



Million-Dollar VERDICTS & SETTLEMENTS 2014



ARBITRATIONS

3

\$2,657,952

Attendant care benefits lawsuit is arbitrated

In a 2001 automobile/pedestrian accident, plaintiff suffered a diffuse brain injury and a spinal cord injury, which rendered him a high-level quadriplegic. Attendant care benefits had been litigated three times previously with multiple different jury awards and multiple appeals to the Michigan Court of Appeals and the 6th U.S. Circuit Court of Appeals.

This case represented the fourth lawsuit between the parties concerning attendant care benefits. Judge Davis M. Lawson said the case had the potential of being relitigated for the rest of plaintiff's life.

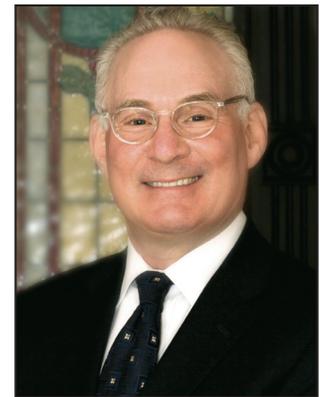
Accordingly, the parties agreed to an eight-year contract for future attendant care benefits at a rate that would be determined by an arbitration panel, with the specific understanding that all other no-fault benefits are preserved. Additionally, defendant Allstate Insurance Co. would have to bring up prior payments for attendant care pending in this litigation to the rate established by the arbitrators.

The arbitration panel determined an hourly rate of \$32 per hour for 24 hours per day. The value of the arbitration award through the eight years of the agreement is \$2,657,952.

Nicholas S. Andrews, co-counsel for plaintiff, provided case information.



ANDREWS



LISS

Type of action: No-fault insurance benefits

Type of injuries: Quadriplegia, traumatic brain injury

Name of case: *Bonkowski v. Allstate Insurance Co.*

Court/Case no./Date: U.S. District Court, Eastern District of Michigan; 11-CV-10199; April 25, 2014

Tried before: Arbitration

Name of judge: David M. Lawson

Demand: \$38 per hour for 24 hours per day

Highest offer: \$19 per hour but for less than 24 hours per day

Arbitration award: \$2,657,952

Special damages: Future attendant care benefits by agreement of the parties for a period of eight years

Most helpful expert: Dr. Owen Perlman, physical medicine and rehabilitation, Ypsilanti

Insurance carrier: Allstate

Attorney for plaintiff: Nicholas S. Andrews, Arthur Y. Liss

Attorney for defendant: Donald C. Brownell