

# VIRGINIA LAWYERS WEEKLY

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## VERDICTS & SETTLEMENTS

### Driver ran off highway overpass, landed on plaintiff's vehicle

#### \$600,000 Settlement

On Oct. 8, 2010, the plaintiff was traveling on Western Street in Hopewell near the I-295 overpass when the defendant, who was traveling on I-295, ran off the embank-

ment near the overpass and landed on the plaintiff's vehicle. The defendant alleged he was forced off the road by an unknown tractor-trailer. The defendant was exceeding the speed limit and admitted in his deposition he mistakenly slammed on the gas rather than the brake when he was allegedly forced off the road. The investigating Virginia State Troopers testified in their depositions that the physical evidence from the defendant's vehicle traveling in the grass median was consistent with the actions of a driver falling asleep. The defendant's vehicle traveled in a straight line in the median without any evidence of braking until immediately prior to the vehicle traveling over the embankment onto Western Street. The defendant contested liability.

The plaintiff suffered various fractures and herniations in his cervical and thoracic spine as a result of the accident. He sustained an occipital condyle fracture and various contusions, abrasions and soft-tissue injuries. The plaintiff also had to have a piece of glass surgically removed from his ear and hand. The plaintiff's treating physicians were expected to testify at trial that his injuries were permanent and would result in chronic cervical and thoracic pain. Ap-



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proximately 16 months after the accident, the plaintiff was diagnosed with hypertension due to use of non-steroid medications and stress as a result of the accident. Finally, the plaintiff was diagnosed with post-traumatic stress disorder with panic attacks. The treating psychiatrist was expected to testify that the plaintiff would need counseling and medication for life as a result of his PTSD.

The plaintiff's past-medical bills totaled \$100,955.69. The future medical expenses and future medications were between \$42,170.88 and \$42,890.88. The transportation expenses to and from the plaintiff's medical appointments totaled \$1,470. Finally, the plaintiff's loss of earnings from missing over a year at work totaled \$36,577.86.

The case resolved at mediation.  
[13-T-099]

**Type of action: Personal injury - automobile accident**

**Injuries alleged: Post-Traumatic Stress Disorder; occipital condyle fracture; fractures and herniations of the cervical and thoracic spine; hypertension; various contusions, lacerations and soft-tissue injuries**

**Court: U.S. District Court, Richmond**

**Resolved by: Mediation**

**Mediator: Robert L. Harris Sr.**

**Date: Feb. 27, 2013**

**Special damages: \$181,174.43 to \$181,894.43**

**Verdict or settlement: Settlement**

**Amount: \$600,000**

**Attorneys for plaintiff: David E. Durrett and Kelly B. Martin, Richmond**