

[REDACTED] Individually,
and as Mother and Next Friend of
[REDACTED], a Minor,
Plaintiff

vs.

[REDACTED],
Defendant.

* IN THE
* DISTRICT COURT
* OF MARYLAND FOR
* ANNE ARUNDEL COUNTY
* CASE # [REDACTED]

* * * * *

DECISION AND ORDER

IN THIS ACTION, the Plaintiff [REDACTED] has asserted a claim on behalf of her daughter [REDACTED] (hereinafter "Plaintiff [REDACTED]") against the Defendant [REDACTED] (hereinafter "Defendant [REDACTED]") for monetary damages arising from an automobile collision occurring on November 12, [REDACTED], in [REDACTED], Maryland. This action was tried before the Court on June 23, [REDACTED], and at the conclusion of the trial, the matter was taken under advisement. At trial, the parties stipulated that the automobile collision of November 12, [REDACTED], was caused by the negligence of the Defendant [REDACTED] in the operation of her motor vehicle, and thus the only issue remaining for decision by the Court is the amount of damages, if any, to be awarded to the plaintiff. At the trial of June 23, [REDACTED], the minor Plaintiff [REDACTED] testified and various exhibits including photographs depicting the minor plaintiff's injuries were admitted into evidence together with Plaintiff [REDACTED]'s submission pursuant to Section 10-104 of the Courts and Judicial Proceedings Article of the Annotated Code of Maryland. The Court has had ample opportunity to review the medical records, reports, statements, and invoices included in the Section 10-104 submission. Further, the Court has had the opportunity to hear the testimony, observe the demeanor, and assess the credibility of the Plaintiff [REDACTED], and thereupon the Court makes the following FINDINGS OF FACT AND CONCLUSIONS OF LAW:

On November 12, [REDACTED], the Plaintiff [REDACTED] was a passenger in a van which was struck by the Defendant [REDACTED]'s vehicle causing the Plaintiff [REDACTED] to be thrown forward striking her head on the seat directly in front of her; and at the time of the collision, the Plaintiff [REDACTED] was not wearing a seat belt. As a result of the collision, the Plaintiff [REDACTED] sustained a laceration above her left eye along with other bruises to her face and head. The Plaintiff [REDACTED] was transported by ambulance to [REDACTED] Medical Center where she was treated in the emergency room and released. The clinical impression or diagnosis recorded by the emergency room physician included a laceration to the forehead, contusions to the head and face, and a sprain of the Plaintiff [REDACTED]'s neck secondary to the motor vehicle collision. In the days subsequent to her release from the emergency room at [REDACTED] Medical Center, the Plaintiff [REDACTED] developed chronic daily headaches resulting in high levels of pain; and the pain radiated from the back of her neck involving her entire head. During the time of her initial visit to the emergency room of [REDACTED] Medical Center on November 12, [REDACTED], diagnostic tests including a CT scan of the head and x-rays of the cervical spine were obtained, and the results of all of these diagnostic tests were normal. On November 17, [REDACTED], the Plaintiff [REDACTED] sought treatment from Dr. [REDACTED] of [REDACTED] Physicians who removed the sutures applied to the Plaintiff [REDACTED]'s laceration. While still under care of the physicians at [REDACTED] Physicians, an MRI of the Plaintiff [REDACTED]'s brain was conducted on December 1, [REDACTED], and similar to the earlier diagnostic tests, the result of the MRI of the brain was normal. Upon a referral by Dr. [REDACTED], the Plaintiff [REDACTED] was seen by Dr. [REDACTED] at [REDACTED] Medicine on December 13, [REDACTED].

In that initial visit, Dr. [REDACTED] noted that the Plaintiff [REDACTED] had continued to experience chronic daily headaches with severe levels of pain since the time of the automobile collision on November 12, [REDACTED]. Dr. [REDACTED] noted in her reports that since the automobile collision, the Plaintiff [REDACTED] had been taking nonsteroidal anti-inflammatory drugs. Dr. [REDACTED] concluded that the Plaintiff [REDACTED] had suffered a mild concussion as a result of the motor vehicle collision and that her headaches were complicated by the daily use of the nonsteroidal anti-inflammatory drugs. Dr. [REDACTED] concluded that a weaning off of the nonsteroidal anti-inflammatory drugs was an appropriate treatment for the Plaintiff [REDACTED]'s headaches, at least in part; and although Dr. [REDACTED] suggested that the headaches may get worse for a brief time after the nonsteroidal anti-inflammatory drugs were terminated, a full recovery was to be expected within two to four weeks thereafter. Further Dr. [REDACTED] suggested behavioral therapy from a behavioral psychologist to deal with temporary headache pain. The Plaintiff [REDACTED] continued in treatment at [REDACTED] Practice Association through August 22, [REDACTED], over which time she was seen by both Dr. [REDACTED] and Dr. [REDACTED]. In the medical reports generated as a result of these visits at [REDACTED], several notations were made by the examining physicians in regard to an "apparent disconnection between her [REDACTED] reported level of pain and disability compared to her general appearance and high level of functioning". (See medical report of August 22, [REDACTED], by Dr. [REDACTED].) Even after the Plaintiff [REDACTED] was successfully weaned off of the nonsteroidal anti-inflammatory drugs, she continued to report daily headaches with high levels of associated pain. Nevertheless, Dr. [REDACTED] noted that the Plaintiff [REDACTED] had not missed any school because of the headaches and had experienced a minimal decline in her school performance. However, her sleep was being disturbed occasionally by the headaches. In the medical report of

March 14, [REDACTED], Dr. [REDACTED] noted “she is functioning well despite her daily headache pain” and “despite her insistence of pain off the scale, she appears in no acute distress and easily smiles and laughs during the clinic visit”. At the time of the Plaintiff [REDACTED]’s final visit with [REDACTED] Medicine on August 22, [REDACTED], Dr. [REDACTED] noted “at this time, there is no impact on her quality of life or general functioning”.

Included in the Plaintiff [REDACTED]’s 10-104 submission in this case was a report dated April 16, [REDACTED], from Psychologist [REDACTED] of [REDACTED] Health in Arnold, Maryland. In that report, Dr. [REDACTED] noted that the Plaintiff [REDACTED] had been referred to [REDACTED] Health by Dr. [REDACTED] for behavioral treatment to help reduce the Plaintiff [REDACTED]’s symptoms of pain. Dr. [REDACTED] treated the Plaintiff [REDACTED] between January 28, [REDACTED], through December of [REDACTED]. In the report of April 16, [REDACTED], Dr. [REDACTED] noted that the Plaintiff [REDACTED] had “gained considerable skills in employing interventions to reduce the intensity of her headaches” and “her treatment is ongoing but progress is being made”.

Having heard the testimony of the Plaintiff [REDACTED] and having reviewed the various submissions included in the Plaintiff [REDACTED]’s submission pursuant to Section 10-104 of the Courts and Judicial Proceedings Article, the Court concludes that the medical injuries referenced and described in the Section 10-104 submission were caused by the negligence of the Defendant [REDACTED] in the automobile collision of November 12, [REDACTED]. Further, the Court concludes that the medical treatment described in the Section 10-104 submission was necessary and proper for treatment of the injuries sustained by the Plaintiff [REDACTED] in the automobile collision of November 12, [REDACTED] and the various medical expenses and costs documented in the Section 10-104 submission were fair and reasonable charges for the medical services, expenses and costs referenced therein. Thus, the Court awards to the Plaintiff [REDACTED] as damages resulting from the automobile collision of November

12, [REDACTED], the medical expenses and costs listed on the Plaintiff [REDACTED]'s "Section 10-104 Notice of Intent to Introduce Records and Bills" in the amount of \$9,768.48. Further, the Court concludes that the Plaintiff [REDACTED] experienced pain, discomfort, and inconvenience resulting from the injuries sustained in the automobile collision of November 12, [REDACTED]. The injuries and symptoms resulting therefrom interfered with the Plaintiff [REDACTED]'s normal activities both at home and at school requiring an extended period of medical care. The Court concludes that the Plaintiff [REDACTED] is entitled to an award of noneconomic damages in the amount of \$6,000.

It is thereupon this 14th day of August, 2009, by the District Court for Anne Arundel County ORDERED that final judgment is granted in favor of the Plaintiff [REDACTED] individually and as mother and next friend of [REDACTED], a minor, against the Defendant [REDACTED] in the amount of \$15,768.48 plus court costs of \$70.

[REDACTED]
Judge

cc:

[REDACTED]
Attorney for Plaintiff

[REDACTED]
Attorney for Defendant