

# VIRGINIA LAWYERS WEEKLY

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## Rearend results in \$175K jury award

Plaintiff, a 52-year-old female, was involved in a rear-end accident on Route 28. Liability was admitted at trial. Plaintiff's injuries were four herniated discs at C5-C6; L3-4, L4-5 and L5-S1. The cervical herniation was discovered within weeks after the accident. The lumbar herniations were discovered over a year after the accident. Both of the plaintiff's experts related these herniated discs to the auto accident.

Defense expert Donald G. Hope, M.D., a neurosurgeon, testified that the plaintiff had only suffered minor cervical and lumbar sprain/strain from the accident and further noted that plaintiff's current symptoms were due to pre-existing cervical and lumbar disc disease. Dr. Hope further testified that the plaintiff had a gap in treatment of almost one year after physical therapy and had not complained of neck or back pain during this gap.

**Type of Action:** Automobile accident/ personal injury

**Injuries Alleged:** Four herniated discs

**Name of Case:** Thomas v. Kuperberg

**Court:** Fairfax Co. Circuit Court

**Case No.:** Law #: 2006-2077

**Tried Before:** Jury

**Name of Judge:** Arthur Vieregg

**Special Damages:** \$24,000 in medicals; \$6,000 lost wages

**Verdict/Settlement:** Verdict

**Amount:** \$175,000

**Verdict Date:** 02/21/07

**Demand:** \$60,000

**Offer:** \$40,000

**Experts:** Nita Mohanty, MD, Alexandria; Dennis A. Carlini, MD, Waldorf, Md.

Insurer: Progressive (defendant); GEICO (UIM coverage)

**Plaintiff's Attorneys:** Edward L. Weiner and Lawson D. Spivey III, Fairfax  
[07-T-028]