

Verdicts & Settlements

Woman suffers traumatic brain injury in auto accident

Social Security declares her disabled as result of accident; case is settled

\$520,000

On Dec. 1, 2009, plaintiff [REDACTED] was injured when the car she was driving was struck from behind by defendant Joslyn Che Petree at a high rate of speed.

[REDACTED] suffered a traumatic brain injury and herniated discs in her neck, necessitating two surgeries and dozens of injections. She endured three years of continuous treatment and also was con-



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finied to a mental hospital on two occasions for depression and anxiety.

Plaintiff was 39 years old at the time of arbitration and had been declared disabled by Social Security as a result of her auto accident-related injuries.

Defendants argued that not all of plaintiff's alleged injuries were related to the auto accident.

At arbitration, plaintiff was awarded \$362,500 for underinsured motorist benefits. The parties also reached a mediation settlement of \$137,500 for first-party personal injury protections benefits, and a \$20,000 settlement for third-party benefits was reached.

Type of action: First- and third-party auto negligence

Type of injuries: Traumatic brain injury, herniated discs, depression, anxiety, permanent scarring

Name of case: [REDACTED] v. Auto Owners Insurance Co., et al.

Court/Case no./Date: Macomb County Circuit Court; 2010-004764-NI; Jan. 19, 2013

Tried before: Mediation, arbitration

Name of judge: John C. Foster

Name of mediator: Jeffrey L. Ver Beek

Settlement amount: \$520,000

Mediation settlement: \$137,500

Arbitration award: \$362,500

Insurance carriers: Auto Owners (first-party defendant); Progressive (third-party defendant)

Attorney for plaintiff: David C. Femminineo

Attorney(s) for defendant: Withheld

Key to winning: Detailed economic loss and pain and suffering analysis