

Spinal conditions disputed as pre-existing

Defense says low-speed, low-impact accident could not have caused injuries

By: Michigan Lawyers Weekly Staff
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In a third-party auto negligence lawsuit, plaintiff driver sought compensatory damages from defendants for injuries sustained in an intersection accident.

The accident resulted in relatively minor damage to plaintiff's SUV and to the defendants' semi-truck.

Defendants disputed fault for the accident and argued that all of the plaintiff's injuries were pre-existing. The defense further argued that this low-speed, low-impact accident that resulted in minor vehicle damage could not have caused the injuries, which, if anything, were minor.

Plaintiff was 38 years old at the time of the accident and underwent two spinal surgeries in the years thereafter.

The matter settled for \$2.5 million.

Type of action: Third-party auto negligence

Type of injuries: Spinal injuries, herniated discs, cervical and lumber spine

Name of case: Confidential

Court/Case no./Date: Confidential; Confidential; Sept. 10, 2013

Name of judge: Withheld

Settlement amount: \$2.5 million

Special damages: Excess wage loss at \$79,000 per year, 20 years potentially, although plaintiff's employer had dissolved during her period of disability

Insurance carrier(s): Withheld

Attorney for plaintiff: Kevin H. Seiferheld

Attorney(s) for defendant: Withheld