

# VIRGINIA LAWYERS WEEKLY

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## VERDICTS & SETTLEMENTS

### Worker, rendered paraplegic after crush accident, settles comp claim

#### \$1,400,000 Settlement

The claimant was injured on Sept. 12, 2014, while working for PCA Inc. He suffered a crush injury resulting in fractured ribs, a burst fracture at T12/L1, right fracture at T11, fracture at L4, fracture to the coccygeal fragment and TA ASIA complete paraplegia.

Claimant received a medical award following his crush injury, resulting in payment of more than \$370,000 of medical benefits and more than \$40,000 of lost wage benefits. Claims were filed for authorization and payment of

ReWalk systems, as recommended by Dr. William McKinley. ReWalk is a robotic exoskeleton that provides powered hip and knee motion to enable individuals with spinal cord injuries to stand upright and ambulate. This and other claims for medical equipment were docketed for hearing.

Prior to hearing on these claims, the parties agreed to mediate the case. The medi-



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ation was conducted through the Virginia Workers' Compensation Commission by Deputy Commissioner Brooke Ann Hunter on July 23, 2015. As a result of mediation, the parties agreed to a lump sum cash settlement of \$1,400,000. A portion of the lump sum settlement proceeds were structured by the claimant, resulting in a total projected future value of \$2,065,479. The settlement was approved by the Virginia Workers' Compensation Commission on Sept. 11, 2015.

[15-T-150]

**Type of action:** Workers' compensation

**Injuries alleged:** Fractured ribs, burst fracture at T12/L1, right fracture at T11, fracture at L4, fracture to coccygeal fragment, TA ASIA complete paraplegia

**Name of case:** McKinsey v. PCA Inc.

**Court:** Virginia Workers' Compensation Commission

**Case no.:** VA00000977936

**Mediator:** Brooke Ann Hunter

**Date resolved:** Sept. 11, 2015

**Special damages:** \$350,754

**Verdict or settlement:** Settlement

**Amount:** \$1,400,000

**Attorney for plaintiff:** Seth R. Carroll, Richmond

**Plaintiff's experts:** Susan Wirt, life care planner; William McKinley, MD