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From the August 15, 2005 Michigan Lawyers Weekly.

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Verdicts & Settlements

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Car crash suit ends with 'no cause' verdict

Plaintiff failed to prove economic damages

After the plaintiff, a 24-year-old male, was injured in a "T-bone" car accident, he was treated at the emergency room. Later, he underwent conservative treatment and physical therapy from his primary care physician.

In response to the plaintiff's lawsuit, the defendant — who admitted to having been negligent with regard to the accident — successfully moved for summary disposition as to the plaintiff's noneconomic damages claim based on *Kreiner v. Fischer*.

As for the plaintiff's remaining claim of income loss — which began three years after the accident — the plaintiff contended he had been offered a job as a web designer, but his injuries prevented him from accepting it.

Eventually, the plaintiff found employment with the same employer, but for less pay and fewer hours than the web designer position.

As a result of the accident, the plaintiff alleged that his wage loss damages — spread out over the course of his work life — would exceed \$600,000.

However, the jury disagreed, finding that although the plaintiff had been injured in the accident, he had failed to prove loss of income three years after the accident. As such, the jury returned a "no cause" verdict.

Defense counsel told Lawyers Weekly the key to winning was showing the plaintiff's income-loss argument was incredible, given the fact that his employers were his mother and her business partner.

Finally, defense counsel noted the case had evaluated for \$25,000, which the plaintiff had accepted but the defendant had rejected.

Type of action: Third-party auto negligence

Type of injuries: Neck pain; headaches

Name of case: [Blake v. Seeber](#)

Court/case no./date: Kent County Circuit Court; #01-09824-NI; Jan. 26, 2005

Name of judge: Paul J. Sullivan

Verdict amount: \$0 (no cause for action)

Attorney for the plaintiff: Withheld

Attorney for the defendant: Robert B. Aardema

Name/city of most helpful experts: Dr. Stephen Bloom, D.O., physiatrist, Grand Rapids; Dr. Jeffrey Middeldorf, D.O., physiatrist, Grand Rapids

Insurance carrier(s): State Farm Mutual Automobile Insurance Co.

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