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VERDICTS & SETTLEMENTS

Pedestrian struck in shopping center lot suffered brain injury

\$500,000 Settlement

Plaintiff was walking through the Home Depot parking lot when defendant, after backing out of a parking space, made a “U-turn” and struck plaintiff, knocking her to the ground. Plaintiff sustained bruises and abrasions to her elbow and knee. Additionally, although plaintiff’s head struck neither the car nor the ground, she sustained a whiplash injury and traumatic brain injury. As a result of her brain injury, plaintiff experienced headaches, anxiety, sleep disorder and memory problems. Despite medical treatment, plaintiff’s cognitive symptoms persisted, with some

improvement, for years after the accident. While she was able to resume work and attend to activities of daily living, she maintained difficulties that she had not experienced before the accident.

Defendant retained a neurologist and neuropsychologist who evaluated plaintiff and reported that the plaintiff had not sustained a brain injury and did not have symptoms consistent with brain injury. Defendant also conducted surveillance, which



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showed the plaintiff engaging in activities that defendant contended were not consistent with injury. However, plaintiff’s medical experts and factual witnesses indicated that plaintiff’s cognitive problems were ongoing, permanent and the product of the parking lot collision. Plaintiff’s medical bills totaled \$24,123.01.

At the mediation of the claim, the insurance carrier’s adjuster represented that they possessed a maximum of \$150,000 to settle the claim. The mediation concluded early that day but the mediator continued to facilitate negotiations between the parties. The matter settled eight days later for \$500,000.

[15-T-132]

Type of action: Personal injury – auto/pedestrian accident

Injuries alleged: Traumatic brain injury

Name of case: Maurakis v. Glenn

Court: Hampton Circuit Court

Resolved by: Mediation

Mediator: Thomas S. Shadrick

Date resolved: Sept. 17, 2015

Special damages: Medical bills - \$24,123.01

Verdict or settlement: Settlement

Amount: \$500,000

Attorneys for plaintiff: John E. Zydron, Virginia Beach