

Rear end Collision Causes Spine Injury and Chronic Pain

Trucking Company and Driver Agree to \$350,000 Settlement

On Sunday, November 12, 2006, Mary Smith and her fiancé, George Thomas, (not their real names) had just finished another long weekend refurbishing and remodeling their vacation home in Mayo, Florida, a small town in the northwest part of Florida. They packed up their supplies and tools, loaded everything into their van and a utility trailer that they towed behind the van, and headed south to their home in Palm Beach County. As they approached a toll booth to enter the Florida Turnpike, they came to a stop behind a line of cars. Suddenly, a semi-tractor-trailer slammed into the back of their trailer, smashing it into their van. The trailer, trailer hitch, and rear frame of the van were all damaged.

The Florida Highway Patrol was notified and conducted an investigation, documenting the accident. It was clear that the driver of the truck, owned by a construction company, was at fault for being inattentive and not stopping in time to avoid hitting Mary and George. There did not appear to be any serious injury to the truck driver, Mary, or George, and emergency medical treatment was deemed not necessary at the scene of the accident.

Before the accident, Mary was a healthy, active, and vigorous woman, full of stamina for work and other activities in her life. For several days following the

accident, Mary was unable to ignore the severe pain she was now experiencing. She went to her primary care doctor for treatment, and was referred to an orthopedic surgeon. She was also referred to an anesthesiologist for pain management. Despite all of the conservative treatments, Mary continued to suffer for the next several months from chronic pain so severe that it was debilitating. Her physicians eventually conferred again and recommended neck and lower back surgery. She underwent a discectomy and fusion of the vertebrae in her cervical spine, and a subsequent surgery to repair a lumbar spine injury. While noting some improvement in her symptoms, she still required the use of strictly controlled narcotic medication in order to handle her employment duties and other daily activities.

A short time after the accident, Mary consulted with an attorney about filing an action against the truck driver and the truck's owner. The defendants refused to accept that the collision was the cause of Mary's injuries, arguing that the collision was not of sufficient force to cause her claimed injuries. They argued further that her chronic pain and surgical needs were due to a degenerative spine condition. Eventually, on a recommendation from her first attorney, Mary contacted SDSBS attorney **Greg Barnhart** and requested his representation for her claim. The original suit was voluntarily dismissed and re-filed in Palm Beach County where the defendant truck owner was based.

For several months, Mr. Barnhart and his team conducted extensive discovery efforts in preparation for trial. Approximately three weeks prior to trial, a settlement of \$350,000 was reached as a result of mediation. ♦



Chris Searcy



Earl Denney



Jack Scarola



Greg Barnhart



John Shipley



Jim Gustafson



Darryl Lewis



Bill Norton



Chris Speed



Karen Terry



Sia Baker-Barnes



Jack Hill



Ten SDSBS attorneys recognized by peers as '2011 Super Lawyers,' and two more as 'Rising Stars'

In June 2011, *Super Lawyers* magazine announced the selection of outstanding lawyers in each state who have attained a high degree of peer recognition and professional achievement within their areas of practice. The 2011 Florida *Super Lawyers* edition recognized SDSBS attorneys **Chris Searcy**, **Earl Denney**, **Jack Scarola**, **Greg Barnhart**, **John Shipley**, **Jim Gustafson**, **Darryl Lewis**, **Bill Norton**, **Chris Speed**, and **Karen Terry**. Florida *Super Lawyers* also selected the "Florida Rising Stars 2011." Included in this list were SDSBS attorneys **Sia Baker-Barnes** and **Jack Hill**. "Rising Stars" lists outstanding lawyers who are 40 years of age or younger or who have been practicing for 10 years or less. ♦