

Liability in three-car collision is disputed

\$75,253 verdict

Published: May 17, 2010

On July 12, 2007, the plaintiff was stopped in traffic on a main road. The vehicle directly behind him was operated by defendant No. 1. The third and last vehicle in the line of traffic was operated by defendant No. 2.

Defendant No. 2 struck defendant No. 1, who collided with the plaintiff. The plaintiff's driver's seat snapped as his vehicle was pushed off the road. He suffered neck and back injuries and was out of work for several weeks due to the collision.

The plaintiff underwent three physical therapy visits and one chiropractic appointment. He sought additional treatment with a neurologist and ultimately received one trigger point injection to the lumbar spine region.

The plaintiff's medical expert opined that the ongoing pain and symptoms resulted in a 9 percent whole-person impairment per AMA guidelines.

No offers were made prior to litigation by either of the two defendants. Both agreed that the plaintiff did nothing to cause or contribute to the collision and blamed each other for the crash.

The plaintiff filed suit, and extensive material and discovery was exchanged between the parties involved. Still, no settlement offers were extended.

A few days before the trial date, defendant No. 2 offered to settle the case for \$20,000. The plaintiff rejected the offer.

After a one-week trial, the jury returned a verdict for the plaintiff, finding no negligence on the part of defendant No. 1.

Type of action: Medical malpractice

Injuries alleged: Neck and back injuries

Name of case: Crow v. Zhevakin, et al.

Court/case no.: Newburyport Superior Court, No. 2007-01981B

Tried before judge or jury: Jury

Name of judge: Mary-Lou Rup

Amount of verdict: \$75,253

Demand: \$100,000

Highest offer: \$20,000

Date: Oct. 23, 2009

Insurance carrier: Encompass Insurance

Most helpful expert: Mark Weiner, MD, Randolph

Attorneys: Kevin J. McCullough and Robert E. Mazow, Mazow/McCullough, Salem (for the plaintiff)

Detailed Information