

## Victims of uninsured motorist's car crash reached settlement with their own insurance company

### Uninsured defendant's SUV rear-ended plaintiffs' car, resulting in years of pain, therapy, and other medical expenses

In July 2014, Ann and Charles Brown (not their real names) were driving north on Royal Palm Beach Boulevard in West Palm Beach, Florida. Charles was driving and his wife Ann sat in the passenger seat. They had attended the funeral of a friend's son and were now traveling as the last car in a funeral procession heading toward the cemetery. As the procession came to a stop, waiting to make a left turn, they were violently struck in the rear by an SUV driven by Dan Evans (not his real name), an uninsured motorist. A witness to the accident later said that the SUV hit the Browns' car so hard that it was lifted off the ground, slamming back down again. Damage to the Browns' vehicle was later determined to be over \$2,200.

Immediately after the crash, Ann went to her primary care physician. She was already experiencing headaches, neck pain, and back pain. She was unable to fully flex her cervical spine due to pain. On a second visit several days later, the doctor assessed herniation in the lumbar spine, somatic dysfunction in the cervical and lumbar regions, and other damage to Ann's back. A follow-up MRI impression revealed a C5-6 herniation, C6-7 herniation, and L5-S1 herniation with annular tear.

Ann began physical therapy right away. She reported, however, that not only was she having difficulty with work activities but she had problems with daily living activities – grooming, dressing, standing or walking, and driving or riding in a car. She was also having difficulty sleeping because

of the pain. She continued physical therapy and visits to her doctors. Eventually she visited a pain management clinic and after a consultation was treated with epidural injections. The injections provided no relief, and months later she underwent surgery for a decompression and discectomy at the injured areas of her spine. Surgery confirmed the herniations but brought no relief from pain. She was given additional injections with no improvement. The surgeon then advised her that she was a candidate for revision surgery.

Reluctant to endure further surgery that would not likely provide relief, she tried other conservative measures including laser therapy. Nothing relieved the pain. For the next three years she suffered constant pain and a drastic change in life. It interfered with her appetite, self-care, usual levels of activity, sexual activity, sports, and sleeping. Ann is a registered nurse and works full time as a research coordinator. She has to work every day in pain. The Browns finally contacted SDSBS attorney **Brian Denney** and asked for his help in finding a resolution to the mounting medical expenses and continuing personal damages they were suffering.

Mr. Evans, the uninsured motorist who had crashed into the Browns, had passed away some time after the accident due to unrelated reasons. The Browns had fortunately purchased uninsured/underinsured motorist policies from their insurance company. Mr. Denney filed a proposal for settlement with the insurance company, but the company offered only a minimal pre-suit amount. Just before the date of trial, the insurance company agreed to a settlement for all of the policy limits. ♦



**SDSBS staff wears pink as part of "The Pink Shirt Day - An International Day for Anti-Bullying Awareness" hosted by the Literacy Coalition of Palm Beach County**

In February 2018, SDSBS staff participated in "The Pink Shirt Day – An International Day for Anti-Bullying Awareness." The event was hosted by the Literacy Coalition of Palm Beach County, Florida. Everyone wore pink to highlight the event's goals. The mission of the organization is to improve the quality of life in the community by promoting and achieving literacy, ensuring that every child and adult in Palm Beach County can read. ♦