



PENNSYLVANIA  
**JURY VERDICT**  
REVIEW & ANALYSIS®

May 2010 issue

**\$2,500,000 RECOVERY – MOTOR VEHICLE NEGLIGENCE – REAR END COLLISION BY TRACTOR-TRAILER – EXTRACTION FROM VEHICLE REQUIRED – SPINAL CORD INJURY – TEMPORARY PARALYSIS – SURGERY REQUIRED – PERMANENT NEUROLOGICAL INJURIES – INABILITY TO RETURN TO EMPLOYMENT AS SPECIAL NEEDS CARE PROVIDER.**

**Philadelphia County, PA**

This motor vehicle negligence action arose from a collision on Interstate Route 95 in Philadelphia on June 26, 2008. On that date the plaintiff's vehicle was struck from behind by the defendant's tractor-trailer after the plaintiff struck an obstacle on the highway and slowed his vehicle to approximately five mph. The defense argued that the defendant's truck driver could not avoid the accident when he was faced with a sudden emergency caused by the plaintiff's contact with the road debris. The defense also contended that the plaintiff was comparatively negligent for failing to avoid the object and failing to pull his car to the shoulder of the road after he struck it.

The plaintiff was a 54-year-old man at the time of the rear end accident which occurred in the southbound lanes of Interstate 95 after the plaintiff's vehicle contacted a metal object on the roadway. Evidence showed that another vehicle had apparently struck the same object, shortly before the plaintiff struck it. The object, which was not definitively identified, was described as appearing to be an engine alternator or wheel locking boot.

As a consequence of striking the object, the plaintiff slowed his car to approximately five mph. He testified that he heard an unusual noise coming from his car, there was damage to one of his tires and his vehicle was not operating properly after the initial impact with the road debris. The plaintiff's vehicle was then struck from behind by the defendant's tractor-trailer.

Following the rear end collision, the plaintiff reported difficulty breathing and moving his arms and legs. He required extraction from his severely crushed vehicle with the Jaws of Life. The plaintiff was then transported by ambulance to Thomas Jefferson University Hospital for emergency spinal surgery. He was essentially paralyzed due to spinal cord compression and a cervical fusion with instrumentation was performed.

The plaintiff's doctors indicated that the plaintiff exhibited preexisting symptomatic spinal stenosis. However, the accident caused additional spinal cord

and neurologic injury on top of his underlying spinal stenosis and resulted in permanent neurological defects, according to the plaintiff's physicians. Ultimately, through intense and painful rehabilitation, the plaintiff regained full use of his upper and lower extremities and is able to walk. The plaintiff complained of residual weakness and numbness of the extremities on his left side.

The plaintiff claimed that, as a result of his accident-related injuries, he has not been able to return to his employment as a care provider for individuals with special needs. He also contended that he is unable to play soccer, run or exercise as he did before the accident. The plaintiff is married with an adult son and minor daughter. He was also attending nursing school at night and had completed the academic requirements for his nursing degree at the time of the collision. The plaintiff claimed that he was unable to complete the clinical portion of his nursing education and, therefore, was unable to obtain his nursing degree.

The defense contended that the truck driver could not avoid the collision after the plaintiff drastically reduced his speed on the highway. The defense maintained that the plaintiff should have seen and avoided the object in the road and stressed that the first car, which apparently struck the same object, was able to safely pull his car to the shoulder of the road.

The defendant also argued that the plaintiff had been diagnosed with cervical stenosis before the date of the accident and his doctor had previously recommended surgery. The plaintiff's doctor also documented his warning to the plaintiff that, because of his preexisting spinal stenosis, significant trauma could cause paralysis.

The case was settled prior to trial for \$2,500,000.

**REFERENCE**

Ofei vs. Defendant. 06-26-10.

**Attorney for plaintiff: Joseph L. Messa, Jr. of Messa & Associates, P.C. in Philadelphia, PA.**

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