

Left Turn Collision

■ \$90,000 VERDICT

Motor vehicle negligence – Left turn collision – Aggravation of previously asymptomatic disc herniation – Aggravation of preexisting shoulder condition – Damages/causation only.

Palm Beach County, FL

This was a motor vehicle negligence action which arose when the defendant made a left turn from the opposite direction in front of the plaintiff's car. The defendant denied that the plaintiff sustained a permanent injury as a result of the ensuing collision.

The plaintiff was a 65-year-old male at the time of the accident in 2008. His physician testified that the plaintiff exhibited a preexisting disc herniation which was asymptomatic before the date of the accident. The plaintiff claimed that the collision caused his disc herniation to become symptomatic to the point that future surgery was recommended.

The plaintiff testified that his shoulder was also hurting a few months before the collision and he had received three injections into his shoulder for treatment of pain. The plaintiff's doctor testified that the collision also caused an aggravation of the plaintiff's preexisting right shoulder injury.

The defendant maintained that the plaintiff's disc condition, as well as his right shoulder condition, both preexisted the date of the accident and were not changed or worsened by it.

The jury found that the plaintiff sustained a permanent injury as a result of the accident and awarded him \$90,226 in damages.

REFERENCE

Sauls vs. Sukhmandan. Case no. 502009CA014396; Judge Thomas Barkdull, III, 11-29-10.

Attorney for plaintiff: William D. Zoeller of Schuler, Halvorson & Weisser in West Palm Beach, FL.

Multiple Vehicle Collision

■ \$100,800 VERDICT

Motor vehicle negligence – Multiple vehicle collision – Failure to stop for red light – Defendant causes chain reaction collision, forcing non-party driver to rear end plaintiff – Headaches – Herniated cervical discs – Aggravation of preexisting lumbar disc herniations – Damages/causation only.

Palm Beach County, FL

The plaintiff alleged that the defendant drove through a red light and struck a non-party vehicle, which was then propelled into the plaintiff's car. The defendant stipulated to negligence, but disputed the injuries that the plaintiff alleged to have sustained as a result of the accident.

The plaintiff was a 49-year-old man at the time of the collision. The plaintiff's doctors testified that the plaintiff sustained aggravation of a preexisting disc herniation at the L3-L4 level and new herniations at C4-C5 and C5-C6. The plaintiff's neurosurgeon testified that future cervical surgery was recommended. The plaintiff also complained of ongoing headaches associated with the accident.

The defendant argued that the plaintiff had a five year history of chiropractic treatment for lower back and neck pain prior to the date of the collision. The defense stressed that the plaintiff made no medical complaints at the scene and did not seek treatment until some 11 days post-accident. Testimony indicated that the plaintiff had exited his vehicle after the collision and assisted the female whose car had struck his car.

The defendant's orthopedic surgeon testified that a review of the plaintiff's MRI films revealed osteophytes which suggested that his cervical condition was degenerative and not caused by trauma. The plaintiff countered that the osteophytes were on the opposite side of the spine from the impingements. The defendant's orthopedic surgeon also opined that the plaintiff was not a candidate for cervical surgery. The defense introduced surveillance video depicting the plaintiff lifting chlorine tubs and turning his neck with no apparent difficulty.

The jury found that the plaintiff sustained a permanent injury and awarded him \$100,800 in damages. A prior trial resulted in a defense verdict and the plaintiff was granted a new trial after arguing that the defense improperly read new portions of the plaintiff's deposition testimony during closing statements in an effort to impeach his credibility.

REFERENCE

Plaintiff's neurosurgery expert: Douglas Martin from Boynton Beach, FL. Plaintiff's orthopedic surgery expert: Frank Murphy from Stuart, FL. Plaintiff's radiology expert: Sean Mahan from Maitland, FL. Defendant's orthopedic surgery expert: Kenneth Jarolem from Plantation, FL.

Asher vs. Pantori. Case no. 502009 CA 025308; Judge Edward Fine, 10-01-10.

Attorneys for plaintiff: Philip A. Gold and Lance C. Rudzinski of Gold & Gold in Coral Gables, FL.