

# VIRGINIA LAWYERS WEEKLY

Vol. 27, No. 24

November 12, 2012

valawyersweekly.com

## VERDICTS & SETTLEMENTS

### Defendant's employer contributed \$250K personally toward settlement

#### \$350,000 Settlement

The plaintiff was traveling on an unmarked country road in Nottoway County when she was struck by a pick-up being driven by the defendant. The defendant was driving the vehicle within the scope of his employment. He initially denied being at fault for the accident. However, through an investigation by an accident reconstructionist, the plaintiff established that the collision occurred in the plaintiff's lane of travel. The evidence from the in-



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

**Injuries alleged:** Hip fracture, liver laceration, neuropathic pain in the left great toe, back and shoulder sprain

**Court:** Nottoway County Circuit Court

**Special damages:** Past damages - \$119,701.48

**Resolved before:** Mediation

**Mediator:** Robert L. Harris

**Verdict or settlement:** Settlement

**Amount:** \$350,000

**Attorney for plaintiff:** David E. Durrett, Richmond

spection of the vehicles and the roadway established the defendant crossed the center of the road before striking the plaintiff's vehicle.

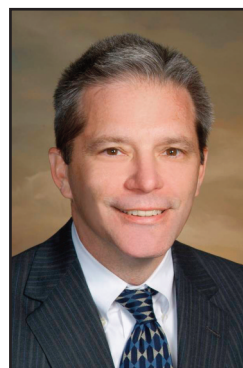
As a result of the accident, the plaintiff suffered a fractured hip, neuropathic pain in her left big toe, a liver laceration and back and shoulder sprains. Additionally, the plaintiff sustained numerous abrasions and scarring. The plaintiff's injuries required hip surgery and numerous physical therapy visits. She continues to experience chronic pain associated with the hip fracture. Furthermore, the plaintiff was unable to return to her employment as a CNA, and was limited

to only sedentary work, significantly reducing her future earning potential.

The plaintiff's medical expenses and lost wage claim was in excess of the \$100,000 liability insurance policy.

However, the defendant's employer had substantial personal assets. The case settled during mediation when the defendant's employer agreed to contribute \$250,000 from his personal assets towards the settlement. The case settled at mediation for \$350,000.

[12-T-174]



DURRETT