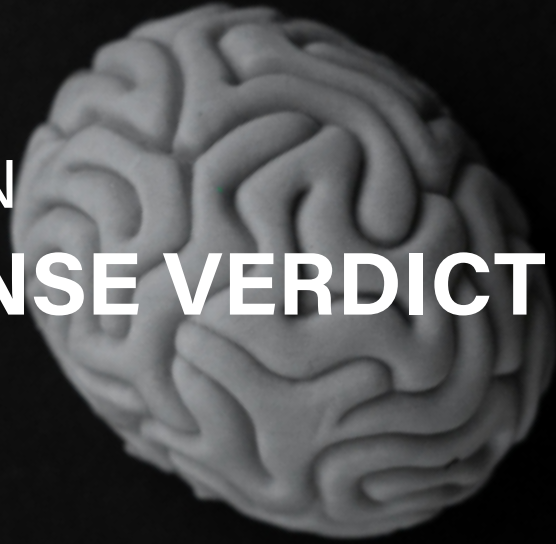


KENTUCKY

WHT ATTORNEYS OBTAIN

A NET ZERO DEFENSE VERDICT



Ward
Hocker
Thornton

Ashley Brown and Jared Hudson successfully defended CSAA General Insurance Company in a UIM trial in Scott County, Kentucky. The collision moderately damaged both vehicles and occurred as plaintiff traveled at 60 miles per hour. Fault was stipulated and the case was tried on damages. The plaintiff alleged she suffered a mild TBI and treated for symptoms of cognitive deficit, memory loss, headaches, dizziness, exacerbated anxiety and other general concussion symptoms, through physical therapy, vestibular therapy, psychotherapy, and prism glasses.

The plaintiff presented proof from her retained expert, Dr. Randall Benson, a Michigan-based behavioral neurologist and imaging neuroscientist. As part of Dr. Benson's exam, he performed advanced MRIs, FLAIR and DTI and concluded as a result of his testing and exam that the plaintiff experienced a mild TBI and diffuse axonal injury. Dr. Benson's basis for the diffuse axonal injury was largely the findings from the DTI scan, which showed abnormalities. A few months later, the plaintiff presented to a local neuropsychologist and underwent a neuropsychological assessment, which found her within normal limits overall and in a number of categories, but found borderline-mild deficits in four areas, as well as mild anxiety. The defense retained University of Kentucky neuropsychiatrist, Dr. Timothy Allen, who testified regarding the extreme sensitivity of DTI scans. Dr. Allen has never seen DTI without abnormalities, and testified it is impossible to discern the cause of abnormalities and that DTI scans are not commonly used in practice for diagnosing TBIs. The defense did not dispute the claimed TBI, but argued that it was mild in nature and that her symptoms fully resolved about four and a half months after the accident, and further, any continuing issues were either caused by normal aging or the plaintiff's anxiety which pre-existed the collision.

At trial, the plaintiff argued that her condition deteriorated upon returning to work and ceasing treatment. Past medical expenses of approximately \$43,000 were not sought at trial, with plaintiff

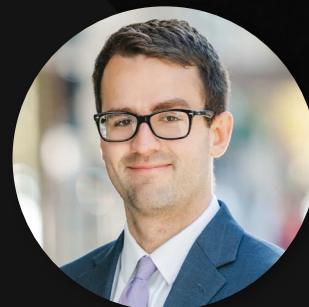
seeking \$4,000,000 in pain and suffering. The defense anchored the pain and suffering to the amount of past medicals, and the jury returned an award of \$45,000, which was less than the \$50,000 UIM floor. A net zero defense verdict was entered.

Ashley Brown and Jared Hudson practice in all counties in Kentucky with WHT's Trial Team, focusing on defense of personal injury/catastrophic injury and construction defect cases. Ashley serves on the firm's Rapid Response Team and is also Leader of The Gavel's Premises and Dram Shop Practice Group.



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