

Cement truck collision aggravates back symptoms

Defense Verdict

Plaintiff halted at a stop sign in front of a working cement truck. Impact was modest, but plaintiff claimed severe, instant back, shoulder and leg pain. He did not request emergency transport. Plaintiff saw over a half dozen doctors, plus chiropractors and accupuncturists

before settling on laminectomy fusion surgery to treat pre-existently spondylolisthesis, which was only partially successful. Defense coargued exaggeration of condition contributory negligence in pulling front of the truck. Trial covered 10 days and the jury was out for two before returning a defense verdict.

[07-T-195]

Type of Action: Personal injury, 13-ton cement truck rear-ended stationary Mercedes at stop sign

Demand: None

Injuries Alleged: Low back and leg pain over four years

Offer: \$25,000

Verdict/Settlement: Defense verdict

Name of Case: Kolan v. Virginia Concrete Co. and Kevin Nichols

Special Damages: Lost Profits from business: \$355,887; lost household services: \$111,016; past wages: \$42,245; medical expenses: \$100,097.52; expenses: \$43,118.15

Court: Fairfax Circuit Court

Case No.: CL - 2006-12585

Experts: Charles M. Citrin, M.D.; Jeffrey Phillips, H. Gray Broughton, Voc. Rehab Expert; Thomas C. Borzilleri, Ph.D., Economist

Verdict Date: Oct. 30, 2007

Tried Before: Jury

Insurer: Harleysville Insurance

Name of Judge: R. Terrence Ney

Defense Attorneys: Joseph F. Cunningham, Ed Trivette, Arlington