

# VIRGINIA LAWYERS WEEKLY

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## VERDICTS & SETTLEMENTS

# Defendant admitted liability in I-95 rear-ender

### \$311,000 Verdict

The defendant admitted liability for this January 2012 rear-end collision in rush hour traffic on Interstate 95 in Fairfax County. Cars had slowed to a stop when the defendant hit the plaintiff's vehicle at 50 miles per hour, setting off a chain reaction collision that injured several other individuals.

The plaintiff, a 54-year-old telephone systems installer, was on his way to perform an installation when he was struck. Immediately after the accident, he was transported to Inova Fairfax Hospital with chest, shoulder and knee pain, and multiple head lacerations. He was seen and released that day. His major injury was a torn right shoulder rotator cuff, which eventually required sur-



GLASS



ABRENIO

gery. He has residual facial scarring from his lacerations.

Plaintiff's work required that he be able to lift 40 to 60 pounds overhead. He made approximately \$127,000 per year, and was out of work for six months. At that point, his employer fired him (and others), but he was able to become reemployed in his profession, albeit at a slightly low-

er wage, shortly thereafter. Lost wages claimed were \$60,000 plus the loss of a \$5,000 employer matching to his 401K retirement fund. Medical bills were approximately \$43,000. The defendant admitted liability and presented no evidence.

Plaintiff's expert was Fredericksburg orthopedic surgeon Michael O'Brien, who appeared live at trial. Plaintiff's counsel argued for distinct amounts of damages per *Wakole v. Barber* and asked the jury to return a verdict of \$611,000. The trial started at 10:00 a.m. Final argument started at 12:15 p.m., and the jury deliberated and ate lunch before announcing its verdict at 2:00 p.m. There were no objections made to any issue or question at trial. [14-T-160]

**Type of action:** Personal injury - auto accident

**Injuries alleged:** Torn rotator cuff, lacerations

**Name of case:** Maliksi v. Lafond

**Court:** Fairfax County Circuit Court

**Case no:** CL 2013-17900

**Judge:** Charles Maxfield

**Date resolved:** Oct. 27, 2014

**Last demand:** \$250,000

**Last offer:** \$225,000 (before closing argument)

**Verdict or settlement:** Verdict

**Amount:** \$311,000

**Attorneys for plaintiff:** Benjamin W. Glass III and James Abrenio, Fairfax

**Attorney for defendant:** Brian Snyder, Fairfax

**Insurance carrier:** Zurich