

# VIRGINIA LAWYERS WEEKLY

Vol. 30, No. 28

valawyersweekly.com

December 14, 2015

## VERDICTS & SETTLEMENTS

### Crash worsened pre-existing condition

#### \$220,000 Settlement

This motor vehicle collision occurred on Dec. 24, 2013. The 25-year-old plaintiff lived out of state but was home in the Richmond area visiting her family for the holidays. The collision occurred when the defendant pulled out from a side street and t-boned the plaintiff's vehicle.

The plaintiff was taken by ambulance to VCU Medical Center with complaints of possible loss of consciousness, right shoulder pain, hip pain, chest pain and neck pain. She was diagnosed with blunt chest trauma, concussion and cervical strain. Her concussion symptoms resolved quickly. She did not have any follow-up treatment for the concussion after the initial emergency room visit.

Prior to the collision, the plaintiff had received treatment for chronic right shoulder pain and a recurrent dislocating right shoulder. In 2008, she underwent a right shoulder reduction but continued to have some residual pain and instability. However, the plaintiff

had not received any treatment for shoulder pain or discomfort for several years prior to the collision.

When her right shoulder pain persisted after the accident, Dr. Thomas Loughran performed a right shoulder reconstruction surgery on March 4, 2014. Dr. Loughran opined that the collision exacerbated plaintiff's pre-existing shoulder condition and necessitated the surgery. Plaintiff made an excellent recovery after the surgery.

The liability carrier offered its policy limits of \$100,000 shortly after suit was filed. The UIM carrier offered the additional \$120,000 after the deposition of the plaintiff.

[15-T-169]



NEWBY

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

**Injuries alleged:** Sprain/strain and dislocation of the right shoulder; cervical strain and concussion

**Court:** Richmond Circuit Court

**Verdict or Settlement:** Settlement

**Amount:** \$220,000

**Attorney for plaintiff:** John Newby, Richmond

**Plaintiff's experts:** Dr. Thomas Loughran, treating orthopedic surgeon