

NORTH CAROLINA LAWYERS WEEKLY

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Car crash injuries net \$1.5 million settlement

By: David Donovan

Attorneys for a Raleigh law firm have won a \$1.5 million confidential settlement on behalf of a client who was seriously injured in a car crash, the attorneys report.

Details about the case were withheld due to a confidentiality agreement, but Kimberly Miller and William Owens of Owens & Miller in Raleigh reported that the case arose out of a motor vehicle collision in early 2014 when another driver pulled out from a parking lot and into the path of the plaintiff's vehicle, causing a T-bone collision.

The plaintiff, 46 years old at the time, suffered multiple injuries, including an upper right leg bone that was severely broken in multiple places, a neck fracture to two vertebrae, fractures to the rib and left hip, and tearing away of skin on the scalp. He also suffered extensive scalp hematoma, a type of bleeding outside the skull that collects and forms clots or firm lumps on the scalp.

The plaintiff developed further complications during a two-week hospitalization, including blood clots in his right lung and a staph infection caused by MRSA, a strain of bacteria particularly difficult to treat due to its resistance to antibiotics. The infection in turn brought on sepsis, a condition in which chemicals released by the body to fight the infection trigger inflammatory responses throughout the body.

A neuropsychologist who examined the plaintiff, Dr. Pat Sullivan, diagnosed him with post-traumatic stress disorder and mild to moderate cognitive deficits.

Unable to return to work, the plaintiff filed a lawsuit against both the owner and the driver of the other vehicle, submitting past lost income in the amount of \$32,372 and future lost income of approximately \$855,444.



The insurer denied liability and raised contributory negligence as a defense. Miller said that she strongly felt that the settlement reflected that her client was not negligent and did not contribute to the collision. She said there were skid marks at the scene of the accident which showed that her client hit his brakes immediately when the other driver pulled out.

"I have found with any intersection collision where the plaintiff T-bones the defendant, contributory negligence is going to be raised and a lot of times will get to a jury," Miller said. "The plaintiff was questioned extensively in his deposition about the wreck and his actions. I believe his ability to articulate what happened helped with the issue."

The greater challenge in the case, Miller said, was proving damages in the form of future lost wages. For that, she relied on a certified rehabilitation counselor, Ashley Johnson, who determined that the plaintiff was disabled from a vocational perspective and would be unable to maintain competitive employment due to his combination of limitations.

Miller said that both she and her client were very satisfied with the terms

of the settlement.

"This was a horrible event in my client's life, and he has spent over a year dealing with the ramifications of the defendant's negligence," Miller said. "Fortunately, my client is a good, hard-working, salt-of-the-earth person with amazing perseverance and positive attitude and has made great strides in his recovery. I believe the settlement will give him the new start he deserves in the next chapter of his life."

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SETTLEMENT REPORT – PERSONAL INJURY (AUTO ACCIDENT)

Amount: \$1.5 million

Injuries alleged: Fractures of the leg, neck, rib and hip; head injuries causing cognitive damage; PTSD

Case name: Confidential

Court: Confidential

Case number: Confidential

Date of settlement: April 13

Most helpful experts: Ashley Johnson, certified rehabilitation counselor and life-care planner, Vargas Vocational Consulting; and Pat Sullivan, Ph.D., neuropsychologist, Epilepsy Institute of North Carolina

Attorneys for plaintiff: Kimberly Miller and William Owens of Owens & Miller in Raleigh

Attorneys for defendant: Confidential