

# VIRGINIA LAWYERS WEEKLY

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## VERDICTS & SETTLEMENTS

### Woman suffered heel injury in T-bone collision

#### \$1 Million Settlement

This was a personal injury case arising from a motor vehicle collision in Hanover County on March 15, 2015. The plaintiff, 22 at the time, was driving home from the grocery store when the defendant ran a stop-sign and T-boned the plaintiff's vehicle.

The plaintiff was taken by ambulance to VCU Medical Center (MCV) with complaints of right ankle pain, right heel pain, headaches, and left wrist pain. Examination revealed an obvious deformity and bruising to the right ankle, swelling of the upper lip and nose, and dried blood on her nose. A CT scan of the right foot revealed a comminuted, intra-articular fracture of the calcaneus (heel bone) with multiple tiny fracture fragments around the fracture site and complete disruption of the posterior subtalar joint. On March 30, 2015, she underwent an open reduction internal fixation of the right calcaneus. Her orthopedic surgeon opined that due to the nature and extent of the fracture plaintiff had a permanent 20 percent impairment of the right lower leg. It was anticipated that she would require a fusion of the subtalar joint in the future.

After being discharged from the hospital, plaintiff and her mother began to notice problems with her mem-



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ory, anxiousness, nervousness, nightmares, flash backs and insomnia. She reported these symptoms to her primary care physician and was referred to a specialist. She was diagnosed with a concussion/mild traumatic brain injury, post-traumatic stress disorder, and depression. The defendant's experts disputed the brain injury and claimed plaintiff was malingering and exaggerating her symptoms. This was not consistent with the way the plaintiff lived her life both before and after the collision. The plaintiff was likeable, sympathetic, and hard-working. Prior to the collision, she worked at a warehouse type job that required her to be on her feet all day. After her injury, she went back to work as soon as she could. She returned to warehouse work where she was again on her feet all day even though this was difficult due to the calcaneus fracture. When she could no longer tolerate it, she found sedentary work. Through it all, her primary focus was on taking care of her young children. Plaintiff's actions did not match the picture of a malingerer. Plaintiff's counsel believed that a jury would reject the

malingering and exaggeration claims if the case proceeded to trial. Medvisuals in Richmond created a physical model of plaintiff's heel fracture. Using CT data and radiology reports as a reference, the calcaneus bone of a normal foot and ankle model was cut into various correlating fragments with a coping saw and a rotary tool. After the calcaneus bone was fragmented, several pieces were painted to indicate fracture lines. The calcaneus bone was then reassembled, again using the CT reconstruction as a guide. Once the calcaneus was reconstructed and the fragments secured with glue, it was reattached to the rest of the ankle/foot model using glue and a thin metal rod. The physical model was very effective in demonstrating the severity and extent of the plaintiff's injury.

[17-T-100]



PHYSICAL  
MODEL OF HEEL  
INJURY

**Type of action:** Personal Injury

**Injuries alleged:** Right heel fracture, post-traumatic stress disorder, concussion/mild-traumatic brain injury

**Court:** Hanover Circuit Court

**Name of mediator:** Hon. Michael C. Allen (Ret.)

**Date resolved:** May 1, 2017

**Special damages:** \$118,013.72 past medicals, \$14,759.04 past wage loss

**Settlement:** Settlement

**Amount:** \$1,000,000

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