

\$150,000 Award for a Motor Vehicle Accident

Denville, NJ

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 \$150,000 settlement for a motor vehicle accident.

In September 2014, Plaintiff was fully stopped for traffic waiting to merge into traffic, when the Defendant struck Plaintiff's vehicle in the rear at an excessive rate of speed without warning. Plaintiff immediately complained of back pain at the accident scene but did not immediately present to the hospital because she was under the mistaken impression that she was merely suffering from some minor soreness. It soon became evident, however, that her pain was increasing both in terms of severity and frequency with each passing day. As such, Plaintiff presented to an urgent care facility on that same day and followed up with an orthopedic specialist and a chiropractor several days later. Plaintiff commenced a conservative course of treatment which consisted of chiropractic treatment and physical therapy and was thereafter referred for diagnostic testing in order to better ascertain the nature and extent of her injuries.

As to Accident 2 (08/2015) & Accident 3 (09/2015):

While Plaintiff was undergoing treatment for her accident of September 2014, Plaintiff was involved in two subsequent accidents. In August 2015, plaintiff was fully stopped in traffic when Defendant 2 struck Plaintiff's vehicle in the rear at an excessive rate of speed without warning.

A month later, in September 2015 Plaintiff was again, fully stopped in traffic when Defendant 3 struck Plaintiff's vehicle in the rear at an excessive rate of speed without warning.

As a result of the September 2014 accident, Plaintiff aggravated a pre-existing broad-based left paracentral disc herniation at L5-S1 causing mild ventral indentation of the thecal sac and abutting the left descending S1 nerve root; (2) left foraminal disc herniation at L2-3 with annular signal suggestive of an annular tear along with proximal foraminal narrowing of the exiting left L2 nerve root; and (3) left foraminal disc herniation at L1-2 with proximal left neural foraminal narrowing of the exiting left L1 nerve root.

Following the two subsequent accidents of August 2015 and September 2015, Plaintiff was referred back to diagnostic testing where she underwent an MRI test to her cervical spine and a repeat MRI test to her lumbar spine. Her cervical spine MRI demonstrated (1) superimposed disc herniation and central/right paracentral disc herniation at C4-5 with thecal sac indentation and mild spinal cord contact; (2) superimposed left paracentral disc protrusion at C5-6 and thecal sac indentation with mild spinal cord contact; and (3) superimposed left paracentral disc herniation at C6-7 with left paracentrally spinal cord contact and mild flattening as well as extension of the disc into the left C7 root entry zone. With regard to her lumbar MRI, it demonstrated (1) left foraminal disc herniation at L2-3 with proximal foraminal narrowing and crowding of the exiting L2 nerve root; (2) superimposed left foraminal disc extension at L3-4 with proximal narrowing and crowding of the exiting left L3 nerve root; and (3) left paracentral disc herniation at L5-S1 with mild ventral indentation on the thecal sac and abutting the left descending S1 nerve root.

She thereafter participated in a number of injections. These surgical procedures are as follows: (1) lumbar epidural steroid injection at L3-4 (April 24, 2015); (2) lumbar epidurogram and left-sided L4, L5 and S1 selective nerve root block (July 17, 2015); (3) lumbar epidurogram and left-sided L4, L5 and S1 selective nerve root block (November 2, 2015). She thereafter underwent a lumbar diskogram at L1-2, L2-3, L3-4, L4-5 and L5-S1, which revealed positive findings of concordant pain at L5-S1.

When the injections failed to alleviate her symptoms, in May 2016, Plaintiff underwent open reduction and internal fixation surgery at L5-S1 consisting of open lumbar micro posterolateral discectomy, laminectomy, lateral recess and disc decompression and facetectomy with posterolateral fusion, anterior lumbar interbody fusion, anterior lumbar cage stabilization, Alphatec bilateral pedicle screw stabilization via 6.5 40 screws and 6.5 35 screws and local bone graft harvesting.

Defendant 1 possessed a policy limit with a limit of \$25,000.00. The case settled as to Defendant 1 for the \$25,000.00 policy limit, prior to the scheduling of a trial and prior to their retention of counsel.

Defendant 2 possessed a policy limit with a limit of \$25,000.00. The case settled as to Defendant 2 for \$25,000.00 policy limit, prior to the scheduling of a trial.

Defendant 3 possessed a policy with a limit of liability for bodily injury in the amount of \$100,000.00. The case settled as to Defendant 3 for the \$100,000.00 policy limit prior to the scheduling of a trial.

As such, the total settlement awarded in this matter was \$150,000.00 pertaining to all accidents.

No lost wage claim was asserted. No defenses with respect to liability of damages.