

## Verdicts & Settlements

# Out-of-control car hits pedestrian on snowy road

Day-in-life video used as evidence

**\$365,000 settlement**

A 58-year-old woman was struck by an automobile on the afternoon of Jan. 27, 2011.

Because the sidewalk was icy and obstructed by snow banks, the woman was walking along the shoulder of the road when she was hit from behind. The driver, who had lost control of his car, also struck two other vehicles and was cited for operating to endanger, improper passing and unsafe lane change.

The victim sustained multiple fractures to both legs and had a series of orthopedic surgeries and hardware placements. She underwent short-term rehabilitation followed by 12 weeks of physical therapy, both of which were especially difficult due to her permanent right leg weakness, a result of childhood polio.



Jeffrey N. Catalano



Christine R. Thompson

Four months after the accident, she was able to walk with a walker and a cane for short distances. That summer, she returned to work as a full-time librarian.

She continued to make gains with physical therapy, but walking was painful and her gait was slow and unsteady. The medical records of her orthopedic surgeon indicated that she had full range of motion in all joints and no pain or difficulty with the hardware, and that she was ambulating independently with only a slight limp.

Because the records failed to demon-

strate the true extent of her limitations, plaintiff's counsel produced a day-in-life video during negotiations to demonstrate her difficulties doing most basic daily activities, including climbing the stairs to her apartment and walking short distances.

After producing the video, plaintiff's counsel increased its demand by \$115,000 to the eventual settlement amount.

**Action:** Motor vehicle negligence

**Injuries alleged:** Leg fractures

**Case name:** Withheld

**Court/case no.:** Withheld

**Jury and/or judge:** N/A (settled)

**Amount:** \$365,000

**Date:** Nov. 17, 2011

**Attorneys:** Jeffrey N. Catalano and Christine R. Thompson, Todd & Weld, Boston (for the plaintiff)