE NUMBER:** 11 L 583

**JUDGE:** Kathy Flanagan

**EXPERTS:** Dr. Jeffrey Frank, neurology, Chicago, IL, Dr. Martin Pomper, neuroradiology, Baltimore, MD for the plaintiff; Dr. Adnan Qureshi, neurology, Minneapolis, MN, Dr. Joel Meyer, neuroradiology, Evanston, IL for the defendant

**ATTORNEYS:** David R. Barry, Jr. and Kenneth T. Lumb of Corboy & Demetrio P.C., Chicago, IL for the plaintiff; Thomas R. Hill of Dykema Gossett PLLC, Chicago, IL for the defendant

**INJURED PARTY:** 37-year-old female

**EVENT:** The plaintiff was involved in an automobile accident in which she injured her neck. The plaintiff had an MRI of the brain and a CT angiogram of her neck. The plaintiff alleged that the test revealed bilateral vertebral artery dissections but the defendant did not treat her for this condition and she suffered a second stroke

**SPECIFIC INJURY:** Foot drop, paralysis of right arm; cognitive issues; stroke

---

**AMOUNT:** \$6,000,000 (Cook Co., IL)

**CASE:** Connor v. Rush University Medical Center, 2013 Nat. Jury Verdict Review LEXIS 372 (November 22, 2013)

**CASE NUMBER:** 2011 L 006906

**JUDGE:** Not published

**EXPERTS:** Not published

**ATTORNEYS:** Steven M. Levin Margaret Battersby Black and Cari F. Silverman of Levin & Perconti, Chicago, IL for the plaintiff; name of the defendant's attorney not published

**DECEDENT:** 58 year old female

**EVENT:** The plaintiff suffered an adverse reaction to CT scan materials and died four days later

**SPECIFIC INJURY:** Death; Hypoxic brain damage; respiratory distress

**PERTINENT INFORMATION:** The parties settled prior to trial. The plaintiff claimed medical specials that exceeded \$2,500,000

---

**AMOUNT:** \$10,200,000 (Cook Co., IL)

**CASE:** Shawn Luera and Meredith Luera v. Northwestern Memorial Hospital, et al., 2012 Medical Litig. Alert LEXIS 135 (May 2012)

**CASE NUMBER:** 04L14127A

**JUDGE:** Richard Elrod

**EXPERTS:** Dr. Daniel Wohgelernter (cardiology) Santa Monica, CA, Dr.

Margaret Goldman (emergency medicine) Seattle, WA, Dr. Michael Philips (internal medicine) Philadelphia, PA, Dr. Richard Meyers (neurology) Los Angeles, CA for the plaintiff; Dr. Bruce Waller (cardiology) Indianapolis, IN, Dr. Susan Dunmire (emergency medicine) Pittsburgh, PA, Dr. Joseph Hennessy (internal medicine) Chicago, IL for the defendant

**ATTORNEYS:** Kevin G. Burke and Francis P. Morrissey of Burke, Mahoney & Wise, Chicago, IL for the plaintiff; Robert Burker of Cassiday Schade LLP in Chicago, IL; Robert Nora and Lynne Damsma of McKay Nora Tanzillo, LLP, Chicago, IL for the defendant

**INJURED PARTY:** 34 year old male

**EVENT:** The plaintiff, who suffered from a history of a heart condition, alleged that the defendants failed to timely diagnose and treat infective endocarditis, resulting in a massive stroke

**SPECIFIC INJURY:** Massive stroke; Damage to the left parietal temporal and frontal lobes of the brain.

---

**AMOUNT:** \$1,400,000 (U.S. District Court, MA)

**CASE:** O'Brien v. City of Boston, 2012 MA Jury Verdicts Review LEXIS 164 (Feb. 16, 2012)

**CASE NUMBER:** 09-11588

**JUDGE:** Not published

**EXPERTS:** Not published

**ATTORNEYS:** Howard Friedman, David Milton of Law Offices of Howard Friedman, Boston, MA for the plaintiff; name of the defendant's attorney not published

**INJURED PARTY:** Male

**EVENT:** The plaintiff alleged that the defendant's officers used excessive force by throwing him to the ground, placing him in a chokehold and striking his head to stop the plaintiff from videotaping the police response to a motor vehicle collision call

**SPECIFIC INJURY:** Brain injury; Post Traumatic Stress Disorder; Post Concussion Syndrome

**PERTINENT INFORMATION:** The settlement was reached after mediation

---

**AMOUNT:** \$3,250,000 (MA)

**CASE:** Plaintiff Mother and Infant v. Defendant Doctor, 2014 MA Jury Verdicts Review LEXIS 199 (June 4, 2014)

**CASE NUMBER:** Not published

**§ 5.01**

BRAIN AND NEUROLOGICAL INJURIES

**JUDGE:** Not published

**EXPERTS:** Not published

**ATTORNEYS:** Elizabeth N. Mulvey and David W. Susecki of Crowe & Mulvey, Boston, MA for the plaintiff; name of the defendant's attorney not published

**INJURED PARTY:** Infant female

**EVENT:** The plaintiff alleged that the defendant failed to timely perform cesarean section when infant plaintiff showed signs of distress

**SPECIFIC INJURY:** Hypoxic ischemic encephalopathy

**PERTINENT INFORMATION:** The parties agreed to a confidential settlement during mediation

---

**AMOUNT:** \$3,750,000 (MA)

**CASE:** Plaintiff Motorist v. Defendant Driver, 2016 MA Jury Verdicts Review LEXIS 26 (Sept. 30, 2015)

**CASE NUMBER:** Not published

**MEDIATOR:** Not published

**EXPERTS:** Not published

**ATTORNEYS:** Patrick T. Jones and Timothy C. Kelleher III of Jones Kelleher, Boston, MA for the plaintiff; name of the defendant's attorney not published

**INJURED PARTY:** 49 year old male

**EVENT:** The defendant's vehicle travelled into the other lane and collided head on into the plaintiff's vehicle

**SPECIFIC INJURY:** Traumatic brain injury; fractured foot; partial loss of vision

**PERTINENT INFORMATION:** The parties settled the claim in mediation

---

**AMOUNT:** \$5,750,000 (MA)

**CASE:** Plaintiff v. Defendant Doctor, 2016 Medical Litig. Alert LEXIS 23 (June 30, 2015)

**CASE NUMBER:** Not published

**JUDGE:** Not published

**EXPERTS:** Not published

**ATTORNEYS:** Marc L. Breakstone of Breakstone, White & Gluck, Boston, MA for the plaintiff; name of the defendant's attorney not published

**INJURED PARTY:** 35 year old male violinist and architect

**EVENT:** The plaintiff went to the defendant hospital for a bone marrow transplant

for treatment of leukemia. The plaintiff alleged that the defendant hospital was negligent in its removal of a central venous catheter

**SPECIFIC INJURY:** Bilateral anoxic brain injury with physical impairment and cognitive deficits; cardiac arrest

**PERTINENT INFORMATION:** The parties settled the plaintiff's claim after mediation

---

**AMOUNT:** \$2,750,000 (Hampden Co., MA)

**CASE:** Plaintiff Estate v. Defendant Doctor, 2013 MA Jury Verdicts Review LEXIS 211 (August 31, 2013)

**CASE NUMBER:** Not published

**JUDGE:** Not published

**EXPERTS:** Not published

**ATTORNEYS:** Andrew C. Meyer, William J. Thompson of Lubin & Meyer, Boston, MA for the plaintiff; name of the defendant's attorney not published

**DECEDENT:** Female

**EVENT:** The plaintiff alleged that the defendants were negligent in failing to timely diagnose and treat the signs of septicemia in the decedent, who was being treated for complaints associated with cellulitis

**SPECIFIC INJURY:** Anoxic brain injury; Death

**PERTINENT INFORMATION:** The parties resolved the matter with a confidential settlement for \$2,750,000

---

**AMOUNT:** \$3,380,000 (MA)

**CASE:** Plaintiff v. Defendant Hospital, 2012 Medical Litig. Alert LEXIS 83 (June 2012)

**CASE NUMBER:** Not published

**JUDGE:** Not published

**EXPERTS:** Not published

**ATTORNEYS:** Barry C. Reed, Jr. of Reed & Giordano, Boston, MA for the plaintiff; name of the defendant's attorney not published

**INJURED PARTY:** 46 year old female

**EVENT:** The plaintiff alleged that the defendant hospital and its staff were negligent in failing to re-establish an IV after one failed. The plaintiff came under the care of the defendant hospital due to severe intoxication

**SPECIFIC INJURY:** Severe anoxic brain injury

**§ 5.01**

BRAIN AND NEUROLOGICAL INJURIES

**AMOUNT:** \$8,000,000 (MA)

**CASE:** Plaintiff v. Defendant Manufacturer, 2012 MA Jury Verdicts Review LEXIS 266 (Mar. 19, 2012)

**CASE NUMBER:** Not published

**JUDGE:** Not published

**EXPERTS:** Not published

**ATTORNEYS:** John C. DeSimone and Paul E. Mitchell of Mitchell & DeSimone, Boston, MA for the plaintiff; name of the defendant's attorney not published

**INJURED PARTY:** 27 year old male

**EVENT:** While the plaintiff was cleaning a centrifuge at the defendant manufacturing plant, the crowbar from the centrifuge entered the spinning, open drum and was thrown back at the plaintiff's head

**SPECIFIC INJURY:** Traumatic brain injury; Fractured skull; Orbital eye fracture

---

**AMOUNT:** \$2,500,000 (Middlesex Co., MA)

**CASE:** Plaintiff v. Defendant Trucking Co., 2014 MA Jury Verdicts Review LEXIS 117 (April 15, 2014)

**CASE NUMBER:** Not published

**JUDGE:** Not published

**EXPERTS:** Not published

**ATTORNEYS:** Joseph M. Orlando and Joseph M. Orlando, Jr. of Orlando & Associates, Gloucester, MA for the plaintiff; name of the defendant's attorney not published

**INJURED PARTY:** 26 year old male former Marine

**EVENT:** An out of control truck driven by the defendant struck the plaintiff's vehicle causing the plaintiff's vehicle to strike a roadway barrier and another vehicle

**SPECIFIC INJURY:** Traumatic brain injury; numerous fractures

**PERTINENT INFORMATION:** The parties settled through mediation

---

**AMOUNT:** \$40,800,000 (Jackson Co., MO)

**CASE:** Matthew Slattery, Peter Slattery and Edward Slattery, Individually and as Personal Representatives of the Estate of Susan Slattery v. Estes Express Lines, Inc. and Douglas Bouch, 2012 Nat. Jury Verdict Review LEXIS 89 (June 2012)

**CASE NUMBER:** 1116-CV-13913

**JUDGE:** Justine Del Muro

**EXPERTS:** Edward Bell, Ph.D. (economist) Cleveland, OH, Lane Hudgins, Ph.D. (economist) Murphysboro, IL, Dr. Gary Yarkony (life care planner) Lake Forest, IL for the plaintiff; name of the defendant's expert not published

**ATTORNEYS:** Jeff Burns and Tim Dollar of Dollar Burns & Becker, Kansas City, MO for the plaintiff; name of the defendant's attorney not published

**INJURED PARTIES:** Adult female, 15 year old child, 12 year old male child

**EVENT:** The defendant, who was operating a tractor pulling triple trailers all carrying loads, entered a construction zone where the roadway narrowed and collided into the rear of the plaintiffs' vehicle. The plaintiff adult female, mother of the two passengers, died at the scene and the other plaintiffs were seriously injured

**SPECIFIC INJURY:** Adult female—Death

15 year old child—Traumatic brain injury

12 year old male child—Broken pelvis; Multiple facial fractures

---

**AMOUNT:** \$850,000 (Atlantic Co., NJ)

**CASE:** Hambro v. TV Guard, Inc., 2012 NJ Jury Verdicts Review LEXIS 236 (July 12, 2012)

**CASE NUMBER:** Not published

**JUDGE:** Nelson Johnson

**EXPERTS:** William Kitzes (product safety management) Boca Raton, FL for the plaintiff; name of the defendant's expert not published

**ATTORNEYS:** Cindy J. Baen of CJ Baen, LLC, Somers Point, NJ for the plaintiff; name of the defendant's attorney not published

**INJURED PARTY:** 19 month old male

**EVENT:** The plaintiff alleged that the plastic guard they had placed under a TV, which was designed to prevent young children from accessing the control, was defectively designed. When the infant plaintiff reached for the TV, the TV toppled over and struck him in the head

**SPECIFIC INJURY:** Brain contusion; Skull fracture; Corneal abrasion

---

**AMOUNT:** \$1,600,000 (Bergen Co., NJ)

**CASE:** Milner v. Sanofi-Aventis, et al., 2015 NJ Jury Verdicts Review LEXIS 92 (April 2015)

**CASE NUMBER:** BER-L-6195-12

**JUDGE:** Not published

**EXPERTS:** Dennis R Andrews, PhD, PSP, CECD, WSO-CSS, accident reconstruction, Cherry Hill, NJ, Dr. Michael Goldberg, anesthesiology/pain management, Camden, NJ, Stephen B. Levinson, Ph.D., economics, Providence, RI, Nancy L Mueller, neurology, Engelwood Cliffs, NJ, Anita Gupta, DO, PharmD pain management, Philadelphia, PA, Richard Schuster, Ph.D., vocational, New York, NY for the plaintiff; Terence J. Fischer, MS, CPE, ACTAR, accident reconstruction, Northfield, NJ, William E. Harris, economics, Cherry Hill, NJ, Dr. Daniel Feinberg, neurology, Philadelphia, PA, Dr. Gordon Donald, orthopedic surgeon, Eatontown, NJ, Christopher G. Gharibo, pain management, New York, NY, Charles Kincaid, Ph.D, vocational, Hackensack, NJ for the defendant

**ATTORNEYS:** Joseph M. Suarez of Suarez & Suarez, Jersey City, NJ for the plaintiff; name of the defendant's attorney not published

**INJURED PARTY:** 26 year old female

**EVENT:** The defendant driver rear ended the plaintiff's vehicle as she attempted to enter a highway

**SPECIFIC INJURY:** Complex Regional Pain Syndrome in the right hand; strains to the lumbar and cervical area; dysautonomia

**PERTINENT INFORMATION:** The parties settled prior to trial

---

**AMOUNT:** \$1,250,000 (Bergen Co., NJ)

**CASE:** Massey v. NJ Transit, 2014 NJ Jury Verdicts Review LEXIS 197 (June 30, 2014)

**CASE NUMBER:** BER-L-7541-11

**JUDGE:** Not published

**EXPERTS:** Dr. Javier Perez, Hackensack, NJ, Dr. Marc Arginteanu, neurosurgery, Hackensack, NJ, Dr. Thomas Ragukonis, orthopedic surgery, Paramus, NJ, Dr. John Athas, radiology, Forest Hills, NY for the plaintiff; name of the defendant's expert not published

**ATTORNEYS:** Donald Caminiti of Breslin & Breslin, Hackensack, NJ for the plaintiff; name of the defendant's attorney not published

**INJURED PARTY:** 30 year old male IT professional

**EVENT:** The defendant bus driver, who was making a left turn, struck the plaintiff while he was in the crosswalk

**SPECIFIC INJURY:** Severe abdominal wound; Cervical and lumbar herniations

---

**AMOUNT:** \$2,575,000 (Camden Co., NJ)

**CASE:** Dipatri v. LL Bean, Inc., et al, 2015 NJ Jury Verdicts Review LEXIS 123 (June 2015)

**CASE NUMBER:** CAM-L-4791-11

**JUDGE:** Not published

**EXPERTS:** David Massari, PhD, clinical neuropsychology, Philadelphia, PA, William E. Harris, MBA, economic, New York, NY, Andrew Tudor, PE, engineer, Cincinnati, OH, Lorraine E. Buchanan, RN, life care planning, Kansas City, MO, Dr. Andrew Cooper, neurosurgeon, Camden, NJ, Elise B Ciner, OD, optometrist, Brimall, PA, Dr. Daniel Adler, pediatric neurology, New York, NY, Mark S. Wagner, PhD, vocational expert, Irvine, CA, Michael Kalsher, PhD, warning expert, Albany, NY, Richard Pearson, PhD, warnings expert, San Francisco, CA for the plaintiff; name of the defendant's expert not published

**ATTORNEYS:** Mati Jarve, Katherine M. Jarve of Jarve, Kaplan, Granato, Starr, LLC, Marlton, NJ, for the plaintiff; name of the defendant's attorney not published

**INJURED PARTY:** 10 year old female

**EVENT:** The plaintiff was riding in a snow tube that was towed by an all terrain vehicle when she was catapulted from the snow tube and struck the ground

**SPECIFIC INJURY:** Skull fracture; severe cognitive deficits

**PERTINENT INFORMATION:** The parties settled prior to trial with \$2,000,000 from the snow tube manufacturer, \$200,000 from the snow tube retailer and \$75,000 from the ATV manufacturer.

---

**AMOUNT:** \$3,825,000 (Essex Co., NJ)

**CASE:** Plaintiff v. Defendant Doctors, 2013 NJ Jury Verdicts Review LEXIS 246 (October 9, 2013)

**CASE NUMBER:** Not published

**JUDGE:** Not published

**EXPERTS:** Not published

**ATTORNEYS:** Ernest P. Fronzuto, III of Fronzuto Law Group, Woodland Park, NJ for the plaintiff; name of the defendant's attorney not published

**INJURED PARTY:** 18 month old child

**EVENT:** The plaintiff alleged that the defendants failed to diagnose pneumonia in the plaintiff 18-month-old child resulting in severe cognitive deficits and the need for lifelong care

**SPECIFIC INJURY:** Anoxic brain injury; Acute respiratory distress syndrome

**PERTINENT INFORMATION:** The case settled prior to trial for \$3,825,000

---

**AMOUNT:** \$2,800,000 (Essex Co., NJ)

**CASE:** Dougherty v. Montclair Board of Education, et al., 2013 NJ Jury Verdicts

Review LEXIS 207 (September 9, 2013)

**CASE NUMBER:** ESX-L-7560-09

**JUDGE:** Not published

**EXPERTS:** Michael Cullins, PhD (concussion impact) Pittsburgh, PA, Robb Rehberg, PhD (athletic training) Wayne, AK, Dr. Robert Cantu (neurosurgery/concussions) Boston, MA for the plaintiff; name of the defendant's expert not published

**ATTORNEYS:** Beth G. Baldinger of Mazie Slater Katz & Freeman, LLC, Roseland, NJ for the plaintiff; name of the defendant's attorney not published

**DECEDENT:** 16 year old male

**EVENT:** The plaintiff alleged that the defendants allowed the decedent to return to play football after a concussion and the decedent sustained another blow to his head, which resulted in fatal brain injury known as second impact syndrome

**SPECIFIC INJURY:** Death; fatal brain injury

**PERTINENT INFORMATION:** The case settled before trial for \$2,800,000

---

**AMOUNT:** \$7,475,000 (Essex Co., NJ)

**CASE:** Escobar v. Unnamed Hospital, et al., 2013 NJ Jury Verdicts Review LEXIS 125 (April 11, 2013)

**CASE NUMBER:** ESX-L-3980-10

**JUDGE:** James Rothschild

**EXPERTS:** Dr. Jennifer Canter (child abuse) Mount Kisco, NY, Frank Tinari, Ph.D. (economic) Livingston, NJ, Dr. Dianne Sixsmith (emergency medicine), M.D. from Flushing, NY, Edmond Provder (life care planning) Lodi, NJ, Dr. Karen Santucci (pediatric E.R.) New Haven, CT, Renee M. Sevcik, FNP, CPEN (pediatric emergency nursing) White Plains, NY, Dr. Daniel Adler (pediatric neurology) New York, NY, Dr. Michael Armento (psychiatry) Mountainside, NJ, Dr. William Matouzzi (radiology) Summit, NJ for the plaintiff; name of the defendant's expert not published

**ATTORNEYS:** David A. Mazie; Beth G. Baldinger of Partners with Mazie Slater Katz & Freeman, LLC, Roseland, NJ for the plaintiff; name of the defendant's attorney not published

**INJURED PARTY:** Five month old male

**EVENT:** The plaintiff alleged that the defendant hospital failed to order tests and report signs of child abuse to the Department of Youth and Family Services (DYFS) after the child's grandmother filed a child abuse claim with DYFS. Several weeks later, the child's father assaulted him causing severe brain damage and cerebral palsy

**SPECIFIC INJURY:** Severe brain damage; Cerebral palsy; Blindness