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VERDICTS & SETTLEMENTS

Jury determines plaintiff's back condition aggravated by crash

\$113,522 Verdict

Plaintiff experienced neck and back pain after an automobile accident on May 14, 2008. Defense admitted liability. The plaintiff had a history of prior back complaints and a chronic condition of scoliosis. It was stipulated that the plaintiff had not had any prior back complaints for at least two years before the accident. The issue presented to the jury: "Was the plaintiff's back condition aggravated by the accident?"

Defense offered Dr. Kennedy Daniels, an orthopedic surgeon,

who opined that the plaintiff had a musculoskeletal injury that should have resolved within six weeks. Dr. Daniels did not think the plaintiff had an aggravation of a prior condition. Plaintiff called the emergency room doctor, who confirmed plaintiff was complaining about her back in the emergency room and that she gave her morphine by injection. Plaintiff called her treating doctor, Dr. Charles Sparrow, who confirmed that the plaintiff had continued to complain shortly after the accident and through the time of trial with lumbar com-

plaints and that he had made referrals to an orthopedic surgeon and a pain specialist. The orthopedic doctor opined that the plaintiff had an aggravation of a prior condition in her back. This was also the testimony of the pain specialist, Dr. Ben Seeman, who had been injecting the plaintiff for this issue. Plaintiff offered a video to the jury, showing how Dr. Seeman did these injections. The jury returned after approximately an hour and 30 minutes of deliberation with a verdict in excess of the coverage.

[12-T-049]

Type of accident: Personal injury - automobile accident

Injuries alleged: Neck and back pain

Name of case: Hickman v. Philblad

Court: Chesterfield Circuit Court

Case No.: CL10-3419

Special damages: \$70,250.48

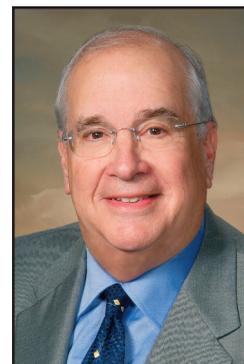
Offer: \$57,500

Verdict or settlement: Verdict

Amount: \$113,522
(plus interest on \$70,250 from date of accident)

Attorney for plaintiff: Jay Tronfeld, Richmond

Insurance companies: GEICO (primary); Allstate (UIM)



TRONFELD