

NORTH CAROLINA LAWYERS WEEKLY

Cite This Page: 18 NCLW0371

North Carolina Lawyers Weekly, June 20, 2005

Page 1

VERDICTS & SETTLEMENTS

Plaintiff Left Quadriplegic By Falling Tree Branch Recovers \$10 Million

Negligence

Tree Branch Fell On Plaintiff — Quadriplegia — \$10 Million Settlement

Type of action: In 2003, plaintiff was a 31-year-old with a wife and young child. He was a senior in college and worked full time to help support his family. On his way to work, plaintiff was driving down a street when a storm with high winds hit. A large branch which overhung the street broke off of a tree and landed on plaintiff's car. The trunk of the tree was located on private property.

Injuries alleged: Plaintiff was rendered a C-5 quadriplegic as a result of the incident.

Name of case: Confidential

Court/county: Confidential

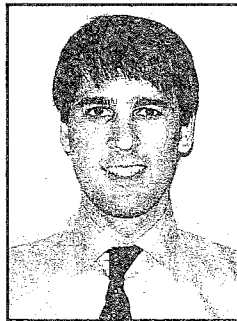
Case no.: Confidential

Tried before: n/a

Name of judge: n/a

Special damages: Special damages included past medical bills of approximately \$1,500,000 and loss of future wages with an approximate present value of \$1,200,000.

Verdict/settlement: Settlement



Trosch



Stafford



DeVore

national spinal cord injury statistician, the director of a local spinal cord injury rehabilitation program, an infectious disease consultant, an internal medicine consultant, a neuropsychologist, and an economist.

Insurer: n/a

Plaintiff's attorneys: Plaintiff was represented by William C. Trosch of Conrad Trosch & Kemmy, PA; plaintiff's wife was represented by Troy J. Stafford and Fred W. DeVore of DeVore, Acton, & Stafford, PA.

Person submitting: Della Stafford

Amount: Plaintiff and his wife settled for a present value of \$10,000,000.

Date obtained: The settlement was finalized on June 10, 2005.

Demand: n/a

Offer: n/a

Experts: Plaintiffs' experts included four nationally renowned professors of arboriculture, an expert on arborist equipment and ANSI standards, a local practicing arborist who had previously done hazard tree inspections for a governmental entity in North Carolina, and a widely published and nationally renowned plant physiologist. Plaintiffs planned to use two meteorologists as rebuttal experts on the issue of act of God. Damage experts included a life care planner, a vocation rehabilitation consultant, a

Description: The plaintiff and his wife sued the government entity and the landowner. Plaintiffs alleged that the landowner and the government entity knew the structure of the tree was potentially dangerous, but failed to take adequate measures to protect passersby. Defendants each denied liability. Some of the defenses included that the high winds were an act of God, governmental immunity prevented recovery, statute of limitations and repose, lack of proximate cause, intervening and superceding negligence, and that the tree was safe, and that if the tree was unsafe then it was not noticeable. The defendants also argued that the plaintiff had a severely reduced life expectancy due to an antibiotic resistant staph infection (MRSA) in his bones and fixation devices in his neck.

The settlement agreements with the parties included confidentiality provisions which allowed limited disclosures.