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VERDICTS & SETTLEMENTS

Both drivers in two-vehicle accident were negligent, jury finds

\$384,853 Verdict

On Sept. 19, 2009, the plaintiffs, E. Wilkes and G. Wilkes (both 18 at the time of the accident), were passengers in a vehicle driven by co-defendant Linder westbound on Route 10 in Chesterfield County. Linder t-boned a work van driven by co-defendant Samayoa, who attempted to turn left from Womack Road

Type of action: Personal Injury - automobile accident

Injuries alleged: E. Wilkes - right ankle fractures; G. Wilkes - bruising on chest from seat belt, cracked tooth syndrome

Name of case: E. Wilkes v. Samayoa & Linder; G. Wilkes v. Samayoa & Linder

Court: Richmond Circuit Court

Tried before: Jury

Date: Jan. 16-17, 2013

Special damages: E. Wilkes - \$55,677.08 - \$58,677.08; G. Wilkes - \$31,973.90

Demand: Combined demand of \$355,000 for both plaintiffs

Offer: E. Wilkes - \$130,000; G. Wilkes - \$42,000

Verdict or settlement: Verdict

Amount: E. Wilkes - \$305,677.80; G. Wilkes - \$79,186.80

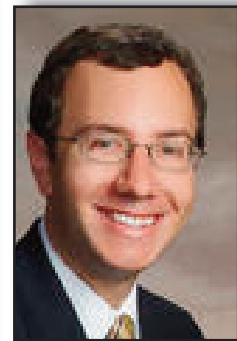
Attorneys for plaintiffs: David E. Durrett and Kelly B. Martin, Richmond

onto eastbound Route 10. Samayoa testified that he was following his son to lunch. Samayoa testified that he did not see Linder's vehicle until he had entered the westbound lanes of Route 10. Samayoa testified that Linder was driving erratically and was traveling 70-80 m.p.h. An independent witness testified that Linder was driving aggressively before the accident (tailgating and changing lanes) and was traveling 60 mph at the time of the accident. Linder testified that he was traveling 45-50 mph in a 45 mph zone prior to the accident.

E. Wilkes suffered multiple right ankle fractures as a result of the accident. She sustained a fracture of the posterior medial surface of the distal tibia with a small posteriorly displaced bony fragment, associated transverse fracture of the distal fibula, an avulsion fracture of the medial portion of the distal tibia, a talus fracture and a calcaneal fracture. E. Wilkes underwent an ORIF for the tibia/fibula fractures. She was released from physical therapy in January 2010. After her release from therapy, she returned to her treating orthopedic doctor with complaints of weather-related pain. E. Wilkes' treating physician diagnosed her with post-traumatic arthritis and a five percent permanent partial disability. E. Wilkes was recommended to have a future surgery to remove the hardware in her ankle. She had a pre-op visit scheduled at the time of the trial. E. Wilkes' special damages included \$40,255.08 in past medical specials and \$15,422 - \$18,422 in future medical ex-



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penses.

G. Wilkes primarily suffered bruising across her neck, chest and abdomen from the seat-belt. She testified that the seat-belt mark is visible during the summer. G. Wilkes also complained of tooth pain approximately eight months after the accident. Her dentist diagnosed her with cracked tooth syndrome and testified that she would require future dental care such as a bonded filling, crown and a root canal. G. Wilkes' treatment for her musculoskeletal injuries was limited to an overnight stay in the hospital, a follow-up to her primary care doctor and one visit to an orthopedist. G. Wilkes' special damages included \$29,186.90 in past medical expenses and \$2,787 in future dental expenses.

The plaintiffs' cases were consolidated with Linder's personal injury claim against Samayoa. The court bifurcated the trial for liability and damages. The jury returned a verdict against both Samayoa and Linder. The verdict also included pre-judgment interest on the amounts of the plaintiffs' medical bills.

[13-T-018]