

VERDICTS & SETTLEMENTS

Boy, thrown from van despite seatbelt, suffers TBI in wreck – \$2,000,000 settlement



JOHN ZYDRON

On Feb. 1, 2016, plaintiff TM, who was 7 years old, was riding with JD, his 10-year-old classmate, in a van driven by JD's mother, "Defendant One." Both TM and JD were riding in the rear seat with their seatbelts on. As the van entered an intersection that was controlled by a stoplight, an employee of a contracting company, "Defendant Two," collided with Defendant One while driving 35 mph.

The collision caused Defendant One's van to strike a telephone pole. The impact was violent enough that, despite wearing seatbelts, both children were ejected through the rear glass window of the van.

Both children landed on the pavement of the roadway. JD died at the scene. TM remained unconscious and was transported to the hospital; he later regained consciousness several hours later.

Both Defendant One and Defendant Two alleged that the other had run the red light and caused the collision. Liability was heavily contested. Numerous depositions were taken during discovery. An eyewitness who saw Defendant Two run through the red light and caused the collision was identified. The witness had relocated out of state with no forwarding address. A nationwide search for him was initiated. This witness was finally located in San Diego.

The defendants strongly contested TM's traumatic brain injury, alleging that he previ-

ously had a learning disability, was ADD and doing poorly in school.

The parties agreed to mediate with no admission of liability from either defendant. The mediation started at 10:00 a.m. and lasted until 8:00 p.m., whereupon agreement was reached with Defendant Two to pay \$2 million plus mediation costs.

[020-T-096]

Type of action: Negligence/Auto Collision

Injuries alleged: Traumatic brain injury and other physical injuries

Name of case: TM, a minor vs. Defendant One, Defendant Two

Date resolved: 06/19/2020

Verdict or settlement: Mediation

Name of mediator: Judge (Ret.) Thomas S. Shadrick

Special damages: \$88,740.66

Amount: \$2,000,000

Attorney(s) for plaintiff: John E. Zydron and Robert G. Byrum, Chesapeake