

MICHIGAN LAWYERS WEEKLY

www.milawyersweekly.com

Vol. 25, No. 8
January 3, 2011



[Verdicts & Settlements]

Unbelted passenger ejected from seat in crash

Comparable negligence
contended by defendants;
case reaches settlement

\$985,000

In a lawsuit filed in Wayne County Probate Court, plaintiff's estate sought compensatory damages from defendant driver and defendant company-vehicle owner following an auto accident.

On Feb. 13, 2009, plaintiff was a rear-seat passenger of a Jeep Cherokee owned by defendant company-vehicle owner, traveling on Sumpter Road in Sumpter Township. Defendant driver ran a red light and struck the Jeep, ejecting plaintiff, who apparently was not wearing a seat belt. Plaintiff suffered a traumatic brain injury, rib and cervical fractures.

Type of action: Auto
negligence-underinsured

Type of injuries: Traumatic
brain injury, rib and cervical
fractures

Name of case: Confidential

Court/Case no./Date: Wayne
County Probate Court;
confidential; Oct. 5, 2010

Name of judge:
June E. Blackwell-Hatcher

Demand: \$1 million

Settlement amount:
\$985,000

Most helpful experts:
Dr. Jennifer E. Doble, physical
medicine & rehabilitation,
Ypsilanti; Barry Grant, CPA,
Southfield

Attorney for plaintiff:
Scott A. Goodwin

Attorney(s) for defendants:
Withheld



GOODWIN

Defendant contended that plaintiff was unemployed and had not worked a job five years prior to the crash. It also was asserted that he was an unbelted rear-seat passenger and, therefore, was comparatively negligent for his injuries. It was contended that plaintiff no longer is

wheelchair bound and can ambulate with the assistance of a walker.

Plaintiff settled with defendant driver for the full \$100,000 insurance policy and with defendant company-vehicle owner's carrier for \$885,000 in underinsured motorist coverage.