

EXPERT MEDICAL TESTIMONY RESULTS IN \$1 MILLION SETTLEMENT

88-year-old drove car through office window, pinning victim.

On the afternoon of September 17, 2001, Chandra Hemraj, accompanied by her 4½-year-old grandson, Anil Barran, drove to the Sand and Sea Travel Agency in Boynton Beach, Florida. Mrs. Hemraj was planning to book a fall cruise for herself and her husband, Nerahoo. The travel agency is located in a shopping plaza that includes a large parking lot for the customers of the plaza's stores and offices. It was a busy afternoon at the travel agency, and it was necessary for Mrs. Hemraj to wait for the next available sales associate. She and Anil took seats just inside the entrance. Suddenly there was a loud crash and Mrs. Hemraj was violently thrown to the floor. The crash was the last thing she heard until she regained consciousness at the Delray Medical Center. Miraculously, Anil was not injured in the accident, and was treated and released from the hospital. Mrs. Hemraj was not as fortunate.

The driver of the car that had crashed into the travel agency was 88-year-old Eleonora Koski. Mrs. Koski had driven to the same shopping plaza for a dental appointment. As she drove through the parking lot searching for a parking space near her dentist's office, she approached a clearly displayed stop sign. According to an eyewitness, instead of slowing to a stop, Mrs. Koski suddenly accelerated her vehicle and crashed through the wall and glass window, into the travel agency. Mrs. Hemraj and Anil were struck from behind, knocked to the floor and pinned underneath Mrs. Koski's vehicle. Alan Rosen, president of Sand and Sea Travel, had been seated at his desk when the accident happened. "The sound of the crash was so loud and severe that I thought it was a bombing similar to the 9-11 attack in New York," he commented. Mr. Rosen ran to the front of his office and saw Mrs. Koski's vehicle completely inside their offices, with its engine still running. He then saw Mrs. Hemraj and Anil pinned underneath the vehicle, surrounded by broken glass, twisted metal, and shattered concrete. He thought they had been killed. Travel agency employees immediately called the Palm Beach County Police and Fire Rescue for help. Fire Rescue crews had to raise the vehicle onto blocks in order to remove the victims.



Nerahoo and Chandra Hemraj

Mrs. Hemraj and Anil were taken to the medical center where she was admitted and Anil was released after examination. The initial diagnosis on Mrs. Hemraj revealed a crush injury and a severe burn to her lower left leg. Because of her severe pain and discomfort with even the slightest movement, she remained in the hospital for four days.

Upon release from the hospital, Mrs. Hemraj and her husband sought representation by SDSBS attorneys Chris Searcy and Rosalyn Sia Baker-Barnes. Liability for the crash was clear. Nonetheless, Mrs. Koski's insurer, relying on Mrs. Hemraj's initial medical records, insisted that her injuries were superficial. For almost three years, Mrs. Hemraj consulted with numerous physicians in the area, each of whom had difficulty in diagnosing the exact nature and extent of her injuries. Mr. Searcy and Ms. Baker-Barnes worked closely with Mrs. Hemraj's treating physicians. Finally, a consulting orthopedic physician ordered MRI studies of Mrs. Hemraj's shoulders. These studies revealed that she had suffered extensive rotator cuff tears in both shoulders, and the injuries were directly related to the accident. It was necessary for Mrs. Hemraj to undergo bilateral surgical procedures in order to obtain relief from her pain. The studies also revealed that she had suffered a nerve injury ***(Continued on next page.)***

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to her leg, where the weight of the vehicle had caused a crush injury. Her physicians believe this injury will require a third surgical procedure in order to obtain relief for Mrs. Hemraj. Mr. Searcy and Ms. Baker-Barnes filed suit against Mrs. Koski to recover damages caused by the accident. However, because three years had passed before doctors discovered the nature and severity of her injuries, Mrs. Koski's insurer challenged the causation of Mrs. Hemraj's injuries. With the help of expert medical testimony, her attorneys were able to establish that the severe and permanent injuries suffered by Mrs. Hemraj were indeed a result of the crash. Finally, during mediation on the eve of trial, the matter was settled for \$1,050,000. The settlement will provide Mr. and Mrs. Hemraj the much needed funds for her continued medical treatment and care. ■



**Over \$1 Million
Settlement**

**CAUSE OF CRASH INJURIES
PROVED AFTER
THREE YEARS**