

of Defendant Fitzgerald's actions, plaintiff claimed she sustained permanent nerve damage. She argued that, when Defendant Schwartz attempted surgical debridement to treat the infection, he was too forceful and fractured her mandible. Plaintiff asserted that Defendant Schwartz's surgery technique made her infection worse and she developed osteomyelitis. If Defendant Schwartz had treated her infection properly, plaintiff maintained, she would not have required such extensive treatment.

Defendant Fitzgerald contended he properly placed the dental implants and did not drill too deep or violate the mandibular canal that housed the alveolar nerve. Defendant Fitzgerald disputed that plaintiff was suffering from nerve damage and asserted her complaints were related to myofascial pain syndrome or temporomandibular joint syndrome (TMJ). Defendant Schwartz contended he treated plaintiff's infection properly. Defendant Schwartz maintained he had not been too forceful with plaintiff's jaw and the mandible fracture may have occurred due to the loss of, or weakened condition of, bone caused by the infection.

Plaintiff Profile: Plaintiff was a 45 year old married white female employed as a part-time dental assistant.

Alleged Injury: Permanent injury to the inferior alveolar nerve, loss of two dental implants, an infection that led to osteomyelitis, loss of facial bone due to infection, loss of previously healthy teeth and a fractured mandible. Plaintiff claimed the nerve injury caused permanent numbness in the lower left chin and lip that allowed liquid to fall and dribble down her face. She sought \$8,665 in past medicals and \$21,000 in future medicals for facial reconstruction and reinsertion of dental implants. Plaintiff's husband sought damages for loss of consortium.

Jury Deliberations: 3 hours

Settlement Efforts: Last Demand: \$600,000
Last Offer: None

Insurance Carrier: Cincinnati

Expert(s):

Plaintiff: A. Norman Cranin, D.D.S.
Oral Surgeon – Brooklyn, NY

Defendant: Barry L. Cohan, D.D.S.
Dentist – Pikesville, MD

Case Number: 03-C-04-3404

Editor's Notes: Per plaintiff's counsel, the outcome was impacted by plaintiff expert's explanation of how Defendant Fitzgerald drilled too deep in the mandible and injured the nerve. Defendant Fitzgerald filed an appeal.

Baltimore County, MD

Circuit Court

Motorist with Fractured Vertebrae Settles Claim with UM Carrier

Case Caption:

Roxanne Royce v. Robert Eugene Thompson, III and State Farm Insurance Company

Settlement: \$140,000

Judge: None

Settlement Date: 10/14/2005

Attorneys:

Plaintiff: Steven VanGrack, Rockville

Defendant: None

Facts: A motorist who pulled her disabled vehicle to the side of the road was struck from behind by an uninsured driver. Plaintiff suffered multiple vertebrae fractures and settled with her uninsured motorist carrier for \$140,000 prior to trial.

Plaintiff Roxanne Royce, a 34 year old nursing student at Johns Hopkins University, was having problems with her 1998 Toyota Tacoma pickup truck. She was traveling along Interstate 83 in Baltimore. Plaintiff pulled her vehicle to the shoulder of the interstate and activated her emergency lights. She was parked just south of the Cold Spring Road exit. Plaintiff remained in the driver's seat. Defendant Robert Eugene Thompson, III, who was driving on Interstate 83 in the same direction as the plaintiff, swerved off the road and struck the back of plaintiff's truck. The force of the impact knocked the tires off plaintiff's truck and caused the axle to become detached. The impact caused plaintiff's vehicle to spin onto the highway. Plaintiff had to be extricated from her truck. She was transported to the University of Maryland Shock Trauma Unit. Defendant Thompson had no insurance so plaintiff pursued a claim against her uninsured carrier, Defendant State Farm Insurance Company.

Plaintiff alleged defendant driver was negligent in failing to maintain his proper lane of travel, failing to maintain a proper lookout and driving recklessly. Plaintiff claimed she sustained multiple fractured vertebrae, as well as a laceration to her forehead, as a direct result of the impact.

Defendant Thompson could not be located for service. Defendant State Farm agreed to settle the claim.

Nathan Goodman v. Elizabeth Voss and AAA MidAtlantic, Inc., et al.

Court: Montgomery County Circuit Court

Case Number: 228807-V

Proceedings: Settled before assignment.

Judge: Louise Scrivener

Outcome: Settled prior to trial.

Dates - Disposition: May 1, 2003;

Incident: August 19, 2001.

Plaintiff: Nathan Goodman

Plaintiff Attorney: Steven VanGrack; VanGrack, Axelson, Williamowsky, Bender & Fishman.

Defendant: Elizabeth Voss and AAA MidAtlantic, Inc., et al.

Defense Attorney: James S. Wilson, Alan B. Neurick & Sanford A. Friedman; Brault, Graham, Scott & Brault; Saunders & Schmieller; Law Office of Sanford Friedman.

Injuries Claimed: Limbs

Amount Sought: \$500,000

Settlement Offer: n/a

Settlement Amount: \$130,000.

Location: River Road near Maiden's Bower Drive.

Case Information: The plaintiff was lawfully sitting in the passenger seat of his disabled vehicle, parked on a gravel area off the right shoulder of River Road in Montgomery County. The plaintiff was a member of AAA and had requested emergency road assistance. He was told a tow truck would arrive in 60-75 minutes. When plaintiff called five hours later for the same tow truck, the defendant was operating a vehicle in the same area and veered off the roadway and to the right of the shoulder and crashed into the plaintiff's vehicle.

Rebuttal Information: The plaintiff was not a member of AAA, yet requested emergency road assistance from AAA. The tow truck did not arrive due to the fact that the location given was incorrect.

MOTOR TORT

Elizabeth M. Ward, on behalf of Jeffrey Ward, Brian Ward, Christina Ward, Dawn D. Ward, Robert E. Ward, Edward D. Ward, Jr. and Roger Ward v. Contractors Disposal Inc. & David Ezekiel Moore

Court: Montgomery County Circuit Court

Case Number: 216783

Proceedings: Mediation

Judge: Howard Chasnow

Outcome: Settled prior to trial

Dates - Incident: July 23, 1998; **Filing:** July 17, 2000; **Disposition:** Jan. 18, 2001

Plaintiff: Elizabeth M. Ward

Plaintiff Attorney: Steven Van Grack and Thomas Heeney, Van Grack, Axelson & Williamowsky, and Heeney, Armstrong & Heeney

Defendant: Contractors Disposal Inc. & David Ezekiel Moore

Defense Attorney: Jeffrey DeCaro, DeCaro, Doran, Siciliano, Gallagher & DeBlasis

Injuries Claimed: Massive fatal injuries; economic damages to wife and children

Amount Sought: \$1,845,000

Award: \$909,000

Location: I-495 near Rt. 305, west-bound

Case Information: Defendant's trash dump truck veered off I-495 onto the shoulder where husband/father of plaintiffs and his son were parked in their tow truck. Husband/father was out of the tow truck retrieving debris from the shoulder of the roadway when defendant's vehicle struck him, resulting in fatal injuries to husband/father and severe emotional distress to son in tow truck.