

VERDICTS & SETTLEMENTS

High-low agreement results in \$100K for pedestrian

On Aug. 14, 2004, at 9:00 p.m., plaintiff attempted to cross a low-traffic, two-lane side street (with a center turn lane) between intersections from her place of employment to her car, which was parked across the street. The nearest intersection was a very busy intersection with a main road about 50-75 yards away, but the intersection had no marked crosswalks or pedestrian crossing signals. The intersection also had a two-way service road, which resulted in approximately seven to eight ways for cars to approach from various directions. Plaintiff alleged that the intersection

was more dangerous for pedestrians to cross than the side street where she attempted to cross.

Plaintiff also introduced evidence from former co-workers that the area where plaintiff was hit was well lit at night due to large nearby commercial lights from the dealership where plaintiff worked.

Plaintiff alleged that defendant, a former co-worker, turned left from the dealership to go home and stopped about two-three car lengths away from plaintiff, so that plaintiff assumed that he was allowing her to cross. However, after plaintiff took one to two steps into defendant's

travel lane, she heard an acceleration and saw bright lights approaching. She attempted to turn to return to the center lane but was hit.

It was undisputed that defendant did not see plaintiff at any time before striking her. A former co-worker of plaintiff testified that defendant told him after the accident that he was trying to "catch the light."

Defendant alleged that he did not stop after starting his left turn from the dealership. Defendant contended that he was in the process of completing his left turn by crossing over the center turn lane when he heard a noise (the impact) and believed that plaintiff merely walked into the driver's side mirror of his car, which had no damage.

Plaintiff and defendant agreed to try the case on liability only and entered into a high/low agreement of \$100,000/\$25,000 because defendant's liability limits were \$100,000 and no additional coverage was available.

The jury returned a special verdict form, which found that defendant was

negligent, that defendant's negligence proximately caused the accident, and that plaintiff was negligent but plaintiff's negligence was not a proximate cause of the accident.

Type of Action: Pedestrian crossing between intersections hit by motor vehicle

Injuries Alleged: Fractured left leg, ankle and pelvis, right knee; right shoulder surgery

Name of Case: Saghar Almadani v. Samuel Vassallo

Court: Fairfax County Circuit Court
Case No.: CL200610108

Tried Before: Jury

Name of Judge: Jonathan Thacher

Verdict/Settlement: Verdict

Amount: Case was tried on liability only with a High/Low Agreement

Verdict Date: May 1, 2007

Demand: \$100,000

Offer: None

Insurer: Allstate

Plaintiff's Attorney: Brandon Gladstone, Fairfax

[07-T-089]

Magistrate judge awards \$200K in hit-and-run case

This case was a hit-and-run tractor trailer accident with internal injuries that resolved after hospital admission. No surgical intervention was required. Medical specials were \$26,388.05 and lost wages were \$8,760.00. Plaintiff did not return to pre-injury job due to heavy lifting requirements.

Type of Action: Personal injury/auto accident

Injuries Alleged: Kidney laceration, liver laceration, cracked rib, low back injury

Name of Case: Richard Lee Lawson v. J. Michael Harris and Werner Enterprises

Court: U.S. District Court, Western District, Charlottesville Division

Case No.: CL06-218

Tried Before: Judge

Name of Judge: B. Waugh Crigler, Magistrate Judge

Special Damages: \$35,148.05

Verdict/Settlement: Verdict

Amount: \$120,000

Verdict Date: March 15, 2007

Offer: \$75,000

Insurer: Self-insured

Plaintiff's Attorney: Roger A. Ritchie Sr., Charlottesville
[07-T-087]

Rear-ender mediation results in \$200K for back injuries

Plaintiff was sitting at a stop sign when he was rear-ended by a United Central Industrial Supply vehicle, operated by Mr. Hale. Plaintiff was transported from the scene via ambulance. As a result of this incident, plaintiff suffered a significantly extruded disc herniation at L4-5, as well as disc protrusion at L5, S-1. These injuries left her with pain in her neck, shoulders and thoracic spine. Additionally, after sitting or standing for extended periods of time, she suffered from numbness running down both legs. Plaintiff alleged she would require a laminectomy. Plaintiff filed suit, but reached settlement with the insurance carrier, prior to serving the defendants.

Type of Action: Personal injury - rear end collision