



JAS MA Ref. No. 96100WL

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Superior Court of Massachusetts

BIRD v. LOTT TRUCKING

99-297

DATE OF VERDICT/SETTLEMENT: February 14, 2001

TOPIC: MOTOR VEHICLE AUTO ACCIDENT - LANE CHANGE - VEHICLE STRIKES GUARDRAIL

SUMMARY:

Result: Verdict: \$19,848 less \$5,200 collateral source reduction for a net verdict of \$14,648 plus interest and costs for a total judgment of \$17,564.

EXPERT WITNESSES:

Plaintiff's: Ronald Piazza, D.C. - Chiropractor - Pittsfield MA

Defendant's: Steven Silver, M.D. - Orthopedist - Springfield MA

ATTORNEY:

Plaintiff's: Withheld upon request of counsel

Defendant's: **John B. Stewart**, Springfield

JUDGE: Thomas J. Curley, Jr.

RANGE AMOUNT: \$1-49,999

STATE: Massachusetts

COUNTY: Berkshire County, MA

ALLEGED INJURY: Primary injuries consisted of three bulging cervical (neck) discs, soft tissue back strain and chondromalacia of knee. Secondary injuries included a mild concussion. Plaintiff underwent chiropractic treatment, orthopedic care and physical therapy and was assessed a 20% permanent partial disability of the knee. She claimed \$9,300 in medical specials and \$1,700 in lost wages.

SUMMARY:

Plaintiff Information:

Age: 25

Sex: F

Occupation: Restaurant worker

Insurance Carrier: Utica National

Settlement Efforts:

Last Demand: \$100,000

Last Offer: None

FACTS:

Plaintiff and defendant were operating their respective vehicles in the same

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direction on the Massachusetts Turnpike. Defendant, who was driving a tractor-trailer, attempted to change lanes and struck plaintiff's vehicle. Plaintiff's vehicle then struck the guardrail and spun out of control. The vehicle was declared a total loss. Liability was not seriously disputed.

Plaintiff alleged that she suffered significant injuries which required chiropractic treatment as a direct result of this accident.

Defendant contended that plaintiff was not injured to the extent claimed and her treatment was excessive.

EDITOR'S NOTE:

Defendant did not appear at trial. Case is closed.

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