

*Robert Silverman v. Vail Associates, et al.*  
U.S. District Court of Colorado,  
96-WY-1478-AJ

**Facts:** On January 12, 1996, Robert Silverman was skiing in Vail, Colorado. After a day of skiing, he and a number of other pedestrians walked toward the bus stop to return to their hotel. Plaintiff was struck by an intoxicated employee of Vail Associates who was making a bank deposit on behalf of Vail Associates in a building owned by Vail Associates. Defendant Kramer was driving his own vehicle which did not have a current registration at the time and was uninsured. Defendant

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## **Recent Verdicts and Settlements**

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Kramer regularly made bank deposits on behalf of Vail Associates at a location approximately one and a half miles from Golden Peak Ski Rentals, where he was employed by Vail Associates.

Vail Associates stipulated to the fact that Defendant Kramer was an employee on January 12, 1996 and that Defendant Kramer was engaged in his responsibility as manager of Golden Peak Rentals.

Plaintiff received immediate medical attention on January 13 at the emergency room complaining of lower back pain and neck pain and a contusion. After several months of conservative therapy, Plaintiff underwent an anterior cervical discectomy at C6-7 with an inner body fusion with Dr. Frederic Schwartz and Dr. Harikant Shah.

The main problem was the pre-existing condition of Mr. Silverman who had a prior automobile accident with cervical injury as well as many years of chiropractic treatment.

**Injuries/Damages:** Plaintiff had medical expenses in excess of \$20,000.

**Plaintiff's Experts:** Dr. Frederic Schwartz and Dr. Harikant Shah and Dr. Christopher Frey.

**Settlement:** Lump sum settlement of \$200,000; plus structured settlement in the current value of \$25,000.

**Plaintiff's Counsel:** Steven Van Grack (MTLA Member) and Donna J. Henderson (MTLA Member), Van Grack, Axelson & Williamson, P.C.

**Defense Counsel:** Brad Unkeless.