

Verdicts & Settlements

Source of man's leg pain is disputed post-crash

Brain lesion could have prompted sensation, as all tests turn out negative

In a lawsuit filed in Lenawee County Circuit Court, plaintiff Douglas Mayher asserted he was entitled to economic and noneconomic damages after defendant minor Jennifer Martin hit his car at an intersection.

In October 2005, Douglas and Tammy Mayher of Britton were stopped at a stop sign at the Palmer Highway/M-50 intersection. Martin had borrowed father and co-defendant Ronald Martin's car to take her friends to Toledo for her 17th birthday.

She was passing a truck on the right gravel shoulder, lost control and crashed into the Mayhers' car door. The car flipped over, and Douglas Mayher had to be removed by the Jaws of Life.

Mayher was taken to University of Michigan hospital by helicopter for a closed-head injury, and was later diagnosed with a labral tear in his shoulder, requiring arthroscopic surgery. He also developed severe chronic pain in his leg, and has been a chronic pain patient for three years.

Mayher underwent numerous tests to locate the pain source, but when all tests were negative, it was determined that the source of the leg pain was a lesion in his brain as a result of the accident. He also experienced severe fatigue as a result of his head injury.

While Mayher did return to work after the accident, the pain, fatigue and cognitive deficits prevented the plaintiff from working full time, as he had before the accident. He consequently lost multiple jobs, but continued to work in his field 20 hours per week.

Mayher underwent brain injury rehabilitation for 3.5 years. Two pain specialists, two neuropsychologists, and a shoulder surgeon testified on his behalf.

The defense argued that the leg pain was not a result of the accident and was questionable because there were no objective tests verifying the pain or its source. It also was argued that the brain injury was resolved shortly after the accident, and that the entire claim was questionable because there was evidence that a previous attorney had recommended that the plaintiff obtain neuropsychological testing.

The jury found for Mayher and awarded \$2,091,500.

Type of action: Auto negligence

Type of injuries: Traumatic brain injury, shoulder injury requiring surgery

Name of case: Mayher, et al., v. Martin, et al.

Court/Case no./Date: Lenawee County Circuit Court; 07-2640-NI; Sept. 15, 2009

Tried before: Jury

Name of judge: Timothy P. Pickard

Demand: \$265,000 on \$300,000 insurance policy

Highest offer: \$100,000

Verdict amount: \$2,091,500

Insurance carrier: Farm Bureau

Attorney for plaintiff: David E. Christensen

Attorney(s) for defendant: Withheld

October 5, 2009