

\$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 December 2015 Plaintiff was operating a motor vehicle when the defendant struck Plaintiff's vehicle in the rear at an excessive rate of speed without warning. The force of the impact was so great that Plaintiff's vehicle was propelled into the rear of the vehicle travelling ahead of him. Plaintiff's vehicle was totaled as a result of this accident. It sustained property damage in the approximate amount of \$15,000.

As a result of this incident, Plaintiff sustained the following injuries:

1. Right paracentral extruded disc herniation at T1-T2 with moderate right lateral recess and neural foraminal narrowing encroaching on the exiting right T1 nerve root confirmed by abnormal upper extremity EMG/NCV findings consistent with right-sided C7-T1 radiculopathy;
2. Midline disc herniation at C3-C4 with associated uncovertebral hypertrophy, spinal stenosis and moderate bilateral neural foraminal narrowing;
3. Midline disc herniation at C7-T1 with spinal stenosis and bilateral lateral recess and neural foraminal narrowing confirmed by abnormal upper extremity EMG/NCV findings consistent with right-sided C7-C8 radiculopathy;
4. Posterior disc herniation at C5-6 exerting pressure on the ventral aspect of the thecal sac and descending caudally into the spinal canal behind the posterior-superior margin of C6;
5. Posterior disc herniation at C6-7 exerting pressure on the ventral aspect of the thecal sac with ascending cephalad into the spinal canal behind the posterior-inferior aspect of C6 as

well as descending caudally behind the posterior-superior margin of C7;

6. Posterior disc herniation at L2-3 with associated annular tear exerting pressure on the ventral aspect of the thecal sac;

7. Posterior disc herniation at L3-4 exerting pressure on the ventral aspect of the thecal sac and extends into the right and left lateral recesses with narrowing of the inferior aspects of the neural foramina bilaterally with severity on the right also with ascending cephalad into the spinal canal behind the posterior-inferior aspect of L3 as well as descending caudally behind the posterior-superior margin of L4;

8. Posterior disc herniation at L4-5 exerting pressure on the ventral aspect of the thecal sac with ascending cephalad into the spinal canal behind the posterior-inferior aspect of L4 as well as descending caudally behind the posterior-superior margin of L5; and

9. Posterior disc herniation at L5-S1 exerting pressure across the entire ventral aspect of the thecal sac with ascending cephalad into the spinal canal behind the posterior-inferior aspect of L5 as well as descending caudally behind the posterior-superior margin of S1 and extending into the right lateral recess with slight narrowing of the inferior aspect of the neural foramen.

Immediately following the accident, Plaintiff was taken via ambulance to the hospital. He thereafter consulted an orthopedic specialist and commenced a course of conservative treatment which consisted of physical therapy. In light of Plaintiff's severe objective findings, subjective complaints and due to the failure of his injuries to respond to physical therapy, he was recommended to undergo a course of injection therapy. He thereafter participated in a number of injections: (1) thoracic Epidural Steroid Injection at T1-T2 (05/13/2016); (2) lumbar Epidural Steroid Injection at L5-S1 (05/20/2016); (3) bilateral Median Branch Block at C4-C5, C5-C6, and C6-C7 (07/15/2016); and (4) bilateral Median Branch Facet Block at L3-L4, L4-L5, and L5-S1 (07/22/2016). When the injections failed to alleviate his symptoms, on plaintiff ultimately underwent left L3 hemilaminectomy, facetectomy and foraminotomy with decompression of nerve roots; left L4 lateral recess decompression of foraminotomy with decompression of nerve root; left L5 hemilaminectomy, facetectomy and foraminotomy with decompression of nerve roots; left S1 lateral recess decompression and foraminotomy with decompression of nerve root; open L3_L4 discectomy; open L5-S1 discectomy. At the time of this incident, Defendant possessed a policy with a limit of liability for bodily injury in the amount of \$25,000.00. The case settled for the \$25,000.00 policy limit. Plaintiff possessed an

insurance policy with a limit of liability for bodily injury, underinsured motorist coverage in the amount of \$100,000.00. The case settled as to Defendant for \$75,000.00.

As such, prior to the scheduling of a trial, the case settled for the total amount of \$100,000.00.