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BSPH would like to congratulate Kenneth R. Beddow on his defense verdict in a personal injury action pending in Richland County, Ohio. In a case of admitted liability, the 46-year-old Plaintiff suddenly experienced radicular pain and “drop foot” 28 days after a T-bone motor vehicle collision. Eight days following the onset of her radicular complaints Plaintiff underwent surgery to remove an extruded disc fragment from her L5-S1 disc space. Plaintiff claimed that the disc injury and surgery occurred as a proximate result of the collision.

Although Plaintiff had a history of low back pain and treatment, she claimed to be pain free at the time of the accident and denied prior radicular complaints. Plaintiff was seen emergently at two different hospitals within five days of the accident. Plaintiff’s Orthopedic expert, a Board Certified Orthopedic Surgeon, related the injury and surgery to the accident, testifying that a CT scan completed five days after the accident demonstrated a new injury when compared to CT scan completed a year previous. Plaintiff’s Pain Management Physician testified that as a proximate result of either the accident or the surgery, plaintiff experienced coccydynia (tailbone pain) requiring therapeutic injections.

The defendant’s expert, a Neurologist, testified that the extrusion most likely occurred at or about the onset of her radicular pain and “foot drop”, and that based upon her subjective complaints of pain only, Plaintiff suffered a flare up of her pre-accident low back pain. The Defendant also presented evidence relevant to the credibility of Plaintiff’s testimony.

At the conclusion of the four-day trial Plaintiff asked the jury to return a \$310,00.00 verdict, inclusive of approximately \$75,000.00 in billed treatment expenses and lost wages. After deliberating for approximately 90 minutes, the jury returned a 7-1 verdict for the Defendant.

