

Underinsured Motorist – Favorable Verdict

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Boyle | Shaughnessy Law attorneys Jonathan P. Killeen and Quinn E. Kelley recently obtained a favorable verdict in a underinsured motorist (UIM) case pending in Grafton County Superior Court, following a six-day jury trial. The Plaintiff alleged that she sustained severe and permanent injuries, including a three-level cervical fusion that prevented her from working, arising from a motor vehicle accident. In particular, the Plaintiff claimed medical bills in excess of \$100,000 related to surgeries and treatment, in addition to more than \$700,000 in lost earning capacity. After settling with the at-fault motorist, the Plaintiff sued her insurance carrier seeking UIM benefits. The Plaintiff's husband, and Co-Plaintiff, also sought damages for loss of consortium due to his wife's injuries.

Prior to trial, the Defendant-insurer—stepping in to the shoes of the at-fault driver—admitted liability and that the Plaintiff sustained some measure of damages in the accident. However, the Defendant contested the nature and extent of the Plaintiff's claimed injuries. In support of this defense, Attorney Killeen and Attorney Kelley effectively utilized complex medical evidence and, through cross-examination of both the Plaintiffs and their experts, challenged the Plaintiffs' claims by highlighting various inconsistencies in their testimony.

During closing arguments, the Plaintiffs' attorneys asked the jury to award the Plaintiffs \$4,000,000. However, due to Attorney Killeen's and Attorney Kelley's effective defense strategy, the jury returned a verdict of \$0 to the husband and \$175,000 to the injured Plaintiff, which was reduced by the UIM policy's offset provisions to \$75,000.