

## JURY VERDICT IN MOTOR VEHICLE CASE FAR BELOW SEVEN FIGURE DEMAND

*Missouri - Watters Wolf Bub Hansmann*

After a three-day jury trial in Jackson County Circuit Court involving a motor vehicle crash, Joe Roper and John Brigg brought a successful verdict for the defendant. The case involved a 2015 vehicular collision, where the WWBH client T-boned the plaintiff in an intersection during rush hour. The plaintiff was driving a Porsche Boxster and claimed Traumatologically Induced Fibromyalgia of her whole body. She also claimed that she had become incontinent of urine because of the accident. She called an orthopedic surgeon, a urologist and a physical medicine doctor who specializes in Fibromyalgia to testify, all of whom supported her claims of Fibromyalgia and incontinence. She had 172K in medical bills along with permanent injury and pain and suffering. The plaintiff's attorney asked the jury to award \$2,000,000 and the last written demand before trial was \$1,100,000.

suffered in the accident was an aggravation of pre-existing degenerative disc disease in her lumbar spine, and a nondisplaced fracture of the sacrum. On the claim and subsequent diagnosis of fibromyalgia and the development of her urinary incontinence issue, the defense focused on the length of time between the accident and the first report of those symptoms in the medical records of treatment following the accident and questioned whether those subsequent diagnoses were attributable to this accident due to the long period of time between the accident and the development of the symptoms.

The jury assessed fault at 95% to our client, and 5% to the plaintiff, and total damages of \$200,000, resulting in a jury award of only \$190,000.

Joe defended the case based upon an orthopedic surgeon examining the plaintiff and testifying that the injury she

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