

Verdicts & Settlements

Pre-existing accident condition under contention

Driver says neck, back injuries aggravated his previous crash wounds

In a confidential lawsuit, the plaintiff sought compensatory damages after a collision with defendant driver's truck caused severe injuries.

At the time of this accident, defendant driver was making deliveries for defendant delivery company. Witnesses stated that the defendant appeared to be having trouble locating an address, as he had driven up and down the same portion of road several times. He had his four-way flashers on and ultimately moved off the side of the road.

Plaintiff had been following the slow moving truck patiently. After checking his mirror, plaintiff put on his turn signal and began to pass defendant's truck, when it suddenly made a left turn and collided with plaintiff's vehicle. The driver was cited for his actions.

At the time of the accident, plaintiff was employed as a custodian for the U.S. Postal Service. As a result of this collision, he underwent neck surgery and a nerve root foraminotomy, after conservative treatment including epidurals and physical therapy. After seven months of disability, plaintiff returned to work with a restricted schedule.

Plaintiff was involved in a prior motor vehicle accident and underwent surgery as a result. He returned to work and was working full time with no restrictions before being struck by the defendant's truck.

Plaintiff asserted defendant is liable for aggravation of pre-existing condition, and that the disc injury and surgery were causally related to his most recent automobile crash, and not caused by his prior car accident.

Defendant contended plaintiff's neck and back injuries resulted from prior medical history and accident.

The case settled for \$600,000.

Type of action: Third-party auto tort

Type of injuries: Herniated discs, nerve root foraminotomy, severe post-traumatic headaches

Name of case: Confidential

Court/Case no./Date: Confidential; confidential; March 14, 2009

Settlement amount: \$600,000

Insurance carrier: Crawford & Co.

Attorney for plaintiff: Steven M. Gursten

Attorney(s) for defendant: Withheld

January 4, 2010