

# VIRGINIA LAWYERS WEEKLY

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## VERDICTS & SETTLEMENTS

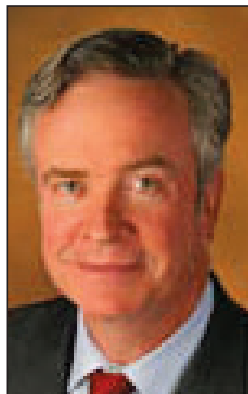
# Asperger's syndrome, liens are factors in traffic case

### \$800,000 Settlement

Defendant's trash truck pulled from a stop sign into the path of plaintiff's vehicle and caused a T-bone crash. Plaintiff suffered from Asperger's syndrome, and the defense contended that he failed to pay full time and attention at the time of the crash.

There were complex issues of Medicare and Medicaid liens that prohibited final settlement of the matter until June 2011. Counsel for plaintiff was assisted in resolving these issues by Garretson Resolution Group (Medicare lien and MSA) and attorney Kelly Thompson of Fairfax, who advised on the creation of a special needs trust. The trust was funded by structured settlement through Paul Brandt of Mesirov Financial.

[11-T-082]



WHITTINGTON



MCCONNELL

**Type of action:** Personal injury – automobile accident

**Injuries alleged:** Fracture to left femoral shaft with subsequent non-union and infection requiring PIC line, hardware removal and additional surgery; fracture to right tibia and fibula surgery; and transverse process fractures at L2,3 & 4

**Name of case:** Confidential

**Court:** Fairfax Circuit Court

**Tried before:** Mediation

**Mediator:** Donald H. Kent

**Date:** Dec. 2, 2010

**Special damages:** 20 percent right leg

permanent partial disability, 30 percent left leg PPD, loss of art school tuition for two semesters, \$207,000 medicals and \$183,000 futures

**Demand:** \$1,000,000 (defendant's policy limits)

**Offer:** \$310,000 (shortly before mediation)

**Verdict or settlement:** Settlement

**Amount:** \$800,000

**Attorneys for plaintiff:** John D. Whittington, Manassas; Matthew McConnell, Springfield

**Plaintiff's expert:** Dr. John A. Bruno, orthopedics