

VIRGINIA LAWYERS WEEKLY

VERDICTS & SETTLEMENTS

Back injury case from rearend settled

By Virginia Lawyers Weekly Staff
December 25, 2006

Plaintiff was rearended by defendants, both sisters, who were following each other. Plaintiff's car was also pushed into a vehicle in front and sustained approximately \$16,000 in property damage. Both defendants' vehicles were totaled. Liability was not seriously contested but damages were.

Plaintiff went to the hospital on the day of the accident and followed up with a chiropractor for neck and low back and radicular complaints about six to eight weeks later and treated with the chiropractor for the next two years. After one year of chiropractic treatment, plaintiff decided on her own to seek a second opinion from her primary physician and obtained an MRI of her lower back, which revealed a disc herniation. Plaintiff continued treatment with the chiropractor for another year before seeing a neurosurgeon, who performed an ALIF fusion procedure with insertion of LT cages. Plaintiff claimed permanent injuries associated with her back and neck.

Defendants argued that plaintiff only suffered soft tissue strains to her neck and back that should have resolved after no more than three months after the accident. Defendants argued that plaintiff overtreated and her low back surgery was not related to the accident and that plaintiff did not suffer a herniated disc, despite the radiology report finding.

Video depositions were conducted of both experts prior to settlement of the case. The maximum insurance coverage available was \$175,000.

Type of Action: Negligence - auto accident

Injuries Alleged: Neck and Back injuries

Name of Case: Shepherd v. Sandhu

Court: Fairfax County Circuit Court

Case No.: Law 2004-227004

Tried Before: Jury

Name of Judge: N/A

Special Damages: \$162,536 in past medical bills; \$29,226 in past lost wages

Verdict/Settlement: settlement

Amount: \$125,000; Allocation of Fault: \$25,000 Defendant #1 driver; \$50,000 Defendant #2 driver, \$50,000 UIM State Farm

Date: 9/21/06

Demand: \$175,000 (maximum insurance coverage available)

Experts: Brian Subach, M.D. (neurosurgeon) for Plaintiff, Fairfax and Donald Hope, M.D. (neurosurgeon) for Defendant, Fairfax

Insurer: Allstate/Farmers/State Farm

Plaintiff's Attorney: Brandon Gladstone, Fairfax

[06-T-168]

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