

VERDICTS & SETTLEMENTS

I-95 rearend causes mild traumatic brain injury

\$ 1.6 Million

Type of Action:	Personal injury, automobile collision
Injuries:	Mild traumatic brain injury
Name of Case:	Confidential
Trial Before:	Jury
Specials:	Medical bills \$27,292.59
Verdict:	\$1.6 million
Date:	Sept. 13, 2007
Demand:	\$2,255,000
Highest Offer:	\$385,000
Experts:	David Halida, Ph.D., Neuropsychologist, Monroes; Sharon Reavis, RN, Life Care Planner, Richmond; Jon Peters, M.D., Neurologist, Reston; Peter Melberg, Vocational Rehab, Richmond; Deborah Gole, Speech-language Pathologist, Vienna.
Attorneys for Plaintiff:	Charles J. Zauzig III, Claire E. Keenan and Melissa G. Ray, Woodbridge

On October 8, 2004, plaintiff, a 51-year-old male, was driving a Chevrolet Blazer on Interstate 95 when was rear-ended by a delivery truck with a gross weight of 18,000 pounds. Plaintiff lost consciousness and was flown by helicopter to Fairfax Hospital. At the time of the collision, the defendant driver was operating his employer's vehicle and was acting within the scope of his employment.

The defendant driver initially filed an answer denying liability and in response to plaintiff's interrogatories stated that the brakes on the delivery truck failed to work. However, when pressed during discovery for proof of any maintenance records and post-accident inspections of the brakes, the corporate defendant and the defendant driver admitted liability and proceeded to trial on damages only.

At Fairfax Hospital, the plaintiff was diagnosed with a head injury and intracranial hemorrhage. A CT scan revealed contusions in the right frontal lobe with a small subarachnoid hemorrhage and a small amount of subarach-

noid hemorrhage in the occipital horn of the right lateral ventricle. As a result of the collision and his injury, the plaintiff had difficulty with balance, became irritable and combative, and suffered from headaches, fatigue, and cognitive deficits.

Plaintiff's expert neuropsychologist testified that the tests he had performed on the plaintiff showed deficits in attention, processing speed, alternating attention, delayed memory and complex problem solving abilities. He also testified that the deficits documented in the plaintiff's testing were consistent with a traumatic brain injury.

At trial the defendants attempted to blame the deficits in the testing results on the plaintiff's past use of alcohol despite the fact that the plaintiff had been sober for about 15 years, on purposefully poor effort in the testing, and on undiagnosed ADHD.

Medical bills totaled \$27,292.59. The life care plan totaled \$205,707.57 for neurology follow up, aids to independent function, home services, community support, cognitive and communication therapies and evaluations.

At the time of the collision, plaintiff had worked in the used car industry for 30-plus years. After the plaintiff was injured, he was employed by his brother's company but was no longer successful at his job. Plaintiff's vocational rehabilitation expert testified that as a result of his traumatic brain injury, the Plaintiff had a lessening of his earning capacity over the rest of his work-life expectancy of 11 years totaling \$550,000.00, to begin one year from trial when his brother's business would close and the plaintiff would become unemployable.

[07-T-194]