

\$275,000 Total Settlement for Motor Vehicle Accident

In December 2015, Plaintiff was operating a motor vehicle when the Defendant negligently failed to yield to Plaintiff's right of way, failed to maintain her lane of travel, failed to maintain proper observations and/or otherwise failed to take evasive action when she attempted to make a left turn, entered Plaintiff's lane of travel, and struck Plaintiff's vehicle at a high rate of speed without warning. The force of the impact was so great that Plaintiff's vehicle sustained property damage in the approximate amount of \$41,065. In addition, the force of the impact caused Defendant's vehicle to spin uncontrollably into the fully stopped vehicle behind her.

Plaintiff was taken via ambulance to the hospital where he complained of pain to his neck, lower back and left shoulder. He subsequently underwent a series of diagnostic tests including, but not limited to, an x-ray test to his chest along with CT scans to his abdomen, cervical spine and head. His CT scan to his abdomen, however, revealed a 1.1 cm left ureteral calculus proximal obstruction. He was discharged with pain medication under the advisement to follow up with his primary care physician.

Five days later, he presented to his primary care doctor and related to him that he was suffering from unrelenting lower back pain. He recommended that Plaintiff undergo MRI tests to his thoracic spine and lumbar spine. Dr. Cioce also recommended that he consult a urologist for a potential kidney stone injury. As recommended, he underwent diagnostic testing which revealed aggravation, exacerbation and/or acceleration of asymptomatic disc degeneration and facet joint degenerative changes bilaterally at L4-L5 and disc degeneration along with an annular tear of the posterior aspect at L5-S1.

He then consulted with a urologist and in January 2016, he underwent a cystoscopy and left ureteral dilation with kidney stone manipulation and surgical implantation of a double-J stent in my left kidney.

In addition, in February 2016 he consulted with an orthopedic surgeon and was recommended a course of physical therapy. When his condition was not improving from conservative management, his orthopedic surgeon ultimately recommended fusion surgery at L4-L5 and L5-S1 and in September 2016, Plaintiff underwent the recommended two-level open reduction and internal fixation surgery at

L4-L5 and L5-S1. He followed up with his operating surgeon post-operatively until March 2017 and was discharged.

The case settled as to defendant's \$25,000.00 policy limit, prior to an Answer being filed and prior to a trial.

Additionally, Plaintiff possessed an insurance policy with a limit of liability for underinsured motorist benefits in the amount of \$300,000.00 and lawsuit was filed for underinsured motorist coverage. In May 2018, the case settled for \$250,000.00.

As such, the case settled for a total of \$275,000.00 prior to the scheduling of a trial.

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