

# NEWS RELEASE

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Robert W. Johnson & Associates

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## ***IME DOCTOR VALIDATES LIFE ACTIVITY CALENDAR IN MILD HEAD INJURY CASE JURY VERDICT: \$2,000,000***

***Jury awards \$2,000,000 in 5m.p.h. auto-pedestrian collision; pre-existing diabetes and Hospitalized two weeks prior to accident: despite defense videotape, the Life Activity Calendar validated plaintiff's loss of quality of life.***

**Middlesex, Massachusetts:** Robert W. Johnson & Associates was retained to prepare a LIFE ACTIVITY CALENDAR that would be used to counter the defense videotape which claimed to show no change in plaintiff's normal activities (post accident).

**Citation:** Sloan v. Friendly Fruit, Middlesex County, Massachusetts, No. 93, Attorney Robert J. Bonsignore, Medford, Massachusetts.

**Case Synopsis:** Ms. Sloan, a 58 year old administrative assistant, earning \$34,000 per year, was attempting to cross a street. She emerged from between two cars and was struck by a Friendly Fruit truck traveling at 5m.p.h. She suffered a moderate closed head injury that resulted in depression and cognitive problems. Past medicals were stipulated at \$158,000.

The defense contended that: (a) since Ms. Sloan had lived alone for 2 ½ years (post accident) her claim for assisted living care was false and (b) that their investigator's videotape would show her engaging in normal activities.

**Trial Presentation:** The LIFE ACTIVITY CALENDAR, which was designed to illustrate the plaintiff's loss in the quality of her life, was utilized extensively during testimony by three different witnesses. Initially, during the plaintiff's testimony, the LIFE ACTIVITY CALENDAR was introduced to graphically depict her activities before the accident and activities which had been eliminated or reduced in frequency post- accident. Next, her treating doctors testified and corroborated Ms. Sloan's testimony. Lastly, although called as a defense witness, the Independent Medical Examiner (I.M.E.) doctor on cross examination further verified the accuracy of the LIFE ACTIVITY CALENDAR in detailing activities that were reduced or eliminated post-injury.

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**Attorney Comments:** “The defense was counting on their videotape of the plaintiff to totally undercut damages for pain and suffering/ quality of life. But the presentation of the LIFE ACTIVITY CALNENDAR from the plaintiff, her doctors and even the defense I.M.E. doctor powerfully validated her claim for quality of life and pain and suffering damages. The LIFE ACTIVITY CALENDAR turned what could have been a significant defense BOMB into a defense DUD.

**Results:** The defense offered nothing pre-trial. Prior to reading the jury verdict, the parties agreed to a high/ low of \$900,000/ \$500,000 waiving all rights to appeal. The verdict was \$2,000,000 with negligence allocated at 50/50.

**Hint:** Using the LIFE ACTIVITY CALENDAR as demonstrative evidence during cross examination is a highly effective tool for discrediting a defense theory as well as providing crucial corroborating evidence supporting your case. Attorneys should not overlook the persuasive power of graphic presentations (such as the LIFE ACTIVITY CALENDAR) to a jury, especially when its accuracy can be verified by the opponent’s own witness.

**About Robert W. Johnson & Associates:** A nationally recognized full service consulting firm that specializes in illustrating and quantifying non-economic damages. Consulting services include quantifying the loss of enjoyment of life (pain and suffering) in a personal injury case; quantifying the loss of love, care, comfort, society, consortium, etc. to the survivors in a wrongful death case; illustrating, with the LIFE ACTIVITY CALENDAR, the loss of enjoyment/ quality of life; analyzing structured settlements; and generating wage loss reports that include the present value of future medical expenses.

For more information, telephone Robert W. Johnson & Associates at 1-800-541-7435

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