

# VIRGINIA LAWYERS WEEKLY

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## 72-year-old injured in intersection collision

### \$460,000 Settlement

On April 22, 2007, at 8:59 a.m., the plaintiff was traveling west in a 1998 Chevrolet truck on Beach Road in Chesterfield County, approaching the intersection with Spring Run Road. The plaintiff was travelling at 45 mph. The defendant was travelling north on Spring Run Rd. when he ran a stop sign and struck the plaintiff's vehicle.

The defense contended the plaintiff was speeding although there was no evidence to support that claim.

The plaintiff, who was 72 at the time of the accident, was knocked unconscious and unable to extricate himself from the vehicle. He was taken by ambulance to VCU Medical Center. He sustained a left femoral head fracture; left femoral posterior dislocation; concussion with loss of consciousness; chest wall contusion; right rib fractures two through eight; abrasions to the elbow, forearm, wrist, hip, thigh, leg and ankle; pneumonia; and pulmonary collapse.

During a five-day stay at the hospital, plaintiff underwent a partial hip replacement. The plaintiff was

discharged to a rehabilitation facility where he remained for two days. During the course of the plaintiff's stay at the rehab facility, he developed pneumonia, which required an additional hospitalization at Chippenham Medical Center for three weeks.

Dr. Bonner was prepared to testify that the plaintiff had a total permanent partial impairment rating of 35 percent of the whole person with 52 percent of the lower extremity.

The case did not settle at mediation but the mediator continued to work on resolving the case. The case settled a few weeks after the mediation for \$460,000. [10-T-022]



**DURRETT**

**Type of action:** Automobile accident

**Injuries alleged:** Left femoral head fracture; left femoral posterior dislocation; concussion with loss of consciousness; chest wall contusion; right rib fractures two through eight; abrasions to the elbow, forearm, wrist, hip, thigh, leg and ankle; pneumonia; pulmonary collapse

**Name of case:** Confidential

**Court:** Chesterfield County Circuit Court

**Tried before:** Mediation

**Name of mediator:** Donald Kent

**Special damages:** \$147,073.21 in medicals

**Verdict or Settlement:** Settlement

**Amount:** \$460,000

**Plaintiff's Attorney:** David Durrett, Richmond

**Plaintiff's Experts:** Dr. William Foster, orthopedic; Dr. Charles Bonner, physical medicine