

VIRGINIA LAWYERS WEEKLY

VERDICTS & SETTLEMENTS

Choice of law a factor in personal injury case - \$192,000 Settlement

By Virginia Lawyers Weekly
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Plaintiff was an 81-year-old front seat passenger involved in a car accident in Pennsylvania in which her husband, the driver, was at fault for losing control around a turn. Plaintiff and her husband live in Virginia. Plaintiff suffered a comminuted fracture of her proximal femur and underwent an open reduction and internal fixation of her left hip, which involved insertion of a nail into her left femur. Plaintiff was discharged to a nursing home for four weeks after surgery and had physical therapy for one month. Plaintiff made an excellent recovery.

Absent settlement, suit would have been filed in Virginia pursuant to Pennsylvania tort law.

Pennsylvania law apparently did not allow plaintiff to reclaim the amount of medical bills as part of the settlement for this case. The settlement was for pain and suffering and payment of the Medicare lien.

Type of Action: Personal injury - auto accident

Injuries Alleged: Comminuted fracture of proximal femur

Name of Case: Prange v. Prange

Court: Fairfax County Circuit Court

Verdict Date: March 4, 2008

Verdict/Settlement: Settlement

Amount: \$192,000 (of which \$27,000 was paid directly by insurer to Medicare for its lien; \$165,000 was for pain & suffering)

Special Damages: \$27,000 paid by Medicare (actual retail bill amounts unknown)

Insurer: USAA

Plaintiff's Attorney: Brandon Gladstone, Springfield
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