

PENNSYLVANIA

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FEATURED VERDICT

Products Liability

Companies failed to warn of drug's side-effects, suit alleged

Verdict \$70,000,000

A.Y. v. Janssen Pharmaceuticals Inc.

Philadelphia County Court of Common Pleas

Plaintiff Counsel Jason A. Itkin; Arnold & Itkin LLP, Houston, Texas; Tom R. Kline; Kline & Specter, P.C.; Philadelphia, Pa.

Defense Counsel David F. Abernethy; Drinker Biddle & Reath LLP, Philadelphia, Pa.; William V. Essig; Drinker, Biddle & Reath, LLP; Chicago, Ill.

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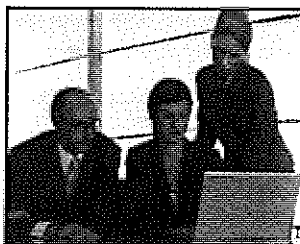
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in the ensuing years. No further treatment was rendered, and Centra sought to recover approximately \$70,000 in past medical costs, which included expenses for nursing care.

Prior to the accident, a nurse came twice a week to help care for Centra's wife; post-accident, Centra, due to his injured shoulder, required more assistance and hired a nurse to come in four additional days. He sought about \$8,000 for future nursing care for his wife.

Centra's orthopedic surgeons causally related his injuries and treatment to the accident. The physicians reiterated the benefits of a surgery, which would set the bones directly in line to allow for full range of motion. Without the surgery, Centra would continue to experience weakness and a decreased range of motion, the surgeons said.

Centra described the weeks following the accident, how he was bedridden for days and experienced weakness throughout his body.

Centra expressed how difficult it was not being able to care for his wife, as he can no longer lift her up to shower her and can no longer carry groceries. Prior to the accident, the couple traveled; however, given his physical limitations, Centra could no longer do so without assistance to care for his wife. Centra, an avid golfer, had to reduce his golfing. He sought damages for past and future pain and suffering. His wife sought damages for her claim for loss of consortium.

The hotel noted that Centra, despite his injury, was no longer taking pain medication and could still play golf.

RESULT The jury found Ramada 35 percent liable, Pretti 35 percent liable, and Pottsville 30 percent liable. No liability was found against Centra. The Centras were determined to receive \$650,000.

JOHN A. CENTRA \$500,000 damages
\$500,000

NANCY CENTRA \$150,000 loss of consortium
\$150,000

TRIAL DETAILS Trial Length: 3 days
Trial Deliberations: 2 hours
Jury Composition: 6 male, 6 female

PLAINTIFF EXPERT(S) David R. Hootnick, M.D., orthopedic surgery, Liverpool, NY (treating)
Jason C. Phillips, M.D., orthopedic surgery, Pottsville, PA (treating)

DEFENSE EXPERT(S) None reported

EDITOR'S NOTE This report is based on information that was provided by plaintiffs' counsel. Defense counsel declined to contribute. City of Pottsville and Charles Pretti were not asked to contribute.

—Aaron Jenkins

STATEWIDE

MOTOR VEHICLE

Rear-ender — Tractor-Trailer — Multiple Vehicle

Plaintiff blamed rear-ender with tractor-trailer for injuries

SETTLEMENT \$120,000

CASE Darline Rolf v. Wheel King Transhaul, No.
COURT Matter not filed, PA
DATE 5/2/2016

PLAINTIFF ATTORNEY(S) Christopher L. Scott, McDonald at Law, Lancaster, PA

DEFENSE ATTORNEY(S) None reported

FACTS & ALLEGATIONS On Sept. 17, 2014, plaintiff Darline Rolf, 63, was driving on east Route 30 in Lancaster. When she was stopped in traffic at the junction with Route 23, her sedan was rear-ended by a tractor-trailer. She claimed injuries to her teeth and neck.

The tractor-trailer was owned by Wheel King Transhaul.

Prior to filing suit, Rolf entered into settlement negotiations with Wheel King Transhaul's insurer.

INJURIES/DAMAGES *chiropractic; concussion; fractured teeth; head; headaches; massage therapy; neck; physical therapy; radicular pain / radiculitis; shoulder; sprain, cervical; strain, cervical; tooth loss; whiplash*

Rolf was taken by ambulance to an emergency room. She underwent X-rays and CT scans of her head, and she was diagnosed with a concussion.

Rolf followed up with her family doctor, who confirmed the concussion and diagnosed her with whiplash. She was prescribed pain medication and a course of physical therapy, which included massage and exercise, which she treated for six months.

Rolf also suffered a broken dental bridge from six to 11, which required extraction of two teeth for implantation of permanent anchors (the surgery occurred shortly after the accident) and six months of follow-up care.

During completion of physical therapy, Rolf presented to a neurosurgeon with chronic neck pain. She underwent a cervical MRI, which was normal, and she was diagnosed with cervical strain and sprain.

From summer to September 2015, Rolf treated with a series of medial branch blocks with radiofrequency ablation. In November, a chiropractor used a videofluoroscopic X-ray and clinical examination in order to diagnose her with C3-4 and C4-5 anterior longitudinal ligamentous instability.

Rolf treated with about one month of chiropractic care. No further treatment was administered.

Rolf claimed that she continues to experience headaches and pain in her neck, which radiates into her shoulders. She has difficulty sleeping. She sought damages for past and future pain and suffering.

RESULT The parties settled for \$120,000.

INSURER(S) Intact Insurance Co.

**PLAINTIFF
EXPERT(S)** Kevin J. Lasko, D.C., chiropractic,
Lancaster, PA (treating)

**DEFENSE
EXPERT(S)** None reported

EDITOR'S NOTE This report is based on information that was provided by plaintiff's counsel. Wheel King Transhaul's claims adjuster did not respond to the reporter's phone calls.

—Aaron Jenkins

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