

Feature Story

Breach of contract, personal injury top 2005 settlements

26 claims of \$1 million or more reported

A \$33 million breach of contract claim won by a casino developer topped this year's list of million-dollar settlements reported to Michigan Lawyers Weekly in 2005.

A \$16 million personal injury case came in second on this year's list, which plaintiff's counsel alleges to be one of the largest motor vehicle settlements in state history. He said guaranteed structured payments are \$19.9 million, and if the injured plaintiff reaches normal life expectancy, the payouts will exceed \$37 million.

Rounding out the top three settlements in 2005 was a confidential medical-malpractice action involving a brain-damaged infant. In this case, plaintiff counsel said the defendants' were grossly negligent in the labor and delivery of the minor plaintiff.

Unlike jury verdicts, settlements are often confidential and preclude the publication of parties' names and other pertinent facts. Accordingly, a settlement is often only reported when a party — usually the plaintiff — submits a Verdicts & Settlements report to Michigan Lawyers Weekly.

Also included in this section are matters that went through arbitration or facilitation.

For 2005, Lawyers Weekly was notified of and received appropriate verification of 26 settlements of \$1 million or more. Some of these settlements were just recently brought to our attention. Thus, they are being published in this special section for the first time.

Following are the reports of the 26 settlements.

Auto neg claim nets \$9M settlement

Plaintiff suffered amputation of both legs

This was a contested liability car accident. Plaintiff's counsel noted there was minimal economic loss and, because Michigan is a no-fault state, the settlement was almost entirely for pain and suffering.

The plaintiff was a driver who lost both of his legs due to an interstate accident. He pursued negligence claims against multiple defendants, and the parties reached a settlement prior to trial for a total of \$9 million.

Christopher Norris, the plaintiff, was driving his vehicle on I-94. His vehicle was struck by a vehicle owned by defendant True Green and driven by defendant Dan Cummings. The force of

the collision pushed the plaintiff into the path of an oncoming tractor-trailer. The truck then struck plaintiff's vehicle and severed the car.

A vehicle owned by defendant Atsalis Brothers and driven by defendant August Ladensack was also involved in the accident.

The plaintiff suffered immediate amputation of one leg at the scene of the accident. His other leg was amputated after arriving at the hospital.

The plaintiff alleged that defendant Ladensack initiated the accident by striking the True Green vehicle, setting in motion the catastrophic accident.

Defendants Atsalis Brothers and Ladensack contended that defendant True Green's driver (defendant Cummings) swerved and cut off Ladensack's lane of travel. However, defendants True Green and Cummings contended that Cummings was stopped in traffic when defendant Ladensack failed to stop and struck the True Green vehicle. There was no dispute over the plaintiff's injuries.

Type of action: Auto negligence

Type of injuries: Double leg amputation (one above the knee; one below the knee)

Name of case: Norris v. Atsalis Brothers Painting Co., et al.

Court/case no./date: Macomb County Circuit Court; #03-3253-NI; July 22, 2005

Name of judge: Diane M. Druzinski

Settlement amount: \$9 million (\$8.2 million as to Atsalis Brothers/Ladensack; \$800,000 as to True Green/Cummings)

Attorney for the plaintiff: Steven M. Gursten

Attorney for the defendant: Withheld

Name/city of most helpful experts: All A. Bltar, M.D.

Insurance carrier(s): Zurich; AIG; Ohio Casualty

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