

Driver sustains brain injury in highway pile-up

Plaintiff employed as life care planner; \$1.6 million settlement

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By Mass. Lawyers Weekly Staff

The plaintiff, a 65-year old life care planner, was involved in a chain reaction collision while traveling home from a dinner meeting in 2009. Her vehicle was pushed into the oncoming lane of a state highway where it was struck head-on by an approaching vehicle.

The plaintiff was hospitalized and later underwent rehabilitation as a result of her injuries, which included a traumatic brain injury and cervical vertebral fractures.

The defendant driver who caused the collision claimed that the plaintiff had rear-ended the vehicle in front of her, and that she had come to a sudden stop immediately prior to impact. According to plaintiff's counsel, depositions disproved that theory and the defendant offered his available insurance shortly thereafter.

The parties disagreed about whether the oncoming defendant driver had an opportunity to avoid the head-on collision. Plaintiff's counsel developed evidence based on the testimony of an eyewitness that the speed of the oncoming vehicle was well above the posted limit.

The defense countered with evidence to support a claim that the eyewitness was not credible and that the physical evidence, including the lack of skid marks, established that its driver was not speeding and did not have sufficient time to perceive and react.

The defendants also intended to offer expert biomechanical testimony to establish that causation for the majority of the injuries was the result of the initial high-speed rear-end impact.

Plaintiff's counsel intended to rebut that evidence through the testimony of its own biomechanical expert. It also utilized several damage experts and treating physicians to assess the TBI, including a neurologist, a neuropsychologist, a life care planner and an economist.

Multiple expert witness depositions followed lengthy discovery and preceded two mediation sessions, which resulted in a settlement the month before trial was to commence.

Action: Motor vehicle negligence

Injuries alleged: Traumatic brain injury, cervical vertebral fractures

Case name: Withheld

Court/case no.: Withheld

Jury and/or judge: N/A (mediated)

Amount: \$1.6 million

Date: June 2012

Attorneys: Douglas K. Sheff, Donald W. Grady and Stephen J. Chiasson, of Sheff Law Offices, Boston (for the plaintiff)