

November 2016

An ALM Publication

PHILADELPHIA

PHILADELPHIA COUNTY

MOTOR VEHICLE

Red Light — Broadside — Intersection — Limited Tort

Motorist blamed ambulance broadside for serious injuries

SETTLEMENT \$1,500,000

CASE Wendy Koppel-Klein and Joshua Klein v. Brandon Stokes, Falck Northeast Corp. f/k/a LifeStar Response of New Jersey Inc., LifeStar Response of New Jersey Inc., Falck EMS Corp., and Falck USA Inc. No. 150803734

COURT Philadelphia County Court of Common Pleas

DATE 8/30/2016

PLAINTIFF

ATTORNEY(S) Duffy + Partners
Philadelphia, PA

DEFENSE

ATTORNEY(S) Patrick J. Hasson, Styliades,
Mezzanotte, Hasson & Rubinate,
Philadelphia, PA

FACTS & ALLEGATIONS On Nov. 25, 2013, plaintiff Wendy Koppel-Klein, 53, was broadsided in Bryn Mawr. She had been driving north on Airdale Road at Montgomery Avenue when the front driver's side corner panel of her Nissan Maxima sedan was struck by an ambulance, which was heading east on Montgomery Avenue and drove through a red light.

She suffered multiple injuries, which resulted in a serious impairment of a bodily function.

Koppel-Klein sued the ambulance driver, Brandon Stokes, and his employer, Falck EMS Corp., alleging negligence in the operation of a vehicle.

Stokes stipulated to liability, and the case proceeded on the issues of causation and damages.

INJURIES/DAMAGES *adhesive capsulitis (frozen shoulder); anxiety; arm; brachial plexus; complex regional pain syndrome; decreased range of motion; emotional distress; epidural injections; face; facet syndrome; fibromyositis; finger; hand; headaches; leg; massage therapy; neck; numbness; physical therapy; post-traumatic stress disorder; radicular pain / radiculitis; rotator cuff, injury (tear); shoulder; shoulder impingement syndrome; soft tissue; sprain, cervical; strain, cervical*

Koppel-Klein's husband drove her to a hospital with complaints of headaches, dizziness, and pain to her left (non-dominant) arm, and her left shoulder and leg.

She followed up with her primary care physician, and in the ensuing weeks developed radiating pain in her left arm, hand, and fingers. This included a burning sensation, numbness, weakness, and tingling. Additionally, her left hand became more sensitive to colder temperatures than her right hand.

Koppel-Klein underwent multiple radiographic studies, and was diagnosed with complex regional pain syndrome, left brachial plexopathy, capsulitis of the left shoulder, a partial-thickness tear of the rotator cuff, shoulder impingement syndrome, cervical facet syndrome, fibromyositis, and post-traumatic stress disorder.

Koppel-Klein treated with three months of physical therapy and she received an epidural injection of a steroid-based painkiller to her left shoulder. Due to the exhaustion of her personal injury protection coverage, she received no further treatment.

Koppel-Klein's experts in family medicine, neurology, and hand surgery causally related her injuries and treatment to the accident. Her experts determined that she requires an arthroscopic acromioplasty, a biceps tenodesis, and a distal clavicular excision. She sought to recover \$967,758 in future medical costs.

Koppel-Klein has difficulty sleeping, as she cannot lie on her left arm and will wake up throughout the night in pain. She can no longer go to the gym and has difficulty doing her own hair and getting dressed. She often needs her husband and daughter's assistance in zipping or buttoning certain clothes. Koppel-Klein also has anxiety while driving and has difficulty turning her head to the left. She sought damages for past and future pain and suffering, and her husband sought damages for his claim for loss of consortium.

Stokes' expert in neurology, who examined Koppel-Klein, conceded that her injuries were caused by the accident.

His expert in life-care planning determined that Koppel-Klein's life-care plan at \$54,461.35.

RESULT The parties settled for \$1.5 million, one month prior to trial. Falck had a \$5 million insurance policy limit.

DEMAND \$5,000,000

OFFER none reported

INSURER(S) Liberty Mutual Insurance Co.

PLAINTIFF

EXPERT(S) Michael Martin Cohen, M.D.,
neurology, Bala Cynwyd, PA
(non-treating)

Scott M. Fried, D.O., hand surgery,
Blue Bell, PA (non-treating)

Jody M. Masterson, R.N., life care
planning, Plymouth Meeting, PA

Robert F. Sing, D.O., family medicine,
Springfield, PA (non-treating)

DEFENSE

EXPERT(S) Dan J. Gzesh, M.D., neurology,
Abington, PA

Barbara A. Krasa, R.N., life care
planning, Corry, PA

EDITOR'S NOTE This report is based on information that was provided by plaintiffs' counsel. Defense counsel did not respond to the reporter's phone calls.

—Aaron Jenkins