

# VIRGINIA LAWYERS WEEKLY

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## VERDICTS & SETTLEMENTS

### Collision causes miscarriage, permanent damage to uterus

#### \$1,700,000 Verdict

In March 2005, plaintiff, a 19-year-old female, was hit head-on when the defendant driver crossed the center line on Route 55 in Linden. One of the plaintiff's allegations was negligent entrustment as the defendant driver was operating her employer's vehicle and was acting within the scope of her employment. The defendant employer was also the defendant driver's guardian by court order.

During discovery the plaintiff obtained the defendant driver's medical records, which showed that she tested positive for marijuana on the day of the accident, was in and out of psychiatric facilities for treatment of her bipolar disorder, had a long history of medication non-compliance, and abused a variety of illegal substances. Additionally, the medical records contained a statement made by the defendant driver where she relayed the sequence of events of the accident as having smoked pot, taken a car and crashed it.

Plaintiff also developed evidence that the defendant employer/guardian had knowledge of both the defendant driver's medication non-compliance and illicit drug use, yet petitioned the court to have her driver's license reinstated after it had been suspended, and allowed her to drive the company vehicles. Shortly before trial, defendants admitted liability and went to trial on damages only.

As a result of the head-on collision plaintiff, who was eight months pregnant with her first child, immediately felt a burning in her abdomen. She was taken to Warren Memorial Hospital where the doctors determined that she had suffered a traumatic uterine rupture and that her fetus had died. Plaintiff was transferred to Winchester Medical Center where surgeons delivered her fetus and surgically repaired her uterus.

Plaintiff's uterine rupture was described as extending from the mid-posterior portion of her uterus, over the top of the fundus to the mid-anterior portion of her uterus. Both plaintiff's treating

OB/GYN and expert OB/GYN testified that although her uterus had been repaired, her future pregnancies will always be high-risk for another uterine rupture which is life-threatening for both the fetus and the mother. Accordingly, the management plan for her future pregnancies will be to deliver by cesarean section at 36/37 weeks, before any contractions begin.

Medical bills totaled \$33,468. The life care plan totaled \$6,165 (above the cost of a normal pregnancy and delivery) for each subsequent high-risk pregnancy plaintiff would have in the future.

At trial plaintiff presented expert testimony by an OB/GYN, a grief counselor, and a life care planner. Defendants did not put on any evidence in their case-in-chief.

Plaintiff was approximately seven months pregnant at the time of trial.

[07-T-174]

**Type of Action:** Personal Injury - automobile collision

**Injuries Alleged:** Traumatic uterine rupture and death of 34-week old fetus

**Name of Case:** Confidential

**Court:** Confidential

**Verdict Date:** Aug. 15, 2007

**Tried Before:** Jury

**Name of Judge:** Dennis Hupp

**Verdict/Settlement:** Verdict

**Amount:** \$1,700,000

**Special Damages:** Medical bills totaled \$33,468

**Experts:** Mila Tecala, LSW, Grief Counselor, Washington, D.C.; Sharon Reavis, RN, Life Care Planner, Richmond; Norman Tacktil, M.D., Obstetrician, Alexandria

**Plaintiff's Attorneys:** Charles J. Zauzig III and Melissa G. Ray, Woodbridge; Brian Jones, Richmond