

Verdicts & Settlements

Crash victim suffers physical, emotional injuries



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\$1.25 million settlement

The plaintiff's vehicle was struck from the rear while she was stopped in traffic, pinning the car up against a bus. The force of the impact caused the plaintiff's head to strike the interior of her vehicle, impacting the right side of her skull and causing facial fractures. She was briefly rendered unconscious.

After the plaintiff was released from the hospital, friends and family members began to notice differences in her demeanor and behavior. Before the accident, she had been energetic and outgoing, but was now quiet, withdrawn and prone to frequent emotional outbursts. The plaintiff's ongoing symptoms included difficulty with attention and concentration, as well as migraine headaches.

Additionally, the plaintiff

sustained a right scapular fracture and multiple rib fractures. She was treated by orthopedic surgeons and was referred for physical therapy for about four months.

Shortly after the accident, the plaintiff also began to suffer panic attacks. She was referred to a psychiatrist who diagnosed her with depression, anxiety and PTSD. She continued to seek treatment for her injuries over the next year but eventually stopped treating all together.

The plaintiff never returned to her pre-accident occupation as a food service industry worker. She also incurred a two-year gap in treatment.

Defense counsel asserted that beyond orthopedic injuries, the plaintiff suffered no other long-lasting injuries due to the accident. Despite the absence of personal or familial history of

anxiety, depression, prior abuse or trauma, the defense insisted that her ongoing cognitive and mental deficits were due to a previously undiagnosed and unrelated stress disorder.

Defense experts, including a neurologist and psychologist, vehemently denied any connection between the collision and the plaintiff's ongoing cognitive and emotional issues, or the diagnosis of PTSD.

When the plaintiff finally resumed treatment with her neurologist, he formed the opinion that she had no organic brain injury, only a psychological one, and bore responsibility by failing to follow through with psychiatric counseling. The neurologist testified against the plaintiff at deposition.

Counsel arranged for the plaintiff to undergo a full battery of neuropsychological

testing, as well as DTI, MRI and QEEG testing. The tests provided objective, corroborative evidence of permanent cognitive deficits and dramatically reduced brain function in the bilateral frontal and temporal regions.

The case settled after two private mediation sessions.

Action: Motor vehicle negligence

Injuries alleged: Multiple fractures, traumatic brain injury, cognitive and emotional deficits

Case name: Withheld

Court/case no.: Withheld

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

Amount: \$1.25 million

Date: January 2017

Attorneys: Douglas K. Sheff, Frank J. Federico Jr., Kelsey A. Raycroft, and Donald R. Grady, Jr. of Sheff Law Offices, Boston (for the plaintiff)