

VIRGINIA LAWYERS WEEKLY

VERDICTS & SETTLEMENTS

Plaintiff injured by falling window valance in hotel room

\$400,000 Settlement

Plaintiff, a 55-year-old flight attendant trainee, was a guest of the defendant hotel when a 40-pound wood valance and drapes in her room fell upon her. Plaintiff alleged that the heavy wood valance was improperly secured into the drywall only, rather than using anchors or fastening the valance directly into the studs behind the drywall. Among several liability experts for the plaintiff was a hotel management expert, who was prepared to opine that the improperly installed valance should have been found by routine inspection required of innkeepers. Liability was disputed by the defendant saying that no no-

tice was provable as a contractor improperly installed the valance, not the hotel.

The plaintiff suffered a concussion with injuries to her neck, knee and shoulder. Her orthopedic doctors in Raleigh, where the plaintiff lived, all treated these injuries as accident-related under workers' compensation. The plaintiff required surgery to repair injury to her anterior cruciate ligament and a partial tear of the lateral meniscus. She also required surgeries to address a partial tear of the right rotator cuff, and also to treat her neck injury at C5-6. A permanent impairment of 15 percent of the leg, 10 percent of the upper extremity, and 10 percent of the neck were calculated by the plaintiff's



COOPER



O'MARA



COCHRAN

physicians. Damages were highly contested by the defendant. Defendant's position, following a record review, was that the plaintiff sustained no specific definable injury as a result of the valance collapse. Problematically for the plaintiff, there also were references in the records to pre-existing conditions and potential prior injuries.

Complicating resolution of the case was a substantial North Carolina Workers' Compensation lien. Plaintiff's counsel negotiated a substantial reduction of the lien, which was passed along to the plaintiff greatly increasing her total recovery.

[14-T-062]

Type of action: Personal injury-premises liability

Injuries alleged: Concussion, shoulder injury, knee injury, neck injury

Court: Virginia Beach Circuit Court

Mediator: Thomas S. Shadrick

Date resolved: April 25, 2014

Special damages: \$183,000 in contested past medicals

Verdict or settlement: Settlement

Amount: \$400,000 (plus defense to pay mediation costs)

Attorneys for plaintiff: John M. Cooper and Bill O'Mara, Norfolk; Ben Cochran, Raleigh, N.C.

Plaintiff's experts: R. Bitton Colbert, CHA, hotel consultant; Sheldon J. Leavitt, AIA, PE, engineering consultant

Defendant's expert: David G. Goss, M.D., medical records review