

Springfield attorney settles Florida case for \$500,000

Auto accident caused woman's spinal injury

A Missouri attorney has obtained a \$500,000 settlement in a Florida case concerning an Iowa accident that severely injured a Florida woman.

Cheryl Wade, of Florida, was driving through Iowa on her way to visit her parents in Vancouver, British Columbia. A driver, Victor Gutierrez, suddenly merged into Wade's lane, cutting her off. Wade was forced off the road and into a ditch.

In the accident, Wade's spinal cord was injured. Wade had a pre-existing condition, congenital spina bifida, which made her more susceptible to the injury she suffered, said Wade's attorney, Stephen Aton, of Springfield.

Although there was initial concern that Wade would be paralyzed, her injury was not disabling, but it still severely limits her everyday life. She is in permanent pain and cannot stand or be on her feet for long periods of time, Aton said.

"Cheryl has to be on pain medication

and cannot walk or be on her feet for long," he said. "It's difficult for her to travel, and while [the injury] is not debilitating, it severely limits her. Before she would walk a few miles to work and bike and hike, but she can't do that anymore."

Wade is 61. She considered surgery to help alleviate her pain. But neurosurgeons were mixed about whether she would benefit from it.

Wade was able to collect \$25,000 from Gutierrez's insurance and sought payment from the underinsured motorist coverage on her own policy with State Farm Mutual Automobile Co. Wade's medical bills were more than \$100,000 for hospital care and physical therapy. Her prescription pain medication costs about \$1,000 per month.

The plaintiff's life care planner estimated her damages to be \$1.7 million, and Aton was prepared to seek \$2.3 million to \$2.5 million at trial.

Wade reached a \$500,000 settlement,

■ \$500,000 settlement

MOTOR VEHICLE COLLISION

■ **Court:** Polk County (Fla.) Circuit Court

■ **Case Number/Date:** 53-2007-CA-001814/June 4, 2009

■ **Judge:** Karla F. Wright

■ **Plaintiff's Experts:** Dr. Joshua M. Ammerman, Washington, D.C. (neurosurgeon); Dr. Terry Winkler, Willard. (life care planning); Frederick Raffa, Orlando, Fla. (economist)

■ **Defendant's Experts:** Dr. James Schumacher, Sarasota, Fla. (neurosurgeon)

■ **Insurer:** State Farm

■ **Caption:** Cheryl Wade v. State Farm Mutual Automobile Co.

■ **Plaintiff's Attorney:** Stephen Aton, Springfield

■ **Defendant's Attorney:** Phillip L. Nelson, Korth & Associates, St. Petersburg, Fla.

SEARCH ONLINE AT [HTTP://VERDICTS.MOLAWYERSMEDIA.COM/](http://verdicts.molawyersmedia.com/)

OUT OF STATE

the amount of her policy limit with State Farm.

"Based on our concerns of permanency pain and suffering, needs of future medication and risk of judgment, my clients decided to insure her for the policy limits," said State Farm attorney Phillip L. Nelson, of Korth & Associates in St. Petersburg, Fla. "They did the right thing by the insured, and we have a nice amicable resolution."

Aton came to the Florida case by chance. A longtime client and friend of Wade's had approached Aton and asked whether he knew of any Florida attorneys that could handle a personal injury case.

"Much to his surprise, I told him I could do it as I was a University of Florida law graduate and licensed in Florida," Aton said.

— Angela Riley