

# NORTH CAROLINA LAWYERS WEEKLY

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From the November 24, 2008 North Carolina Lawyers Weekly.

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## Verdicts & Settlements

### Settlement reached for 94-year-old hurt in car wreck

The plaintiff, age 94, was struck in the intersection of Amelia Church Road and Highway 42 in Johnston County by the defendant, a Navy recruiter.

The defendant was driving his vehicle within the course and scope of his employment with the United States of America, the plaintiff alleged.

The plaintiff was driving her 1970 Volkswagen Beetle, which she had purchased new and kept in mint condition.

The plaintiff, who at the time lived on her own and routinely drove her car around town, claimed that the defendant ran a red light and caused the collision. The defendant claimed that the plaintiff ran a red light and was contributorily negligent.

An independent witness verified the plaintiff's version of the accident.

At the time of the collision, the plaintiff had been driving for more than 60 years and had never received a traffic citation or been involved in a motor vehicle accident.

She was in excellent health and very independent. She cut her own lawn and drove herself to the grocery store, library and church.

Before she retained counsel, the plaintiff had been seen and treated by various ophthalmologists all of whom were unable to correct her vision.

Counsel referred the plaintiff to a doctor at the Duke Eye Center, where the plaintiff had eye surgery that corrected her double vision.

After a long recovery period, the plaintiff's fractures healed but her injuries remained painful and left her less able to function without assistance.

**Type of action:** Personal injury Federal Tort Claim Act

**Injuries alleged:** Left femur fracture, left knee fracture, right foot fracture, multiple rib fractures, multiple right ankle fractures, multiple broken ribs, a collapsed lung and an eye injury causing double vision

**Case name:** *Myers v. United States of America*

**Court:** U.S. District Court for the Eastern District of North Carolina (Western Division)

**Case number:** 5:07-CV-304-BR

**Verdict or settlement:** Settlement

**Settlement date:** Feb. 14, 2008

**Amount:** \$450,000 (\$427,652 to plaintiff; \$22,347 to Medicare for lien)

**Special damages:** \$22,347 (Medicare lien)

**Insurance carrier:** United States

**Plaintiff's attorneys:** Howard Twiggs, Don Beskind and Don Strickland of Twiggs, Beskind, Strickland & Rabenau (Raleigh)

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