

PARTNER BLAKE DELONG OBTAINS FAVORABLE JURY VERDICT

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The case arose from a two-vehicle rear-end auto accident. Mr. DeLong's client admitted fault, but disputed Plaintiff's

claims of injury causation and damages.

Plaintiff, a 25 year-old woman, alleged traumatic injuries to three levels of her spine. The Defense argued that extent of injury was minor muscular strain. Plaintiff incurred \$260,000 in past medical expenses, most of which were the result of a low back surgery and numerous interventional pain specialty treatments to her cervical and lumbar spine. Plaintiff's neurosurgeon and pain specialist both testified Plaintiff sustained traumatic spinal injuries and related her alleged medical treatment and expenses. In addition, Plaintiff's pain specialist testified that future care in the amount of approximately \$1.6 million was necessary and related to the accident.

The Defense offered the testimony of a radiologist, a neurosurgeon, and a pain specialist. All testified that there was no radiologic/anatomical evidence of traumatic injury to Plaintiff's spine and that, therefore, the vast majority of her claimed medical treatment was not medically necessary or related to the accident. The Defense experts testified that the date of accident ER providers "got it right" when they concluded that extent of injury was muscular strain. Defendant's experts testified that medical treatment totaling approximately \$20,000 was reasonably related to the strain she likely sustained and that the accident did not warrant future care.

During closing arguments, Plaintiff asked the jury for approximately \$3.5 million. The Defense suggested \$40,000-\$50,000. The jury's verdict was \$39,000. Prior to trial, the Defense issued an Offer of Judgment in the amount of \$100,000, which is expected to result in financial sanctions against the Plaintiff.

[Blake DeLong](#) has represented clients both in private practice and as in-house counsel for a major insurance company. He practices in the areas of automobile liability, premises liability and general insurance defense litigation. Blake is experienced representing clients in trial, arbitration, mediation and settlement conferences.

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