

Motor Vehicle Accident – Surgery Not Related To Accident

SERVICES

Transportation Law

RELATED ATTORNEYS

Scott M. Carroll

January 8, 2021

In Plymouth Superior Court, Shareholders Scott Carroll and John Tilley recently obtained a defense verdict in a case where liability for a motor vehicle accident was admitted prior to trial. At trial, the primary dispute was whether the rear-end accident caused the plaintiff to sustain the injuries that necessitated cervical and lumbar surgeries. Plaintiff's demand prior to trial was for the policy limits.

Prior to trial, evidence was developed to support to the defense that the surgeries were not related to the accident. Thereafter, at trial, this evidence was utilized to cross-examine and impeach the plaintiff's treating neurologist who was called to support the claim that the plaintiff's surgeries were causally related the accident. In addition, the Court allowed the defendants' motion excluding the plaintiff from calling her vocational expert to support her diminished earnings capacity claim.

After a three week trial jury returned a defense verdict on all counts.