

Summary of Cases Reported in Pa. Jury Verdict Review of April 2011

No surprises. There were several very large medical malpractice verdicts in Philadelphia along with several other large verdicts. There were a number of defense and piddling verdicts in motor vehicle cases in Philadelphia.

Two of our attorneys made the issue:

1. Tom Klosinski. Tom defended a client who was involved in an intersectional accident where both drivers claimed the green light. The case was full tort and plaintiff had an admitted past loss of earning claim of \$6,075.00. Plaintiff claimed soft-tissue injuries and lumbar disc bulges as a result of the accident and underwent eight months of physical therapy in addition to two series of injections. Her orthopedic surgeon was Cory Ruth who many of our senior attorneys will remember from his heyday.

Tom's neurological expert testified that the test results did not, in fact, show evidence of disc bulges and that her neck and back condition was degenerative, predating the date of accident. He also noted that two days before the accident, the plaintiff's job duties were modified to accommodate her carpal tunnel syndrome. The jury found the defendant 100% negligent and awarded the plaintiff \$6,075.00, the amount of her loss of earning claim, giving her nothing for pain and suffering or for her back injuries. Reeves v. Torres; Phila. County, Judge Jackson.

2. Jim Blumenthal. These claims by two plaintiffs arose from a rear-end collision. However, plaintiffs claimed that the defendant attempted to pull from behind their vehicle and clipped the rear of their car. Defendant claimed that he was tapped in the rear and when he turned around, his foot came off the brake pedal and he tapped the rear of the plaintiffs' vehicle. The case was full tort; both plaintiffs claimed soft-tissue injuries to their body and both treated for six to seven months with physical therapy and chiropractic treatment. They also both complained of ongoing pain. The passenger claimed \$4,000 in excess medical expenses.

Jim argued that the plaintiffs' medical expert, a family physician, was not aware of the plaintiffs' past medical history of prior neck and back pain when he causally related their symptoms to the subject accident. The jury found that the defendant was negligent, but that the negligence was not a factual cause of injury to either plaintiff. Hendrix v. Robertson, Phila. County, Judge Maier.

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