

## Automotive Liability – Penobscot Superior Court

### SERVICES

Transportation Law

### RELATED ATTORNEYS

Michael P. Johnson

Nicholas B. Kosiavelon

**March 26, 2020**

Boyle | Shaughnessy Law attorney Pawel Z. Binczyk recently received a defense verdict in an automotive liability case where a plaintiff alleged severe and lasting back injuries that resulted in two lumbar fusion surgeries. The case was tried in Penobscot Superior Court in Bangor, Maine.

The plaintiff was a passenger in the rear living area of a camper van when the defendant struck the vehicle while attempting to pass it, resulting in minor damage to both vehicles. The plaintiff claimed that she was thrown onto her back during this collision, and suffered an aggravation of pre-existing back injuries. The plaintiff engaged in a series of treatments for her back, including pain mitigation, physical therapy, chiropractic treatments, and steroid injections, ultimately culminating in two lumbar fusion surgeries four years after the collision.

Through aggressive pre-trial motions, the plaintiff was limited in her use of expert testimony to bolster her claims. During cross-examination at trial, the plaintiff testified inconsistently with her medical reports, the police report, and prior deposition testimony. Despite the defendant admitting to liability, Attorney Binczyk was able to show that the objective medical evidence did not support the plaintiff's claimed damages, which were in excess of \$100,000. The jury deliberated for less than two hours before returning a unanimous defense verdict, finding that the defendant's negligence did not cause the plaintiff's injuries.

Boyle | Shaughnessy Law Shareholder [Michael Johnson](#) assisted in preparing this case for trial.