



Auto Accident - Head-On - Intersection

Type: Verdict-Plaintiff

Amount: \$1,203,715

State: Michigan

Venue: Oakland County

Court: Oakland County, Circuit Court, Pontiac, MI

Injury Type(s):

- *knee* - meniscus, tear; anterior cruciate ligament, tear; chondromalacia / chondromalacia patella
- *surgeries/treatment* - knee surgery

Case Type:

- *Motor Vehicle*
- *Government* - Municipalities

Case Name: James Seng v. Guy Hubble and Oakland County Sheriff's Department, No. 2005-068302-NI

Date: October 30, 2006

Plaintiff(s):

- James Seng (Male, 42 Years)

Plaintiff Attorney(s):

- Robert D. Ihrle ; St. Clair Shores MI for James Seng
- Harold A. Perakis ; St. Clair Shores MI for James Seng

Plaintiff Expert (s):

- Joseph Guettler M.D.; Orthopedics; Bingham Farms, MI called by:
- Ronald Smolarski Ph.D.; Vocational Rehabilitation; Ann Arbor, MI called by:

Defendant(s):

- Guy Hubble and Oakland County Sheriff's Department

Defense Attorney(s):

- Roger L. Wolcott; Troy, MI for Guy Hubble and Oakland County Sheriff's Department

Insurers:

- Travelers (excess)

Facts:

A head-on accident between plaintiff and a sheriff's deputy resulted in claims for permanent injuries. An Oakland County jury found in favor of the plaintiff and awarded him \$1,203,715. After reduction to present value, the net verdict was approximately \$730,000.

Plaintiff James Seng was driving his vehicle. At the intersection of Baldwin and Wood Roads in Oakland County, plaintiff's vehicle was struck by a patrol car driven by Defendant Guy Hubble, a deputy with Defendant Oakland County Sheriff's Department. Defendant Hubble was operating the vehicle in the course of his employment, but was not responding to any emergency. The head-on collision occurred when Defendant Hubble attempted to make a left turn in front of plaintiff's oncoming vehicle. Defendant Hubble was traveling approximately 10 mph at the time of the accident, while plaintiff was traveling 40 mph. Plaintiff suffered bilateral dashboard knee injuries. The trauma caused significant ligament injuries to both knees, requiring multiple surgeries.

Plaintiff alleged Defendant Hubble was the sole cause of this accident. Plaintiff claimed he sustained permanent serious impairments of body functions as a direct result of this accident. Plaintiff also claimed he was permanently disabled from working his chosen craft. He sought non-economic damages, as well as future excess lost income.

Defendants admitted liability for the accident, but disputed that plaintiff was seriously impaired by his injury. They argued that plaintiff had the ability to lead a normal life in the future and could return to work in another capacity, which did not require squatting, bending or lifting. Their expert opined that plaintiff would earn only slightly less at another occupation.

Plaintiff was a 42 year old divorced male who worked at an auto body shop.

Injury:

Dashboard trauma to knees. Plaintiff sustained damage to the right knee which included anterior cruciate ligament (ACL) damage, posterior cruciate ligament (PCL) damage, and a meniscus tear. Plaintiff underwent surgery to repair the ligaments and meniscus tear. Plaintiff also sustained bilateral chondromalacia necessitating arthroscopic surgery to the left knee. He was unable to return to work, which required repeated squatting, bending and lifting. Plaintiff asked the jury for \$4,200,000.

Result:

\$1,203,715 reduced to a present value of approximately \$730,000. The total judgment with case evaluation sanctions and interest was expected to be in excess of \$840,000. See Editor's Note.

Trial Information:**Judge:**

Fred M. Mester

**Trial
Deliberations:**

3 hours

**Editor's
Comment:**

A breakdown of the verdict after reductions is as follows: \$275,000 present economic damages; \$115,000 present value of non-economic damages from the date of the accident to trial; and \$340,000 present value of future non-economic damages. Per defense counsel, the jury awarded wage differential, past non-economic damages (\$130,000) and future non-economic damages (\$16,440/year for the rest of plaintiff's life). Defendant was expected to file an appeal.

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