

DICTS & SETTLEMENTS

Sleeping driver rear ends motorist on Interstate 66

\$1,750,000 Settlement

Plaintiff is a former Marine who was a telecommunication lineman. He lives in Ohio but was employed in Virginia, working on a traveling line crew when he was rear-ended on Interstate 66 while stopped in morning rush hour traffic. The defendant was traveling at highway speed and told officer, he must have fallen asleep.

Type of action: Automobile collision

Injuries alleged: Traumatic Brain Injury, myofascial pain with central pain syndrome, L4-5 herniation with lumbar radiculopathy. Plaintiff suffers severe headaches, memory loss, loss of concentration, sensitivity to light and sound, dizziness and difficulty with balance, severe fatigue, and has depression and suffers anxiety and apprehension anytime he is around people. He also has chronic thoracic and low back pain with radiating pain in to the lower extremities.

Name of case: Confidential

Special damages: Past bills of \$51,293; life care plan - estimated future costs of \$753,688, most of which was for community living and home services; past lost wages of \$90,846; futures lost earnings of \$605,640 to date of work life expectancy based on past average earnings; not reduced to present value.

Tried before: Mediation

Verdict or settlement: Settlement

Amount: \$1,750,000

Attorneys for plaintiff: Charles J. Zauzig III and Claire E. Keena, Woodbridge

Plaintiff's vehicle was sent airborne and flipped over several times before coming to rest in a ditch on top of a downed tree. Plaintiff had brief altered consciousness at the scene, but no loss of consciousness. Within days, he began experiencing classic symptoms of post-concussive syndrome, including dizziness, memory loss and headache, which persisted. None of the brain imaging studies showed brain injury.

ZAUZIG

He suffers from chronic pain syndrome due to spinal injuries that included both myofascial and radicular pain with a central pain component from his brain injury. He was unable to return to any employment and was totally disabled due to a combination of cognitive and physical impairments. He is unable to perform physical work activities, and his capacity to maintain attention and concentration for extended periods of time is impaired. He also has moderate impairment in interacting with others due to poor communication skills, speech impairment and an inability to express himself.

KEENA

Plaintiff's experts included a neurologist, neuropsychologist, life care planner, vocational rehabilitation counselor and pain management specialist.

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