

vide a medical excuse from her treating physician to explain her absences. At some point after plaintiff's supervisor received the medical excuse, plaintiff was fired from her job. Defendant Capital Pulmonary Internists was the medical provider that issued the medical excuse to plaintiff's supervisor.

Plaintiff alleged she requested a physician's note acknowledging she was in treatment, but defendant supplied her supervisor with more information than she authorized. Included in the information defendant provided to plaintiff's supervisor was a letter from defendant to plaintiff's primary care physician thanking the doctor for the referral. There was also information regarding the drug prescribed to treat plaintiff's depression. Plaintiff insisted she did not authorize the release of specific information regarding her depression or medications. She also claimed defendant's disclosure of this information exacerbated her preexisting mental condition.

Defendant contended the disclosure was unintended and was seen only by plaintiff's supervisor. Also, defendant asserted that the medication prescribed to treat plaintiff's depression was obscure and not generally recognized by non-medical individuals. Defendant claimed the medical excuse was presented as requested and the unintended disclosures were very small amounts of plaintiff's medical information. Moreover, defendant argued that plaintiff's depression was related to her termination and was completely unrelated to these disclosures.

Plaintiff Profile: Plaintiff was a 48 year old single black female employed as a data entry clerk.

Alleged Injury: Unauthorized disclosure of confidential medical information resulting in the exacerbation of preexisting depression.

Jury Deliberations: 30 minutes

Settlement Efforts: Last Demand: \$30,000
Last Offer: None

Case Number: 2003CA009437B

Editor's Notes: Per plaintiff's counsel, this case was tried twice. The first trial ended in a mistrial.

District of Columbia

United States District Court

Construction Company Settles Pedestrian's Injury Claim

Case Caption:

Anne Thomas Paxson v. Bobby J. Shannon, Jr. and Ft. Myer Construction Corp.

Settlement: \$300,000

Judge: Jack D. Shanstrom

Settlement Date: 4/12/2006

Attorneys:

Plaintiff: Steven VanGrack, Rockville

Defendant: Gerard J. Emig, Rockville

Facts: A \$300,000 settlement was reached in the case of a communications attorney who was struck by a pickup truck while walking across a street. Plaintiff sustained multiple fractures in the accident and was hospitalized for a total of 26 days.

On August 28, 2003, at approximately 1:00 p.m., Plaintiff Anne Paxson was attempting to walk across Albermarle Street, NW in the District of Columbia. In doing so, she was struck by a Ford F450 pickup truck driven by Defendant Bobby J. Shannon, Jr. At the time of the accident, Defendant Shannon was employed by Defendant Fort Meyer Construction Corporation. The pickup truck Shannon was driving was owned by Defendant Fort Meyer Construction Corporation.

Plaintiff alleged she stopped and looked both ways prior to entering the street and she was in a marked crosswalk at the time of the accident. Plaintiff and her experts maintained that she had established herself in a marked crosswalk and, therefore, had the right-of-way as she crossed the street. Plaintiff argued that Defendant Shannon should have seen her and stopped.

Defendants contended plaintiff was contributorily negligent. According to defendants, plaintiff should have seen Defendant Shannon driving down the street and waited to cross the street until after Shannon had passed. Defendants denied that plaintiff had the right-of-way.

Plaintiff Profile: Plaintiff was a 59 year old single white female employed as a communications attorney.