

XXXXXX vs. STATE FARM MUTUAL INSURANCE CO; 2003 FL
Jury Verdicts Rptr. LEXIS 974

05-2001-CA-010460; FJVR Reference No. 03:02-1

December 5, 2002

Published: February 2003

Topic: Motor Vehicle Accident - Rear-end Collision

Result: \$ 212,500 for Plaintiff. (verdict)

(\$ 35,000 - past medical expenses; \$ 40,000 - past lost wages; \$ 87,500 - future medical expenses [over five years]; \$ 50,000 - future lost wages [over five years]).

Award: \$ 212500

Injury: NATURE OF INJURY: Aggravation of multiple sclerosis (MS); herniated cervical disc; lumbar soft tissue injury. Dr. Weiss stated that this accident either caused or aggravated a latent MS condition and it also caused a herniated disc in Plaintiff's neck. There was a 50% chance that the conditions previously diagnosed as strokes were, in reality, MS attacks. Dr. Sunter opined that the MS relationship to trauma was very controversial and there were people who felt strongly on both sides of the equation. Dr. Hansen opined that Plaintiff's MS may have been aggravated by this accident. Dr. Mancuso stated that Plaintiff did not have a herniated disc in his neck, but merely age-related changes. He also contended that the trauma of the accident was not significant enough to aggravate MS, even if MS could be aggravated by trauma. Dr. Goodin testified that there was no relationship whatsoever between physical trauma and MS and that Plaintiff's prior strokes were incorrectly diagnosed and were in fact MS attacks.

State: Florida

County: Brevard

Court: BREVARD COUNTYBrevard

Judge: William McCluan

Plaintiff Profile

Age: 58

Sex: Male

Occupation: Home Inspector

Plaintiff Counsel

David Gorewitz, Melbourne

Defendant Counsel

XXXXXXXXXXXX

Case Summary

CAUSE OF INJURY: On August 18, 1998, in Palm Bay, Plaintiff's vehicle was rear-ended by a vehicle owned and operated by Brevard County.

Plaintiff Expert(s)

David Gorewitz2

Gary M. Weiss, M.D., Neurology, Palm Bay
Maurice Hansen, M.D., Neurology, Naples
William Sunter, M.D., Neurology, Palm Bay

Defendant Expert(s)

Anthony Mancuso, M.D., Neuroradiology, Univ. of Florida, Gainesville
Jeffrey O'Brien, M.D., Orthopedics, Merritt Island
Douglas Goodin, M.D., Neurology, Univ. of California, San Francisco, CA

Editor's Note

PLAINTIFF'S ATTORNEY'S COMMENTS: The jury found no permanent injury and thus awarded nothing for pain and suffering. Plaintiff settled with Brevard County for \$ 50,000 prior to trial. The uninsured/underinsured motorist policy was \$ 25,000. Defendant allowed a Civil Remedy Notice of Bad Faith to expire well before trial. Plaintiff's Motion for Attorney's Fees pursuant to Plaintiff's Proposal for Settlement is pending. Defendant offered \$ 101; Plaintiff demanded \$ 7,500.

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