



Chapter 1 Section 1 Item 005

Rear End Light Impact Soft Tissue Injury

Gail Terry v. Larry Kovar; 2003 Jury Verdicts LEXIS 54031

CV 01 457913

September 22, 2003

Headline: **Auto Accident** - Rear-end - Disputed Preexisting Injury

Published Date: March 12, 2011

Topic: Motor Vehicle

State: Ohio

Court: Cuyahoga County Court of Common Pleas, Cleveland

Plaintiff Counsel

[Tyrone E. Reed](#)

Address: Cleveland, OH

Plaintiff Name: (Gail Terry)

Defendant Counsel

[John R. Christie](#)

Address: Cleveland, OH

Defendant Name: (Larry Kovar)

Judge: [Mary J. Boyle](#)

Case Summary

A secretary who suffered neck strain after a rear-end collision was awarded \$10,000 despite defense contentions that the injuries were actually caused by an earlier **auto accident**.

Plaintiff Gail Terry was driving on a highway in morning rush hour traffic. Defendant Larry Kovar was operating his vehicle behind her. Plaintiff slowed to a stop in traffic and was rear-ended by defendant at low speed. The **accident** caused approximately \$1,000 in property damage. Defendant admitted negligence for the collision and the matter proceeded to trial on the issue of causation.

Plaintiff alleged that she suffered a soft tissue neck injury in the **accident**. Three months prior to this **accident**, plaintiff had injured her back in another **auto accident**. Plaintiff had treated her earlier back injuries with physical therapy and, according to the plaintiff, those injuries had resolved before this second **accident** took place.

Defendant denied that plaintiff was injured in the low-impact collision. Instead, defendant contended that plaintiff's injuries were preexisting and were caused by the earlier **accident**.

Plaintiff was a 45-year-old married black female employed as a secretary.

Injury Text:

Soft tissue neck sprain. After the **accident** plaintiff continued on to work, then went to the emergency room the next day complaining of neck pain. Plaintiff also made an appointment with her family practitioner but was not able to get in to see him for one month. Plaintiff treated with physical therapy ordered by her family practitioner for three months, at which time her injuries fully resolved. Plaintiff claimed past medicals of approximately \$3,000 and lost wages for one day of approximately \$100.

Jury Deliberation

3.0 hours

Insurer:

Liberty Mutual

Plaintiff Expert(s)

[Richard Stang, M.D.](#)

Address: Cleveland, OH

Specialty: Internal Medicine

Award: \$ 10,000

Award Details: \$10,000



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