

CASE STUDIES

Successful Casualty Trial in Defense of Motor Freight Trucking Company

Casualty Litigation

Client Industry: Transportation

Type of Case: Casualty Litigation

Court: 19th Judicial District Court, East Baton Rouge Parish, Louisiana

Length of jury trial: Nine days

Amount in Dispute: \$50 million requested in opening statements

Result: \$7 million, including \$4 million in admitted economic damages

Our client, a motor freight trucking company, retained the Firm after a motor vehicle accident on Interstate 12 outside of Baton Rouge and ultimately admitted liability for the accident. The injured party was a 22-year-old parts delivery driver who sustained significant orthopedic and spine injuries (six ruptured disks in his cervical, thoracic, and lumbar spine) that would require multiple surgeries, plus suffered a mild traumatic brain injury (TBI or concussion). The Firm's objective was to limit the liability for the serious claim, but the plaintiff claimed that the mild TBI would require lifetime, institutional care and produced a life care plan that placed the future care in the \$15 to \$20 million range. Because the plaintiff's demands remained in the stratosphere, the case had to be tried solely on the issue of damages.

During opening statements, the plaintiff asked for \$50 million for the single-plaintiff award. The nine-day trial featured the testimony of more than 20 experts in the fields of orthopedics, neurosurgery, psychiatry, pain management, neurology, psychology, neuropsychology, radiology, neuroradiology, biomechanics, accident reconstruction, life care planning, vocational rehabilitation, and economics. At the center of the expert dispute was the plaintiff's reliance on diffusion tensor imaging (DTI) that purported to establish the brain damage that could not be diagnosed with the use of standard magnetic resonance imaging (MRI), and the plaintiff's expert was a member of the NFL's concussion research team who tried to apply DTI to an individual diagnosis in this case. While the DTI results were allowed into evidence, it was heavily discredited by a disciplined set of defense experts. In addition, a partial directed verdict was rendered at the close of the plaintiff's case to strike the claim for lifetime institutional care.

In closing arguments, the plaintiff reduced his demand to \$37 million, whereas the defense closing argument delivered a powerful presentation and summary of the case, complete with testimony excerpts and a credibility-building admission to \$4 million in damages for medical and wage claims, while disputing the TBI claims. After almost a day of deliberations, the jury returned a verdict for the admitted \$4 million in economic damages, but only \$3 million in general damages. The verdict represented a rejection of the TBI claims, a low award for the undisputed physical injuries, and a \$30 million savings to the client and its insurers.