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Talking on cell phone causes intersection crash

\$1,225,000 Arbitration Award

On May 27, 2008, the plaintiff was traveling in a westerly direction on Bellevue Avenue and stopped at the intersection with Brook Road in the City of Richmond. The defendant was traveling east on Bellevue Avenue. The plaintiff's light turned green and she proceeded forward and was struck by defendant's vehicle, which was making a left turn when the collision occurred. Liability was initially being disputed by the defendant until subpoenaed cell phone records established that the defendant was talking on the cell phone when the accident occurred. The plaintiff was 82 years old at the time of the accident.

The plaintiff was transported by ambulance to VCU Medical Center. Upon admission to the hospital, the plaintiff was diagnosed with an open right ankle fracture of the medial malleolus and a comminuted fracture of the distal tibia and fibula which resulted in the plaintiff developing a chronic bone infection at the fracture site.



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The plaintiff subsequently underwent six surgical procedures over approximately seven months to repair her ankle fracture and to treat the chronic infection. A life care plan was prepared which outlined the future medical treatment the plaintiff would require for the unstable ankle fracture and the chronic osteomyelitis infection.

Prior to the accident the plaintiff had made arrangements to move into an independent living apartment at Covenant Woods Retirement Community. After the multiple surgeries and her rehabilitation in the skilled nursing section at Covenant Woods, the plaintiff was able to move into an independent living apartment. The plaintiff now ambulates on a limited basis in her apartment but otherwise requires the use of a wheelchair. [10-T-189]

Type of action: Personal injury – automobile accident

Injuries alleged: Right ankle fracture of the medial malleolus, a comminuted fracture of the distal tibia and fibula and a chronic bone infection at the fracture site

Name of case: Confidential

Court: Richmond Circuit Court

Special damages: \$495,693.58 + future medicals (\$13,904.89-\$33,463.58 annual projected costs)

Tried before: Arbitration

Verdict or Settlement: Arbitration award

Amount: \$1,225,000

Plaintiff's attorney: David E. Durrett, Richmond