

the roadway, but did not want to drive it any further because she could hear metal scraping along the pavement.

Plaintiff did not immediately exit the vehicle. Several people approached the passenger side of her car, including Defendant Henson, the tow truck driver and the investigating police officer. Plaintiff did not want to exit from the driver's side due to the heavy, fast traffic. She eventually exited the vehicle on the passenger side, but then slipped and fell in bird feces. She fractured her ankle when she fell.

Plaintiff alleged that defendant was responsible for this accident and that she was entitled to damages for the ankle fracture because her injury occurred as a result of a series of events set in motion by the defendant's negligence. Plaintiff asserted that she would not have sustained an ankle fracture had it not been for this accident. Plaintiff claimed a serious impairment of body function as a result of the injury, for which she underwent open reduction with internal fixation involving the implantation of plates and screws.

Defendant admitted striking plaintiff's vehicle, but her liability carrier, State Farm, argued that plaintiff's injury was not caused by the accident. Defendant noted that those who came to plaintiff's aide at the passenger side of plaintiff's vehicle did not slip or fall. Defendant argued that the fall occurred due to plaintiff's failure to pay attention to her surroundings. Defendant asserted that plaintiff was more than 50% at fault for the injury.

Plaintiff Profile: Plaintiff was a female in her 30s who was employed.

Alleged Injury: Trimalleolar fracture of the right ankle, with a syndesmotomic tear. Plaintiff required open reduction, with the installation of plates and screws. Plaintiff sought third-party benefits for non-economic damages.

Jury Deliberations: Less than 2 hours

Settlement Efforts: Last Demand: N/A
Last Offer: \$5,000

Insurance Carrier: State Farm

Evaluation: \$75,000 Plaintiff accepted; Defendant rejected

Case Number: 2011-121237-NI

Oakland County

Circuit Court — Pontiac

Baptist Minister Claiming Significant Auto Injuries Is Awarded \$3.7M

Case Caption:

Norman Wayne Cress and Debra Cress v. Sandra Faye Willhite and VHS University Laboratories, Inc.

Verdict: \$3,717,948. Breakdown: \$3,019,448 (\$30,019 for past economic damages; \$239,429 for future economic damages; \$1,000,000 for past non-economic damages; and \$1,750,000 for future non-economic damages) to plaintiff and \$698,500 (\$60,000 for past non-economic damages and \$638,500 for future non-economic damages) to plaintiff's wife.

Judge: Daniel P. O'Brien

Date of Verdict: 3/20/2013

Attorneys:

Plaintiff: Norman L. Lippitt, Birmingham
Bryan L. Schefman, Bloomfield Hills, MI

Defendant: William L. Kiriazis, Troy
Anthony J. Kostello, Troy
Timothy P. Brady, Roseville

Facts: A driver with a history of concussions claimed disabling injuries following a relatively minor accident. Injury causation and damages were disputed by the defendants. An Oakland County jury returned a \$3,717,948 verdict, which included \$698,500 in loss of consortium damages for the plaintiff's wife.

Plaintiff Norman Cress was a 54-year-old pastor at a local Baptist church. He was operating his vehicle northbound on Woodward Avenue in Royal Oak on May 20, 2011. Defendant Sandra Willhite, who was employed by Defendant VHS University Laboratories, reportedly veered into plaintiff's lane and struck plaintiff's vehicle near the B-pillar. Following this accident, he was diagnosed with a traumatic brain injury (TBI), a double crush

injury to his cervical and thoracic spine, vertical heterophoria (misaligned eyes), acute depression and disc ruptures in the cervical and thoracic regions. He was eventually asked to step aside from his post as head pastor for his church and was ultimately terminated from his employment. Plaintiff had a significant history of multiple concussions and was reportedly extremely vulnerable to head injuries.

Plaintiff alleged he sustained serious impairments of body function as a direct result of this impact. His primary injury was the TBI. Plaintiff argued that it was likely he struck his head on the B-pillar. However, his experts opined that it was not necessary for plaintiff to strike his head in order for him to sustain a TBI, which could be caused by acceleration/deceleration forces alone. Most of the defense experts reportedly concurred with this opinion. Additionally, the experts stated that repeated concussions (plaintiff had sustained four prior concussions with loss of consciousness) could have a direct impact on the brain's ability to compensate for a final, lesser injury, rendering plaintiff vulnerable. Plaintiff claimed his life was significantly altered by his injuries. His wife sought damages for loss of consortium. She also provided evidence of her husband's injuries by way of a daily journal of his trials and tribulations following the accident.

Defendants admitted responsibility for causing this accident, but described the impact as minor. Defendants disputed injury causation and damages. They contended that the principal direction of force could not have caused the injuries claimed by plaintiff. They further argued that plaintiff could not have suffered a TBI because he did not strike his head.

Plaintiff Profile: Plaintiff was a 54-year-old married male who was the pastor at a Baptist church.

Alleged Injury: Traumatic brain injury, a double crush injury to the cervical and thoracic spine, vertical heterophoria (misalignment of the eyes), and acute depression, as well as ruptured discs at C5-C6 and T6-T8, which required surgery and long periods of disability and recovery. Plaintiff was asked to step aside as head pastor and was ultimately terminated from his job. He claimed \$30,019 in past economic damages, \$239,429 in future economic damages, \$1,000,000 in past non-economic damages, and, \$1,750,000 in future non-economic damages. Plaintiff's spouse sought \$698,000 for loss of consortium.

Jury Deliberations: 6 hours

Settlement Efforts: Last Demand: \$2,200,000
Last Offer: \$300,000

Insurance Carrier: Travelers

Expert(s):
Plaintiff: Jennifer E. Doble, M.D.
Physiatrist – Ypsilanti, MI

Teck M. Soo, M.D.
Neurosurgeon – Franklin, MI

Leon Berman, M.D.
Psychiatrist – Birmingham, MI

Renae Applebaum, Ph.D.
Neuropsychologist – Bingham Farms, MI

Defendant: N/A

Evaluation: N/A

Case Number: 11-120796-NI

Ottawa County

Circuit Court — Grand Haven

Pub Owner and Drunken Driver Settle Fatal Auto Accident Claim

Case Caption:
Sherri Rozema, Administratrix of the Estate of Bethany Rozema v. Curragh and Eleazar Mendoza

Settlement: \$500,000. Breakdown: \$100,000 from Defendant Mendoza and \$400,000 from Defendant Curragh Irish Pub.

Judge: Jon Hulsing

Settlement Date: 3/8/2013

Attorneys:
Plaintiff: Christopher S. Berry, Holland

Defendant: Jonathan S. Damon, Grand Rapids (Mendoza)

Facts: Dram shop claims were filed against a bar where a patron was allegedly over-served prior to causing a fatal motor vehicle accident. The parties reached a \$500,000 settlement, with both the bar and the defendant driver contributing to the settlement.