

Rear End Collision Interstate

Negligence/Auto

Plaintiff's Pick-Up Rear-Ended - Struck By Two Defendants - Back Injuries – Settled

Brief Statement of Claim: On November 13, 1992, Rhonda Wells and her baby, Lauren, were driving home from her parents'. Her husband was following in his pick-up truck. As she was attempting to merge at I-40, the van she was driving broke down. The plaintiff and her husband decided to push the van off the road and travel the short distance to their house in the pick-up. After merging into the flow of traffic and reaching the appropriate speed, their pick-up was struck from behind by a vehicle driven by Mark Godwin. Following that collision, a vehicle driven by Frank Massoglia struck the Godwin vehicle, causing it to again rear-end the plaintiffs' vehicle. Rhonda Wells was thrown from the pick-up after the second impact. Suit was filed against Godwin and Massoglia in June 1994.

Principal Injuries (in order of severity): Mrs. Wells received injuries to her back, specifically disc degeneration of the L4 and L5. She underwent surgery for the insertion of steffe plates, which did not ease her pain. The steffe plates were later removed by Dr. Liebelt in an attempt to ease the pain in her back.

Special Damages: At the time of the accident, Mrs. Wells was 24 years old and owned and operated two day care centers. As a result of her injuries, she could no longer run both centers and was eventually forced to close one.

Tried or settled: Settled

County where tried or settled: Orange

Case Name and number: Wells v. Massoglia (Orange County Superior Court; 94 CvS 854)

Date Concluded: August 1995 and December 1995

Name of Judge: n/a

Amount: Two settlements totaling \$743,000:

August 1995 settlement was \$93,000, while December 1995 was \$650,000, plus future structured settlement payments

Insurance Carrier: Farm Bureau Insurance of North Carolina, for August 1995 settlement; Armed Forces Insurance Exchange and USAA Property and Casualty Insurance, for December 1995 settlement

Expert Witnesses and areas of expertise: Dr. Ann Neulicht, rehabilitation consultant, Raleigh; Dr. J. Finley Lee, economist, Chapel Hill

Attorneys for plaintiff: Douglas B. Abrams and C. Douglas Fisher of Twiggs, Abrams, Strickland & Trehy, P.A., Raleigh

Other Useful Info: n/a