



## MOTOR VEHICLE

## Sense of taste, smell and hearing lost after wreck

MEDIATION	<b>\$1,450,000</b>
CASE	John Doe and Jane Doe vs. XYZ Trucking Co.
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)	Mike H. Bassett (lead), The Bassett Firm, Dallas, TX. ; Staci Quill Cassidy, The Bassett Firm, Dallas, TX

## FACTS &amp; ALLEGATIONS

In 2005, the plaintiff truck driver, 50s, was driving a tractor trailer down and undisclosed Interstate in Texas. Suddenly another 18-wheeler, traveling the opposite direction, careened across the center median, side-swiped an oncoming tractor trailer and collided head-on with the plaintiffs truck.

Claiming injuries, the plaintiff sued XYZ trucking Co., the employer of the out of control semi truck driver, for negligence.

Plaintiff's attorneys claimed that XYZ's driver failed to control his vehicle, most likely because he had fallen asleep at the wheel. They claimed that XYZ was liable under the doctrine of respondeat superior.

Attorneys for the defense did not specifically contest liability, but they did contend that evidence suggested that the tractor trailer's tire sustained a blow-out, causing the driver to lose control of the truck.

## INJURIES/DAMAGES

*Brain abnormalities; brain, internal bleeding; closed head injury; memory loss*

The plaintiff was taken by ambulance to the hospital, where he remained in an altered and semi-conscious mental state for about a week. He was diagnosed with a closed-head injury. He sustained an acceleration deceleration traumatic injury to the brain that resulted in

contusion to the right side of his temporal lobe and a hemorrhage to his left parietal lobe. According to his medical records the shearing injury to the brain resulted in significant damage to cognitive areas affecting memory, attention, and concentration. He also claimed that he lost his sense of taste, smell, and hearing because of his injuries. He was fitted with hearing aids in both ears. His past medical expenses totaled about \$75,000.

Plaintiff's expert calculated life care plans ranging from \$1.4 million to \$2.8 million. The more expensive plan included the addition of an eight-hour-per-day home health care provider as well as medical costs for treatment of seizure activity, vocational rehabilitation and the potential costs associated with treating food poisoning. Plaintiff's attorneys argued that because of his lost sense of smell, Doe was more susceptible to food poisoning.

Plaintiff claimed that he continues to suffer from a variety of sensory and perceptual deficits, which keep him from being able to perform his duties as a long-haul truck driver. He has not worked since the accident, and plaintiff's attorneys argued that because of his mental deficiencies, he is now only suitable for menial labor. He claimed past lost wages and a future loss of earning of \$393,000.

Because of his sensory loss, the plaintiff claimed an unspecified amount for past and future physical impairment. He also sought to recover an unspecified amount for past and future pain and suffering.

On the basis that the plaintiff's injury was serious, permanent, and disabling, his wife sought to recover an unspecified amount in damages for loss of spousal consortium.

The defense contested the value sought by the plaintiffs for damages.

## RESULT

XYZ settled with the plaintiff before trial for \$1.45 million. Of the settlement amount, \$800,000 will be paid in cash, and the remaining \$650,000 will be placed in a structured settlement.

## PLAINTIFF

EXPERT(S)	Bob Dohmeyer, PhD., economics Frisco, TX Walter Harrell, PhD., ABPP, neuropsychology, Austin, TX
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## DEFENSE

EXPERT(S)	None reported
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