



Trucker claimed accident led to disabling neurological condition

Amount: \$2,450,000

Type: Mediated Settlement

State: Texas

Venue: Midland County

Court: Midland County District Court, 142nd, TX

Injury Type(s):

- *arm*
- *back*
- *knee* - meniscus, tear
- *neck* - herniated disc, cervical
- *other* - physical therapy; strains and sprains
- *epidermis* - numbness
- *neurological* - radiculopathy; reflex sympathetic dystrophy; complex regional pain syndrome

Case Type:

- *Motor Vehicle* - U-Turn; Rollover; Multiple Vehicle

Case Name: Shamal Williams v. Phillip Baker and Brinkerhoff Inspection, Inc. d/b/a SMOB, No. CV54935

Date: November 14, 2019

Plaintiff(s):

- Shamal Williams (Male, 24 Years)

Plaintiff Attorney(s):

- Joseph (Joe) B. Stephens; The Stephens Law Firm; Katy TX for Shamal Williams
- Rachel Ambler; AmblerLaw PLLC; Odessa TX for Shamal Williams

Plaintiff Expert (s):

- Bradley Tran M.D.; Pain Management; Jacksonville, FL called by: Joseph (Joe) B. Stephens, Rachel Ambler

Defendant(s):

- Phillip Baker
- Brinkerhoff Inspection Inc.

**Defense
Attorney(s):**

- Bill Clifton; Shafer, Davis, O'Leary & Stoker P.C.; Odessa, TX for Brinkerhoff Inspection Inc., Phillip Baker

**Defendant
Expert(s):**

- Helen Reynolds Ph.D.; Economics; Dallas, TX called by: for Bill Clifton
- Lorie McQuade; Vocational Rehabilitation; Houston, TX called by: for Bill Clifton
- Constance Katsafanas M.D.; Neurology; Jacksonville, FL called by: for Bill Clifton

Facts:

On Jan. 16, 2018, plaintiff Shamal Williams, 24, a long-haul trucker, was driving an 18-wheeler on the southbound side of a two-lane highway in Midland County. Ahead of Williams, Phillip Baker, driving a pickup truck with a 25-to-30-foot trailer attached, had pulled onto the southbound shoulder of the roadway and was attempting to execute a U-turn. As Williams approached, Baker's vehicle was blocking both lanes of the highway. Williams veered to the right but clipped Baker's trailer. The 18-wheeler hit a fence about 60 feet to the right, then swung back to the left side of the highway and came to rest on its passenger side. Williams claimed that he suffered injuries of an arm, a knee and his neck.

Williams sued Baker and Baker's employer, Brinkerhoff Inspection Inc. The lawsuit alleged that Baker was negligent in the operation of his vehicle. The lawsuit further alleged that Brinkerhoff Inspection was liable because the accident occurred during Baker's performance of his job's duties..

The defense did not strongly dispute liability.

Injury:

Williams was retrieved by an ambulance, and he was transported to a hospital. He claimed that he was suffering numbness of his right, dominant arm. He underwent minor treatment.

Williams ultimately claimed that his right arm suffered trauma that led to its development of complex regional pain syndrome, which is a chronic neurological condition that is typically characterized by severe pain, pathological changes of bone and skin, swollenness, and/or increased sensitivity to physical stimulus. The syndrome is alternately termed "reflex sympathetic dystrophy."

Williams also claimed that he suffered a tear of one knee's meniscus, a herniation of an intervertebral disc of his spine's cervical region, and sprains and strains of his lumbar region. He also claimed that his herniated disc caused impingement of a spinal nerve and resultant radiculopathy.

Williams claimed that, during the two months that followed the accident, his right arm and hand became increasingly painful. Williams underwent extensive physical therapy and was prescribed non-opiate medication. In late 2019, he underwent administration of a painkilling nerve-block injection.

Williams claimed that his complex regional pain syndrome persists. He claimed that his skin is hypersensitive to a degree that even the lightest touch causes intense pain. He further claimed that his pain prevents his performance of any type of work. He was earning about \$50,000 a year at the time of the accident. Williams also claimed that he previously enjoyed playing basketball and swimming, but that his pain prevents his resumption of those activities.

Williams' counsel submitted a life-care plan for about \$800,000, all for treatment of complex regional pain syndrome. The plan included several nerve-block injections a year, regular doctor visits, physical therapy, including aquatherapy, and periodic imaging studies. The most expensive single item was a spinal cord stimulator. A trial version would be implanted, followed by a permanent one, and the batteries periodically would have to be changed, which required surgery.

Williams sought reimbursement of a workers' compensation lien, which was ultimately waived. He also sought recovery of future medical expenses, damages for past and future loss of earning capacity, damages for past and future physical pain and mental anguish, and damages for past and future physical impairment.

The defense's expert neurologist examined Williams and confirmed Williams' symptoms, so the defense did not strongly contest the diagnosis of complex regional pain syndrome.

The defense's vocational-rehabilitation expert submitted a report in which she opined that Williams could have resumed work within six months of the accident.

Result:

The parties negotiated a pretrial settlement. The defendants' primary insurer tendered its policy, which provided \$1 million of coverage, and the defendants' excess insurer agreed to pay \$1.45 million, from a policy that provided \$10 million of coverage. Thus, the settlement totaled \$2.45 million. The settlement's negotiations were mediated by Denis Dennis.

Trial Information:

Judge: Denis Dennis

Editor's Comment: This report is based on information that was provided by plaintiff's counsel. Defense counsel declined to contribute.