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Superior Court of Massachusetts
JENNIFER A. MARTIN v. NORMA M. MCKENNA
04-116

DATE OF VERDICT/SETTLEMENT: June 8, 2005

TOPIC: MOTOR VEHICLE AUTO ACCIDENT - REAR-END - TRAFFIC LIGHT - DEFENSE VERDICT

SUMMARY:

Result: Verdict: Defense verdict

ATTORNEY:

Plaintiff's: John C. Bryson Jr., Chicopee
Defendant's: John B. Stewart, Springfield

JUDGE: C. Brian McDonald

RANGE AMOUNT: \$0
STATE: Massachusetts

COUNTY: Hampden County, MA

ALLEGED INJURY: Concussion, bulging cervical discs and herniated discs in back resulting in a 15% permanent impairment. Plaintiff underwent physical therapy and chiropractic treatment, as well as EMG, nerve conduct and MRI studies. She was also treated for depression. Plaintiff claimed medical expenses of \$18,000 and \$420/week for lost wages.

SUMMARY:

Plaintiff Information:

Age: 26
Sex: F

Jury Deliberations: 2 hours

FACTS:

A Hampden County jury deliberated for 2 hours before returning a defense verdict on a motorist's claim for injuries following a rear-end collision.

Plaintiff Jennifer Martin and Defendant Norma McKenna were operating their respective vehicles on the same road and in the same direction. Plaintiff came to a stop at a traffic light and was rear-ended by defendant's vehicle. Defendant's speed at the time of the accident was 45 mph. Plaintiff claimed the force of the impact pushed her car 35 feet into the intersection. Her vehicle sustained \$3,000 in property damage.

Plaintiff alleged herniated and bulging discs, a concussion and depression as a direct result of this accident. She was assigned a 15% permanent impairment.

Defendant disputed causation, noting that plaintiff was involved in two prior serious motor vehicle accidents. Defendant also noted that plaintiff sustained a back injury at work in 1994 and a disc herniation in a fall in 2004 which rendered her unable to work due to the pain. Defendant further claimed that plaintiff's treatment and medical expenses were unreasonable.

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This case was first tried in District Court, which resulted in a plaintiff's award of \$30,000. Defendant appealed that judgment to the Superior Court for this jury trial.

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Superior Court

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