

VIRGINIA LAWYERS WEEKLY

Vol. 31, No. 8

valawyersweekly.com

July 25, 2016

VERDICTS & SETTLEMENTS

Man, 82, hurt in car-truck collision, never really recovered

\$915,000 Settlement

Plaintiff's decedent, Donald Namuth, was an 82-year-old male, who despite his age, led a very active lifestyle and lived in Fredericksburg. The defendants, Hands on Trucking LLC, had its principal place of business in Baltimore, Maryland and Roane lived in Baltimore.

On Dec. 2, 2013, Namuth was involved in a high-speed motor vehicle collision as a seat belt restrained passenger in a 2013 Toyota Tundra with a 2000 Sterling Dump Truck with a gross weight of 70,000 lbs. on I-95 South in Baltimore County, Maryland. Namuth was returning home from a fishing trip.

Roane was operating a dump truck belonging to Hands on Trucking and within the scope of his employment for Hands on Trucking LLC when Roane made a left turn from the middle lane on I-95 crossing the path of the Toyota that Namuth was riding in, causing a tremendous collision.

Namuth's injuries included a right clavicle second rib fracture, multiple low back fractures involving the second and fifth lumbar vertebra and right chest hematoma. Due to his multiple injuries, he was then transferred to Health South in Fredericksburg, from Baltimore General Hospital on Dec. 6, 2013, where he received acute inpatient rehab until Dec. 24, 2013. On discharge he had multiple limitations including using a walker, restrictions on bending and lifting, and requiring assistance for his adult daily life activities. Due to his anterior and posterior fractures, he required a thoraco lumbar sacral orthotic while at rehab and upon discharge.

At rehab, Namuth was diagnosed with severe weakness and then sub-



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sequently a critical illness, myopathy, which affected his muscle strength as well as swallowing. Following his rehab discharge, Namuth struggled to improve but never really recovered and suffered a downward and painful course. On Jan. 13, 2014, he was seen for difficulty of breathing, ordered to physical therapy which revealed increasing kyphosis and increasing ambulation difficulty. On Feb. 4, 2014, he was admitted to Mary Washington Hospital in Virginia for pneumonia and a severe weight loss of approximately 30 lbs.

He was re-admitted to Mary Washington Hospital from March 17, 2014, to March 25, 2014 with a diagnosis of pneumonia secondary to aspiration. It was noted that his difficulty swallowing persisted and that he was depressed, requiring consultations from ENT and psychiatry specialists.

Namuth was admitted for his final hospital stay on April 6, 2014, following a fall causing rib fractures and pneumonitis. His condition was rapidly declining and due to his poor prognosis and suffering, he was made a "no code" and died on April 13, 2014.

Causation for medical care af-

Type of action: Wrongful Death - Sterling Dump Truck Small Pick-up Collision

Injuries alleged: Right clavicle second rib fracture, multiple low back fractures involving the second and fifth lumbar vertebra and right chest hematoma, death.

Name of case: Melanie Martyak, Individually and on behalf of the Estate of Donald Namuth, et als. v. Hands on Trucking LLC and Burnett Aresheio Roane

Court: U.S. District Court for the District of Maryland

Case no.: Civ. No.: 1:15-CV-02377-JKB

Tried before: Jury, Judge, Mediation, Arbitration

Date resolved: May 26, 2016

Special damages: \$186,713.96

Demand:

Offer: \$130,000.00

Verdict or settlement: Negotiated Settlement

Amount: \$915,000.00

Attorneys for plaintiff: John E. Zydron, Virginia Beach; Edward L. Norwind, Rockville, Maryland

Attorneys for defendant: Paul M. Finamore and Dalene A. Radcliffe, Baltimore, Maryland

Plaintiff's experts: Dennis M. O'Neill, M.D. (Internal Medicine and Geriatric Medicine), Richard Ameen, M.D. (Internal Medicine), Jonathan L. Arden, M.D. (Forensic Pathology) and Jorge Dolojan, M.D. (Pulmonology)

Insurance carrier: Progressive

ter Health South and of death was highly contested. Policy limits were \$1,000,000.00 with remaining limits after other payments was \$915,000.00. [16-T-116]