

Driver, already on disability, is rear-ended in collision

\$250,000 settlement

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While out of work on disability due to depression, the plaintiff's car was struck in the rear by a vehicle operated by the defendant. Several weeks later, the plaintiff began to experience neck pain and consulted with his primary care physician, who prescribed physical therapy.

A month into the therapy, the plaintiff reported the onset of shooting arm pain after a sneezing episode. After PT failed, and as the radiating arm pain continued, the plaintiff underwent a discectomy at one level with fusion, which provided relief. The plaintiff never returned to his job, opting to take early retirement instead.

The defendant was prepared to dispute the causal relationship between the collision and the neck injury that manifested two weeks later. The defendant was prepared to argue that the neck trauma did not cause the herniation, as there was no radiation until the sneezing episode, and that because the plaintiff was disabled at the time of the accident, there could be no reasonable claim for wage loss.

The case settled prior to trial for the policy limit of \$250,000.

Type of action: Motor vehicle negligence

Injuries alleged: Neck injury, radiating arm pain

Name of case: Withheld

Court/case no.: Superior Court (no. withheld)

Tried before judge or jury: N/A (settled)

Amount of settlement: \$250,000

Date: Jan. 12, 2010

Attorney: Jeffrey T. Scuteri, Goddard, Scuteri & Delaney, Salem (for the plaintiff)

Detailed Information