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VERDICTS & SETTLEMENTS

European woman, lifeguarding here on visa, rode her bike, was run over

\$11.5 Million Settlement

This personal injury case arose out of a motor vehicle collision in June 2015 between a tractor-trailer and a bicyclist. The plaintiff was riding her bicycle on the street. The defendant was driving a tractor-trailer pulling out of a trucking terminal. As the defendant pulled out into the street, the defendant struck the plaintiff, running over her and her bicycle. The incident was captured on a security camera. The defendants stipulated to negligence, however, they alleged the plaintiff was contributorily negligent for failing to keep a proper lookout, and should have stopped before riding her bicycle in front of a moving tractor-trailer.

The plaintiff arrived in the U.S. two weeks earlier on a summer work visa. She was employed full-time for the summer as a lifeguard for a local company. After the summer in Richmond, she planned to return to school in her country.

When EMTs responded to the accident scene, the plaintiff was found lying on the street. Her upper left leg was mangled and sliced open to the bone from just above the left knee extending into the pubic area. The plaintiff was transported to MCV Hospital. The plaintiff was admitted to the ICU at the VCU Medical Center with life-threatening injuries. She was hospitalized from June 11, 2015, through Sept. 22, 2015. By the end of August, the plaintiff was able to participate in three hours of physical therapy per day. She still required crutches to walk upon discharge.

Upon discharge from MCV, the plaintiff returned to her home in Europe. Because of her injuries, she was unable to immediately resume her studies and had to move



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back to her parents' home. In February 2016, she was able to return to school.

The plaintiff's doctors were prepared to testify the plaintiff sustained permanent deficits with her gait, standing, ambulating and climbing up and down stairs. The femoral nerve injury was permanent which will further result in knee instability over time and limit her ability to walk. As the plaintiff ages the knee instability will get worse and she will become dependent on crutches to walk. Also, the plaintiff was at risk of developing arthritis in her pelvis, sacrum, and lower back as a result of the trauma. Due to her pelvic fractures, tissue damage, and scar tissue formation, the plaintiff will not be able to naturally deliver a child and will require a C-section.

The plastic surgeon was prepared to opine due to the scar tissue, the plaintiff had severely limited range of motion in the left groin. She has limited range of motion for hip flexion. Any activity which requires her to flex her hips was difficult and painful. He would have testified that there was no treatment available that would remove her scars. The plaintiff will need to protect the scars from the skin grafts from the sun for the rest of her life.

The plaintiff was engaged in a very active lifestyle and is no longer able to participate in the numerous outdoor activities and hobbies she enjoyed prior to the collision. The plaintiff is now living a sedentary lifestyle having given up snowboarding, water skiing, hiking and traveling across Europe.

In December 2015, the attorneys for the plaintiff flew to the plaintiff's hometown in Eastern Europe to meet with her, interview witnesses and consult with her medical providers.

The case did not initially settle at mediation. Through Judge Shadrick's subsequent efforts, the case settled approximately two months prior to trial.

[17-T-047]

Type of action: Personal Injury

Injuries alleged: Degloving injury across the abdomen and the left thigh, manubrium fracture, clavicle fracture, thoracic fractures, pelvis fractures, sacral fractures, severed femoral nerve, perianal wound, temporary colostomy, traumatic arthrotomy of the left great toe.

Tried before: Judge

Name of judge: Judge Thomas S. Shadrick (Ret.)

Special damages: \$1,146,466.85

Verdict or settlement: Settlement

Amount: \$11,500,000.00

Attorneys for plaintiff: David E. Durrett and Elizabeth E. West, Richmond