

# VIRGINIA LAWYERS WEEKLY

## VERDICTS & SETTLEMENTS

### P.I. plaintiff succeeds on second try after mistrial

#### \$200,000 Verdict

On March 31, 2010, the plaintiff, a 23-year-old resident of Virginia Beach, suffered injuries when his vehicle was forced off the road by an unknown motorist on I-64 and slammed into construction equipment parked on the shoulder. There was no contact with the John Doe vehicle. After a brief investigation, the investigating trooper issued a summons for reckless driving to the plaintiff without a comprehensive discussion

**Type of action:** Personal injury - auto accident

**Type of injuries:** Head injury, knee surgery, neck hairline fracture; only about two months treatment

**Name of case:** Wilson v. Doe

**Court:** Norfolk Circuit Court

**Case no.:** CL10-8029

**Judge:** Jerrauld C. Jones

**Special damages:** \$39,000 medicals, no wage loss

**Offer:** \$50,000

**Demand:** \$77,500

**Verdict or settlement:** Verdict

**Amount:** \$200,000

**Attorneys for plaintiff:** Jim Hurley, Norfolk (for personal injury lawsuit); Wayne Williams, Chesapeake (for reckless driving charge)

**Plaintiff's experts:** Dr. Anthony DiStasio II, orthopedic trauma; Dr. Grant Skidmore, neurosurgery

with the plaintiff because he was rushed to the hospital by ambulance.

Plaintiff suffered a minor concussion, a small displaced fracture in the neck and an open gash in his left knee which required about 20 staples. His medical treatment only lasted about two months, and he made a complete recovery without any partial permanent impairment per his treating doctors, Dr. Anthony DiStasio and Dr. Grant Skidmore.

Plaintiff's reckless driving charge was dismissed in Norfolk General District Court. The insurance companies did not make an offer in the case, so the plaintiff moved forward with a lawsuit.

Prior to trial, the insurance company's last offer was \$50,000 and the last demand was \$77,500.

The original trial started on Jan. 26, 2012, and during the trooper's testimony he volunteered (though told not to before called) that he issued a summons to the plaintiff, which led to a motion for mistrial.

After careful consideration, Judge Jerrauld C. Jones granted the motion. The Norfolk Circuit Court reset the trial for six weeks later on March 14, 2012.

The firms of ALCAR multimedia with Alan Michaelis and Legal Video Solutions, Inc., with Tim Koehl, did a great job with trial support. The jury started deliberations at the end of the day and came back the next day with their verdict of \$200,000. The total insurance coverage for this case was exactly \$200,000, and this amount has now been paid.

[12-T-074]



**HURLEY**



**WILLIAMS**