

**ACTUAL CASE RESULTS AS REFERRED TO IN THIS WEBSITE DEPEND UPON A VARIETY OF FACTORS UNIQUE TO EACH CASE. THE RESULTS OBTAINED IN THESE CASES DO NOT GUARANTEE OR NECESSARILY PREDICT A SIMILAR RESULT IN ANY FUTURE CASES. (Notice pursuant to Virginia State Bar Rule 7.2(a)(3))**

**Personal Injury - Pedestrian Knock down**

From *Virginia Lawyers Weekly*, September, 1992

**Type of Action: Personal Injury - Pedestrian knocked down.**

Type of Injuries: Trimalleolar fracture of right ankle, five (5) fractured ribs, pneumanthorax.

Name of Case: Mary B. Moore V. Michael B. Bright

Court/Case No.: Alexandria Circuit Court, Law No. CL91-0593.

Judge or Jury: Jury.

Special Damages: \$58,629/Medicals; 8,916/for in home care.

**Damages Awarded/Settled: Settled on morning of trial \$250,000**

Attorney for Plaintiff: Roger L. Amole, Jr., Esquire

Insurance Carriers: Maryland Automobile Insurance Fund

Utica Mutual Insurance Company

The Plaintiff, an 80 year old woman was waiting at a bus stop when she was struck by the Defendant's vehicle after the Defendant fell asleep at the wheel. She has recovered from her injuries to the point that she can ambulate with the use of a walker, but is unable to drive her car, and a number of other activities are restricted. Fifteen months after the accident she suffered a heart attack and stroke which could not be related to the subject accident by Plaintiff's medical experts within the required degree of medical certainty.

The Maryland Automobile Insurance Fund tendered its policy limits of \$20,000 in settlement. Utica Mutual with policy limits of \$300,000, originally denied coverage on the basis of a policy exclusion which provided that vehicles regularly provided for a family member's use were not covered. At the time of the accident, the Defendant was driving back and forth to work. On the morning of trial Utica agreed to contribute \$230,000 to the \$20,000 tendered by the Maryland Automobile Insurance Fund and the case settled.