Parties settle after unborn twin dies in automobile collision | North Carolina Lawyers Weekly LAWYERS MUTUAL | LIABILITY INSURANCE COMPANY OF NORTH CAROLINA It pays to insure with Lawyers Mutual. \$1 million dividend declared www.lawyersmutualnc.com Home News Verdicts & Settlements **Opinion Digests** Paralegal Events Advertising Subscribe Products Classifieds Resources Alert Search NORTH CAROLINA Subscribe Manage your account Log out NORTH CAROLINA LAWYERS WEEKLY > VERDICTS & SETTLEMENTS > PARTIES SETTLE STAY CONNECTED WITH US AFTER UNBORN TWIN DIES IN AUTOMOBILE COLLISION 6) (r C Parties settle after unborn twin dies in NC Lawyers Weekly keeps you connected with the automobile collision latest legal news, Daily Practice and Breaking News alerts. On Sept.17, 2005, the defendant, working in the course and scope of her Sign up for NC Lawyers Weekly email agency with a logging company, pulled out from a stop sign and drove her truck 🗿 alerts into the side of the plaintiff's mini-van, the plaintiff alleged. At the time of the collision, the plaintiff was 28 weeks pregnant with twins (one male and one female). Upon impact, her seatbelt cinched down, causing the male twin's placenta to rupture. The plaintiff was transported to the hospital, where an emergency C-section LL.M. in Closely-held was performed. Doctors could not save the male twin, but they were able to save the female twin. Businesses However, the female twin developed a brain hemorrhage and hydrocephalus. The resulting brain damage caused several development abnormalities, including slow mental development, motor problems and vision problems Attend online classes at home, Subsequent neuropsychological testing demonstrated that the female twin's cognitive level was in the mentally retarded range. your office, or away The plaintiff filed claims against the defendant driver and the logging company for the personal injuries suffered by the plaintiff, the surviving female twin and three other minors who sustained relatively minimal injuries in the collision. The complaint included a claim under DiDonato v. Wortman, 320 N.C. 423 (1987), SCHOOL of LAW for the wrongful death of the unborn yet viable male twin. The male twin's viability was established from the survival of his twin sister. UNIVERSIT Prior to the filing of the lawsuit, the defendant insisted that she only had liability coverage of \$100,000 per person and \$300,000 per accident. After the suit was filed, the plaintiff amended the complaint to allege that the defendant was acting in the course and scope of her agency with the logging company and included a claim against the logging company under the doctrine of respondent superior. The logging company had an additional \$1,000,000 in liability insurance coverage, increasing the total insurance coverage to \$1,300,000. Type of action: Personal injury Wrongful death Negligence Respondeat superior Unborn but viable twin Stay Current.

Injuries alleged: Plaintiff (abdominal trauma causing a placental abruption which necessitated an emergency C-section), female twin (brain hemorrhage and hydrocephalus causing brain damage, which in turn caused developmental and cognitive impairments), male twin (death), other minor plaintiffs (abrasions) Case name: Confidential

Case number: Confidential

Court: Confidential

Verdict or settlement: Settlement

Settlement date: Oct. 9, 2007 Amount: Global settlement of \$1,300,000

Special damages: Plaintiff (\$19,033), female twin (\$250,094.70 in medical bills), male twin (\$993 in funeral expenses), other minor plaintiffs (\$13,090 combined) Plaintiff's expert: Cynthia Wilhelm, Ph.D. (life care planner)

Insurer: Confidential

Plaintiff's attorneys: John M. McCabe and Brian F. Davis of Davis & McCabe, P.A., Raleigh; Brian M. Ricci of Edwards & Ricci, P.A., Greenville Submitted by: John M. McCabe



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admitted evidence of defendant's prior violent acts and death threats against the victim, and

girlfriend after a day of fishing and a fish fry

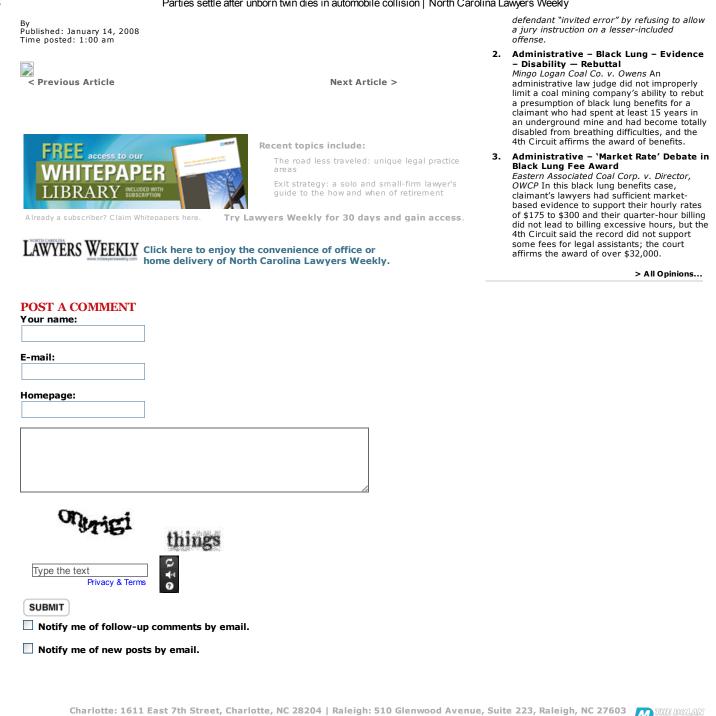
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