



Million-Dollar VERDICTS & SETTLEMENTS 2014



SETTLEMENTS

27

\$1,928,509

Insured disputed decision to cut off attendant care

Plaintiff's ward, Alfonzo Moton, was severely injured in a 2005 automobile accident. He suffered from severe cognitive and emotional deficits from a traumatic brain injury sustained in the accident.

This was his second lawsuit against defendant Citizens Insurance Co. Before this lawsuit was filed, defendant had been paying attendant care benefits at a rate that had been satisfactory to plaintiff, but cut off benefits claiming that plaintiff had not supplied reasonable proof of loss.

Plaintiff struck defendant's discovery objection successfully and obtained an order directing the production of discovery including the depositions of high-ranking corporate management because of failure to appropriately conduct discovery.

The \$1,928,509 settlement was for attendant care benefits only and represents a contract between the parties covering attendant care benefits for the next 5½ years. The amount of the settlement was considerably higher than what the insurance company had paid prior to the cutoff of attendant care benefits.

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



ANDREWS



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Type of action: No-fault attendant care benefits

Type of injuries: Traumatic brain injury

Name of case: *Smith v. Citizens Insurance Co.*

Court/Case no./Date: Oakland County Circuit Court; 14-139310-NF; Oct. 17, 2014

Name of judge: Phillis C. McMillen

Settlement amount: \$1,928,509

Insurance carrier: Citizens

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

Attorney for defendant: Donald C. Brownell