

Settlement reached over attendant care before second trial

Plaintiff suffered brain injury in 2011 crash

By: Michigan Lawyers Weekly Staff ■ in Verdicts & Settlements ○ March 26, 2019

Plaintiff suffered a severe traumatic brain injury in a 2011 automobile accident. His treating doctors prescribed 24-hour attendant care. His insurance company would only compensate for aide-level care despite the complexity of the care provided by his mother, a registered nurse and also despite the prescription for attendant care by a treating physician at a behavioral technician level.

The case was initially tried in 2014. Although the verdict was favorable to plaintiff, the amount was less than demanded and, because of irregularities with the jury instructions, plaintiff appealed.

The Court of Appeals found the trial court should have instructed the jury on agency rates, especially in light of the mother's testimony regarding her expenses, and the case was returned to circuit court for a new trial. In the interim, plaintiff had filed a second lawsuit. When the first lawsuit was returned from the Court of Appeals, the cases were consolidated for trial. The case settled shortly before the second trial.

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

Type of action: Automobile no-fault

Injuries alleged: Traumatic brain injury requiring attendant care services

Name of case: Confidential

Date: Nov. 23, 2018

Settlement amount: \$2,225,000

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

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