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Plaintiff alleges tic syndrome caused by injuries from wreck

\$1,000,000 Settlement

Plaintiff was a passenger in the right rear seat of a vehicle that failed to yield the right of way and was struck on the right side.

Plaintiff was flown by helicopter to VCU Medical Center in a coma with several punctate hemorrhages in the right hemisphere, a broken wrist and facial lacerations. Plaintiff suffered a permanent 20 percent impairment of her left wrist.

Plaintiff had minimal residual cognitive issues and subsequently scored very high for college aptitude tests and received a full scholarship. She was performing above average in college work.

Dr. Ronald David, pediatric neurologist, opined that plaintiff was suffering from a post traumatic involuntary movement disorder (tic syndrome).

The case focused primarily on the tic disorder which did not present itself fully until approximately 12 months after the crash. However, there were notes from the hospital during her stay that she was experiencing involuntary movements, and a videotape of the defense's deposition of the plaintiff indicated the presence of the tics.

A high school teacher also noted involuntary facial movements after her return to school. Both Dr. David and Dr. O'Shannick observed demonstrative tics of the plaintiff in their offices the summer before she left for college. Dr. David testified that an injury to the plaintiff's brain was the proximate cause of these tics. The medical literature and evidence presented was that stress and fatigue caused the onset of these tics.

Plaintiff presented a PowerPoint at mediation that also included a number of medical papers documenting studies of individuals who had sustained traumatic brain injury and subsequently developed a Tourette-type of tic syndrome.

[09-T-101]



TRONFELD

Type of Action: Negligence (motor vehicle accident)

Injuries Alleged: Traumatic brain injury with involuntary movement disorder (Tic Disorder), broken wrist, laceration with scar above eye

Name of Case: Confidential

Date: June 3, 2009

Tried Before: Mediation

Name of Mediator: Frank Cowan

Verdict/Settlement: Settlement

Amount: \$1,000,000

Special Damages: \$140,475.49 medicals; \$56,448.15 future medicals; total damages - \$196,923.64

Plaintiff's Attorney: Jay Tronfeld, Richmond