

Inattentive van driver crashes into sedan destroying both vehicles and permanently injuring victim

On an early morning in January 2024, Gary Gilbert (not his real name) was driving through the town of Palm Beach Gardens, Florida. As he proceeded through a busy intersection, a commercial van ran through a red light and crashed into Mr. Gilbert, t-boning his sedan directly at the driver's door. The van was owned by a local air conditioning company and driven by one of its employees heading to a job site. The van driver ran the red light because he was busy looking at his computer to find a GPS address. Fortunately, Mr. Gilbert was seat-belted and his airbags deployed. The car and van were severely damaged and both had to be towed from the scene.

The following day, Mr. Gilbert, age 55, was suffering from dizziness, vomiting, severe headaches, and neck pain. He was taken to the emergency room of the local hospital. Upon examination, he was diagnosed with a concussion from blunt head trauma. He followed the emergency room treatment with visits to an orthopedic surgeon. The neck pain had radiated into his left upper arm and shoulder. The burning pain worsened with any exertion or lifting. Mr. Gilbert reported that he had trouble holding on to objects, dropping things frequently. He had no prior history of neck pain or difficulty in handling household items. A cervical MRI was performed. It showed retro-spondylolisthesis at C5-C6, a condition where one vertebra slips backward along or underneath a disc causing an extruded disc herniation and annular tear with cord compression.

Fearing the increasing complexity of his injuries and physical limitations, and the great potential for long-term disability and medical expenses, Mr. Gilbert sought advice from Searcy Denney attorney **Karen Terry**. Ms. Terry initiated a claim against the employer and its driver. During an initial hearing, the driver admitted under vigorous cross-



examination that he had failed to yield right-of-way at the intersection and acknowledged that he was responsible for causing the crash. The employer's insurance company made an initial offer of \$10,000 for settlement.

As the legal claim proceeded beyond a year, Mr. Gilbert continued extensive physical therapy and other treatments including anti-inflammatory medication. Trigger-point therapy treatments helped decrease muscle spasms and reduce inflammation. His doctors determined that he was not a candidate for cervical epidural injections due to the degree of cord compression caused by the crash. Should he have another accident of any type, the cord compression would worsen, and he could become paralyzed. Mr. Gilbert's orthopedic surgeon determined that he could be an excellent candidate for anterior cervical discectomy and fusion surgery.

On the eve of scheduled surgery (estimated to cost \$150,000), and a scheduled trial date, the employer's insurance company settled the claim for \$225,000. ♦

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