

SECRET WARDLE SUCCESS STORIES

ATTORNEY: Renee T. Townsend, Executive Partner

TYPE OF CASE: 3rd Party Auto Negligence

COURT/CASE #: Oakland County Circuit Court (19-173622-NI)

DATE OF DISPOSITION: November 17, 2023

TRIED/ARGUED BEFORE: Jury

NAME OF JUDGE(S): James Alexander (Visiting Judge)

DEMAND: \$350,000.00

VERDICT/SETTLEMENT AMOUNT: No Cause (\$0 Verdict)

KEYS TO THE CASE: Plaintiff filed a third-party auto negligence claim against Defendant driver and her father, the owner of the vehicle. This was a low-speed 10 mph rear-end accident, and Defendant admitted negligent driving. Plaintiff claimed injuries to his head, neck, back, bilateral shoulders, bilateral knees, bilateral hands/wrists, and bilateral ankles/feet. He also claimed emotional distress in the form of PTSD and depression.

Defendants' position was that Plaintiff did not suffer any injuries in this accident, much less any injury that would rise to the level of serious impairment as required under MCL 500.3035. Defendants were able to obtain directed verdict as to Plaintiff's traumatic brain injury claim, and the remainder of the claims went to a jury. The jury deliberated for less than 30 minutes and returned a verdict of No Cause for Action, finding that Plaintiff had not suffered an injury in the accident.

Defendants focused on Plaintiff's pre-accident medical conditions that were not disclosed to his treating accident doctors, Mendelson Kornblum Orthopedics. On cross-examination, even those infamous doctors had to admit that there was no objective evidence of any injury that they could relate to the accident. Plaintiff had a spinal cord stimulator implanted by Dr. Martin Quiroga, who attended his de bene esse deposition with his own personal attorney.

Ultimately, the jury determined that Plaintiff was not being truthful in his testimony while on the stand, and relied on the findings of Dr. Jennifer Yaek, a biomechanical engineer, who testified that this accident was a minor impact whose force could not have caused the serious injuries claimed. Defendants also presented testimony from Dr. Steven Kalkanis and Dr. Jack Lennox, who the jury found more credible than the treating accident doctors.

Defendants are entitled to and will pursue case evaluation sanctions in this case.

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