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**MOTOR VEHICLE**


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**18-wheeler crushed car that slowed for construction zone**

MEDIATION	<b>\$350,000</b>
CASE	John & Jane Doe vs. Noname Trucking Company
COURT	Court not specified, TX
NEUTRAL(S)	Mary Burdin
PLAINTIFF ATTORNEY(S)	E. Michael Grossman; Grossman Law Offices, P.C.; Dallas, TX
DEFENSE ATTORNEY(S)	attorney undisclosed

**FACTS & ALLEGATIONS**

On June 5, 2003, husband and wife, plaintiffs, 57, an assembly line worker, and 56, a realtor, respectively, were traveling on I-20 when they entered a construction zone. As they slowed down they were rear ended by an 18-wheeler. The rear portion of the plaintiff's compact car was crushed due to the force of the tractor trailer. Both plaintiffs sustained significant injuries.

The couple sued the driver of the 18-wheeler for negligence and the employer trucking company, asserting the doctrine of respondeat superior. The case went into mediation.

Plaintiff's attorney claimed the truck driver failed to keep a safe distance from the plaintiff's vehicle and that he failed to properly control and adjust his speed before impact.

The defendants did not specifically contest liability, but they did contend that a jury may find that the accident was unavoidable.

**INJURIES/DAMAGES**

*concussion; fracture, leg; fracture, rib; herniated disc, cervical; herniated disc, lumbar; lacerations; skin grafts; torn meniscus; torn rotator cuff*

The plaintiffs were taken to the ER by ambulance. The wife plaintiff sustained an open fracture and laceration to her left leg as well as a concussion, broken ribs and herniated discs in her cervical and lumbar spine. She stayed in the hospital for about a week and underwent a skin graft on the portion of the leg that sustained the laceration. She incurred \$90,000 in past medical expenses.

The husband plaintiff sustained a torn meniscus in his knee, a rotator cuff tear and herniated discs in his lumbar spine. He underwent L3-4 and L5-S1 disc resections. He incurred \$32,000 in past medical bills and sought to recover \$50,000 in future medical expenses for surgery to repair the torn rotator cuff and torn medial meniscus.

Both plaintiffs missed time from work to recover from their injuries. The wife plaintiff, who has yet to return to work, sought about \$45,000 in past lost wages. The husband plaintiff, who missed 7 weeks of work, sought to recover \$7,500 in past lost wages.

The defendants argued that some of the husband plaintiffs past medical treatment was excessive and unnecessary, specifically the chiropractic treatment. The defense also contended that disc herniations are commonplace and that the plaintiff's back and neck conditions were not related to the accident.

**RESULT**

The defendants settled with the plaintiffs for \$350,000.

**EDITOR'S NOTE**

This case was filed in a Texas court, but the court and opposing counsel information were confidential.