

\$100,000 Award for a Motor Vehicle Accident

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Christopher L. Musmanno, Esq., Chair of the Personal Injury Department and Certified Civil Trial Attorney with the law firm of Einhorn, Barbarito, Frost & Botwinick, PC in Denville, NJ, announces a \$100,000 settlement for a motor vehicle accident.

In June 2016 Plaintiff was operating a motor vehicle when the Defendant crossed over the double yellow lines and struck Plaintiff's vehicle head-on at an excessive rate of speed without warning.

Plaintiff was taken via ambulance to the hospital immediately following the accident where he complained of severe pain to his right shoulder and left ankle along with swelling and tenderness throughout his upper and lower extremities. In response to these complaints, he immediately underwent an X-ray test to his left ankle. That radiograph revealed the following findings: distal tibia fracture extending obliquely through the diaphysis and through the metaphysis into the tibial plafond along with tiny fragments at the fracture site in the distal articular surface and additional tiny avulsions along the medial malleolus. Based upon the severity of these injuries, Plaintiff was indicated for surgical intervention to his left ankle. Three (3) days later, Plaintiff underwent left ankle open reduction and internal fixation surgery utilizing an 8-hole Synthes medial distal tibial locking plate with accompanying locking screws in order to remediate a left distal fracture extending obliquely through the diaphysis and through the metaphysis into the tibial plafond along with tiny fragments at the fracture site in the distal articular surface and additional tiny avulsions along the medial malleolus and was thereafter discharged.

In addition to his left ankle injuries, he remained fully symptomatic with pain and loss of range in motion in his right shoulder and pain throughout his upper extremity. He underwent a cervical MRI which revealed disc herniations at C3-4 and C4-5 with spinal cord impingement at those levels. He also underwent an MRI to his right shoulder which demonstrated a full-thickness rotator cuff tear.

After Plaintiff recovered from his left lower extremity injuries and subsequent surgery he underwent arthroscopy repair of full-thickness rotator cuff tear using one 5.5 bio anchor Arthrex type; Subacromial decompression. Plaintiff underwent post-operative physical therapy to his left ankle as well as to his right shoulder. He also underwent a course of conservative treatment which consisted of chiropractic care for his cervical spine and a cervical epidural injection.

Defendant disputed liability, alleging that Plaintiff crossed over the double yellow line. However, the physical evidence (i.e. the photographs of the respective vehicles) and Defendant's deposition testimony did not support Defendant's version of events.

Defendant possessed an insurance policy with a limit of liability for bodily injury in the amount of \$100,000.00. The case settled, prior to the scheduling of a trial, for the \$100,000.00 policy limit.