

VIRGINIA LAWYERS WEEKLY

Vol. 28, No. 26

December 2, 2013

valawyersweekly.com

VERDICTS & SETTLEMENTS

Brain injury led to loss of employment, total disability

\$1,450,000 Settlement

Plaintiff had stopped his 2006 Pontiac G-6 at a red traffic signal in Isle of Wight County. A 2006 International Van Truck driven by defendant, who was not paying attention, collided with the rear of plaintiff's vehicle at a speed of 40 mph with no braking. Plaintiff estimated damages to his car of \$12,000 and to the defendant's truck at \$6,000. Plaintiff's vehicle was thrust into the intersection. Plaintiff exited his vehicle and indicated that he was dazed. He called his wife to come to the scene. Plaintiff did not go to the emergency room nor seek medical care until three days later. At that time, he was treated for shoulder, back and neck pain.

Three weeks later he reported to his family care physician complaining of severe headaches, loss of memory, inability to focus and vision problems. Plaintiff was referred to numerous medical experts for care. He sought care at a resident rehabilitation center for

three and a half months, but continues to suffer from traumatic brain injury symptoms. Plaintiff continued to work as a property claims adjuster for two months after the accident until he could no longer satisfactorily perform his job and was terminated. Plaintiff was awarded Social Security total disability for his injuries.

Mediation ensued two weeks before trial, unsuccessfully, with a \$175,000 offer and a \$9,800,000 demand. Parties continued negotiating until two days before trial when the matter was settled.

[13-T-164]



ZYDRON



GILL

Type of case: Personal injury - truck/auto collision

Injuries alleged: Shoulder, neck and back pain; traumatic brain injury

Special damages: Medicals - \$105,518.37; lost wages - \$9,013.13; loss of future earning capacity - \$1,370,000 to \$2,208,000; life care plan - \$1,733,283.88 to \$12,074,955.32 (traumatic brain injury, future loss of earning capacity and life care plan were highly contested)

Date resolved: Oct. 3, 2013

Verdict or settlement: Settlement

Amount: \$1,450,000

Attorneys for plaintiff: Bennett & Zydron, P.C., Virginia Beach, VA