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DAILY REPORT

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Another High-Value Hand Injury Case Settles, This One for \$5M

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ATTORNEYS HAVE AGREED to settle a lawsuit over an injured hand for \$5 million, to be paid by an insurance company that had issued a \$25,000 policy.

“I know we could have gotten more than \$5 million at trial,” plaintiffs attorney Ben Brodhead of Brodhead Law said Thursday. “Rather than go through the trial, appellate process and potential bad faith litigation, my client wanted to have this over.”

Brodhead is waiting to hear whether the Georgia Court of Appeals upholds another injured-hand case of his that went to trial. That verdict was \$30 million. The court’s



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“I know we could have gotten more than \$5 million at trial,” said plaintiffs attorney Ben Brodhead, who is defending a \$30 million verdict in another hand case.

website has posted video of Brodhead defending that verdict, with Laurie Webb Daniel of Holland & Knight opposing it.

Brodhead said the case that settled for \$5 million was nearing trial. He negotiated the

agreement with Trevor Hiestand of Waldon Adelman Castilla Hiestand & Proud, representing Grange Mutual Casualty Co. and its subsidiary, Trustgard Insurance Co.

Hiestand confirmed the deal in a letter dated Dec. 15.

“The parties are pleased that they were able to reach an amicable solution to end this litigation on mutually agreeable terms,” Hiestand said Friday.

Brodhead’s client, Cecile Chinye, was hurt in a wreck on I-20 in Conyers on July 13, 2009, according to the complaint filed in Newton County State Court. She was a passenger in her husband’s SUV. Another driver, Chastity Smith, suddenly lost control of the vehicle, which swerved across several lanes and hit the Chinye SUV, causing it to spin, flip and roll over four times. Mrs. Chinye’s hand came through a window and hit the asphalt.

Smith’s defense attorney is William Harrison of Mozley Finlayson & Loggins. Harrison said by email that he has no comment “other than my client is relieved the case is finally over.”

Brodhead said Chinye required multiple surgeries to restore movement in her hand. Medical expenses totaled roughly \$500,000.

“One of the things that helped was, we got some good pictures from the doctors—intraoperative pictures,” Brodhead said.

Brodhead’s co-counsel Steven M. Barnett, a Marietta solo, made the initial policy limit demand, which Grange rejected—setting up potential exposure to a full verdict.

Brodhead said Barnett “did an excellent job of preserving Ms. Chinye’s rights in the case.”

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Since Ms. Chinye was badly injured and losing income, she was initially willing to accept the policy limits of \$25,000 to help make ends meet while she was out of work. She was only willing to accept this amount if it was paid immediately and without conditions beyond what a jury would impose.”

—Ben Brodhead,
plaintiffs attorney

was initially willing to accept the policy limits of \$25,000 to help make ends meet while she was out of work. She was only willing to accept this amount if it was paid immediately and without conditions beyond what a jury would impose,” Brodhead said. He said Grange wanted to impose additional conditions, such as adding parties to the liability release, that could have negatively affected her ability to collect her uninsured-motorist insurance coverage with

Nationwide. She did ultimately collect the UM policy limit of \$100,000, Brodhead said.

Brodhead said complications in the case arose over a claim that a tire defect caused Smith to lose control of her vehicle. But the car and tires were not preserved to be used as evidence. A judge ruled that the defense could not claim a tire defect without them.

But the absence of an explanation for the jury regarding what caused Smith to lose control concerned the plaintiff’s side, too, Brodhead said: A jury on its own could have concluded something was wrong with Smith’s car and found no fault, or less fault, against her. ☞