

# MVA-NEGLIGENCE

## *Plaintiff v. Neil Bailey and Bartels Forest Products*

### Favorable Verdict



**LUKS, SANTANIELLO**  
PETRILLO, COHEN & PETERFRIEND

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**Plaintiff Counsel: Dan Newlin Injury Attorneys**

***Admitted Liability Brevard County; Dan Newlin Injury Attorneys; 27-year old with Lumbar Spine Surgery; \$750,000 sought, only \$48,993 awarded; no future medical treatment or pain & suffering awarded.***

Stuart Managing Partner Benjamin Pahl, Esq., and Senior Partner Nora Bailey, Esq., recently received a great verdict in Brevard County. The matter styled *Plaintiff v. Neil Bailey and Bartels Forest Products* involved admitted liability with a dump truck and trailer that had rear-ended Plaintiff's car. Plaintiff was 27 years old with no prior injuries or treatment. She underwent a lumbar spine surgery with \$118K in medical bills. At trial, her treating neurosurgeon recommended approx. \$750K in future medical treatments, including an ACDF and two-level lumbar fusion. We represented a lumber company and its driver who were in town from Illinois doing clean-up after Hurricane Irma. Our defense focused on undermining the doctor's credibility using the fact that he often accepted far less for patients who were not involved in litigation than the charges he'd billed under a Letter of Protection to the Plaintiff. We also focused on surveillance of the Plaintiff, showing the jury that her claimed damages were inconsistent with her actions.

In closings, Plaintiff's counsel — Lead Trial Counsel for Dan Newlin — asked for \$750K for future meds, \$118K for past meds, and an unlimited number for pain and suffering. After a five day trial and deliberating for 3+ hours, the jury came back with an award for past medicals of \$48K — specifically excluding all treatment and surgery from her LOP neurosurgeon. They awarded no futures, no permanency, and no pain and suffering.