

## Verdicts &amp; Settlements

## Man rendered quadriplegic in fall from stairway

### \$1 Million Settlement

On May 3, 2016, a 19-year-old man was visiting his sister's apartment, and started to walk down an outdoor stairway to the deck of the apartment below. As he was about half-way down, he stopped to pet a neighbor's dog and placed his hand on the left handrail for support. The handrail gave way immediately and he fell 15 feet to the ground below. He instantly knew he was seriously injured as he could not move his body and called out for someone to call the police.

He was rushed by EMS to the ER. He was diagnosed as having a crushed 5th vertebrae and paralyzed from below the neck.

Suit was brought against the landlord on the grounds the handrail was not properly secured, in violation of the Virginia Maintenance Code, adopted by the municipality.

Also, plaintiff claimed the landlord had a common law duty to the plaintiff as invitee and guest to use ordinary care to maintain the premises in reasonably safe condition and to warn of any unsafe condition known or reasonably should have been known.

The plaintiff's liability expert, Byron Dickson, an architect, opined that the landlord violated the maintenance code and was negligent in maintaining the safety of the stairway and security of the handrail. He said the condition of the stairway was hazardous to the safety of persons on the premises and that the condition was the proximate cause of the plaintiff's injuries.

The plaintiff's life care planner, Susan Wirt, MSN, opined as to the expected needs of the plaintiff as a quadriplegic patient and the expected expenses likely to be incurred for the rest of his life.

The case settled for the coverage limits.

Following court resolution of the Medicaid lien, the net proceeds of the settlement were transferred to a special needs trust administered by the Commonwealth Community Trust to preserve plaintiff's entitlements to public benefits.

[18-T-128]

**Type of action:** Personal Injury

**Injuries alleged:** Quadriplegia

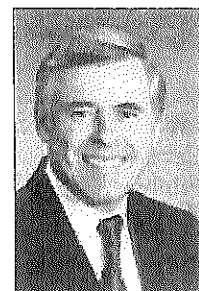
**Court:** Roanoke Circuit Court

**Verdict or settlement:** Settlement

**Amount:** \$1,000,000

**Attorney for plaintiff:** John S. Edwards, Roanoke

**Plaintiff's experts:** Byron Dickson, NCARB, Architect, Roanoke; Susan Wirt, MSN, RN, CCM, CLCO, CNLCP, Catawba, North Carolina



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