

## Car crash victim gets \$2.25M at arbitration

A roofer who described his post-accident pain as “a thousand yellow jackets stinging his arms” was awarded \$2.25 million by an arbitration panel. The plaintiff’s injuries stemmed from a 2007 vehicle accident and a subsequent surgery for post-traumatic carpal tunnel syndrome that left him suffering from complex regional pain syndrome. A chronic condition, it is marked by severe burning pain. Plaintiff Billy Payne described the sensation as “never-ending torture.”

Payne was a passenger in his employer’s truck when an uninsured driver crossed the median and slammed into the truck. The collision injured Payne’s neck, back, ribs and wrists.

When Penn National Mutual Casualty Insurance Company failed to respond to Payne’s demand for binding arbitration of his claim, his attorneys filed a motion to compel arbitration. Penn National asserted a statute of limitations defense, contending that Payne had failed to supply it in a timely manner with a copy of the summons and complaint.

The trial court ordered arbitration, giving the arbitration panel jurisdiction to decide all conditions precedent to arbitration, including statute of limitation defenses. The panel awarded \$2.25 million in damages.

**Type of action:** Uninsured motorist arbitration

**Injuries alleged:** Complex regional pain syndrome

**Case name:** *Billy Payne v. Pennsylvania National Mutual Casualty Insurance Company*

**Case number:** 10-CVS-3190

**Court:** Mecklenburg County Superior Court

**Arbitration Panel:** William Helms, Staten Wilcox, Mel Garofalo

**Date:** Feb. 21, 2011

**Amount:** \$2.25 million

**Special damages:** \$195,000 for past medical costs; \$1.1 million for future medical costs; \$540,000 for future loss of earnings

**Demand:** \$1 million

**Offer:** \$600,000

**Insurer:** Penn National Mutual Casualty Insurance Company

**Plaintiff’s attorneys:** Michael Workman of Charlotte, Brian deBrun of Charlotte

**Defendant’s attorneys:** John Malone of Greensboro