

# VIRGINIA LAWYERS WEEKLY

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## VERDICTS & SETTLEMENTS

### Plaintiffs claim road workers waved driver through red light

**\$2,800,000 Settlement**

**\$125,000 Settlement**

**\$100,000 Settlement**

The plaintiffs were traveling through an intersection near Williamsburg when the Defendant 1 ran a red light and collided with the plaintiffs' vehicle. At the time of the accident, Defendant 2 was involved in performing commercial activity at the intersection. Defendant 1 alleged employees working for Defendant 2 waived her

through the intersection in disregard of the red light. Defendant 2 disputed its employee waived Defendant 1 into the intersection and that the traffic light was red. An independent witness corroborated the testimony of the Plaintiffs that Defendant 1 entered the intersection on a red light and employees of Defendant 2 were directing vehicles into the intersection in disregard of the red traffic light. The plaintiffs were prepared to offer expert testimony that the employees of Defendant 2 violated Virginia Code § 46.2-834 and numerous sections of the Virginia Work Area Protection Manual regarding work zone area signage requirements and intersection traffic control requirements.

Plaintiff 1, who was 73 years old at the time of the accident, underwent surgery for the hip fracture and tibia fracture. She received extensive physical therapy, healthcare services and required multiple hospitalizations for an infection resulting in a chronic open wound on her tibia. Plaintiff 1 incurred \$358,000 in medical



**DURRETT**



**MARTIN**

ills. The defendants disputed the plaintiff's projected cost of future medical care due to her numerous pre-accident medical problems and her age.

Plaintiff 2 was initially hospitalized for three days as a result of sustained multiple rib fractures in the accident. She was subsequently treated by her family physician, an orthopedic surgeon and a physiatrist. Plaintiff 2 was diagnosed with chronic myofascial pain syndrome. She incurred approximately \$25,000 in medical expenses and loss wages.

Plaintiff 3 was the driver of the host vehicle. She incurred approximately \$5,600 in medical expenses and loss wages. She sustained sprains to her neck and back which resolved within approximately three months. However, Plaintiff 3 was diagnosed and treated for PTSD for approximately one year following the accident.

The cases settled at multiple judicial settlement conferences.

[12-T-167]

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

**Injuries alleged:** Plaintiff 1 - hip fracture, tibia fracture, achilles tendon contracture, chronic bone infection, multiples sprains; Plaintiff 2 - multiple rib fractures, shoulder impingement, lumbar sprain and myofascial pain syndrome; Plaintiff 3 - neck sprain, multiple sprains involving the upper and lower extremities and post traumatic stress disorder

**Verdict or settlement:** Settlement

**Amount:** Plaintiff 1 - \$2,800,000; Plaintiff 2 - \$125,000; Plaintiff 3 - \$100,000

**Plaintiffs' attorneys:** David E. Durrett and Kelly B. Martin, Richmond