



Chapter 1 Section 1 Item 004

## Underinsured Motorist Claim

This is one of the most misunderstood coverages in the claims settlement business. I would guess most attorneys would not even have a clue how to proceed on this very important coverage on your own policy. ACE

### Launa Smith v. State Farm Insurance Co; 1998 Jury Verdicts LEXIS 80852

A-9604988

March 20, 1998

**Headline:** **Auto Accident**- Underinsured Motorist Claim

**Published Date:** March 13, 2011

**Topic:** Insurance - Insurance - Underinsured Claim

**State:** Ohio

**Court:** Hamilton County, Court of Common Pleas, Cincinnati

#### **Plaintiff Counsel**

[Nicholas E. Bunch](#)

Address: Cincinnati, OH

Plaintiff Name: (Launa Smith)

#### **Defendant Counsel**

[Joseph F. Pflum](#)

Address: Cincinnati, OH

Defendant Name: (State Farm Insurance Co.)

**Judge:** Thomas H. Crush

#### **Case Summary**

Plaintiff allegedly sustained a **herniated cervical disc** in an **auto accident**, requiring surgery. The tortfeasor's insurance carrier **settled** with plaintiff for \$50,000 **policy limits**. Plaintiff subsequently filed this claim with **Defendant State Farm for underinsured motorist benefits**.

Plaintiff alleged that: (1) she suffered severe neck, shoulder and arm pain, headaches and depression as a direct result of the collision; (2) as a result of her injuries, her work performance was poor during the year following the **accident**, causing her to lose her job as an office manager; and (3) she was only able to work a maximum of 20 hours per week in a sedentary position due to her injuries.

Defendant contended that plaintiff merely suffered cervical strain as a result of the **auto accident** and that plaintiff was fully and adequately compensated by the \$50,000 settlement.

**Injury Text:**

1. **Herniated cervical disc at C5-C6 in neck,**
2. **low back strain**
3. **headaches and depression**

Plaintiff claimed \$23,000 in medical specials and \$516,000 in lost income.

**Jury Deliberation**

2.5 hours

**Insurer:**

State Farm

**Plaintiff Expert(s)**

[Dr. Kenneth J. Manges](#)

Address: Cincinnati, OH

Specialty: Vocational Rehabilitation/Counseling

[Bruce Siegel, D.O.](#)

Address: Cincinnati, OH

Specialty: General Practice

[Harold Bryant, Ph.D.](#)

Address: Cincinnati, OH

Specialty: Economics

[Harry Van Loveren, M.D.](#)

Address: Cincinnati, OH

Specialty: Neurosurgery

[Timothy Kremchek, M.D.](#)

Address: Cincinnati, OH

Specialty: Orthopedics

**Defendant Expert(s)**

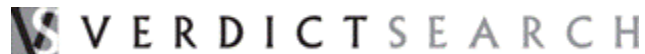
[Paul Schwetschenau, M.D.](#)

Address: Cincinnati, OH

Specialty: Neurosurgery

**Award: \$ 262,500**

**Award Details: \$262,500**



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We hope you find our website helpful. I have designed the new format in various stages of the settlement process. Thank you for your involvement in SMBI.



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