

# SOUTH CAROLINA Lawyers Weekly

Part of the  BRIDGETOWER MEDIA network

MARCH 8, 2022

## Jury awards \$2.5M to woman hurt in car crash

By David Baugher

A Berkeley County jury has awarded \$2.5 million to a woman who suffered back injuries as a result of a car crash, in a case that her attorneys say was strongly contested over the issue of damages because of the plaintiff's preexisting conditions.

Chris Romeo and Michael Grabara of Thurmond Kirchner & Timbes in



Chris Romeo



Michael Grabara

Charleston report that their client, Jill Amoruso, filed suit in Berkeley County after another driver rear-ended a vehicle that had stopped while its driver waited to turn left. The resulting impact propelled the vehicle forward into a head-on collision with Amoruso's vehicle.

"When they hit, she rolled over," Romeo said. "She ended up being trapped in the car."

Amoruso suffered a fractured sternum and two vertebral compression fractures. Romeo said there was no argument from the insurer over liability or over the fact that Amoruso had been hurt, but much of the dispute centered on severity of her compression fractures. He said the defense contended that his client had healed well and that further problems were the result of previous neck injuries

that had already necessitated three surgeries and years of ongoing pain management.

"The defense would not admit that her injuries were permanent," Romeo said. "They took the position that she was injured, but only for about 10 months."

Romeo said that his client had already been receiving treatment, but her injuries from the crash were in a slightly different area.

"The prior condition was lower neck," he said. "The new condition was upper back, so we're really talking about a matter of maybe a few inches of difference."

He also contended that the problems were more debilitating than what she'd experienced before, and after the crash she was also unable to ride a horse, an activity she'd previously enjoyed.

"After the wreck, she no longer could run," he said. "It was just too painful on her back."

Romeo said that he stressed the issue of anterolisthesis, the slippage of one vertebra over another.

"That's what we focused in on through the diagnostic imaging," he said. "Yes, the fractures healed, but they caused a different issue."

Romeo said USAA held both the at-fault driver's liability policy and Amoruso's underinsured motorist policy. Because there was no dispute over at-fault driver's liability, that claim was quickly settled for the driver's full policy limits of \$100,000, and the trial was contested over the UIM coverage. Since the verdict was hand-

### VERDICT REPORT— Motor Vehicle Crash

**AMOUNT:** \$2.5 million

**INJURIES ALLEGED:** Sternum fracture and T2 and T3 compression fractures

**CASE NAME:** Jill Amoruso v. Kaira Miller

**COURT:** Berkeley County Circuit Court

**CASE NO.:** 2019-CP-08-00758

**JUDGE:** Jennifer McCoy

**DATE OF VERDICT:** Feb. 2

**HIGHEST OFFER:** \$250,000

**SPECIAL DAMAGES:** \$103,000 in past medical bills; \$812,000 in future medical expenses

**MOST HELPFUL EXPERTS:** Dr. Todd Joye (life care planner) and Dr. Edward Nolan (treating doctor)

**INSURANCE CARRIER:** USAA

**ATTORNEYS FOR PLAINTIFF:**

Chris Romeo and Michael Grabara of Thurmond Kirchner & Timbes in Charleston

**ATTORNEY FOR DEFENDANT:**

John Grantland of Murphy & Grantland in Columbia

ed down on Feb. 2, USAA has paid its \$1.2 million limit in UIM coverage, plus \$79,000 in interest.

Before trial, the insurer's highest offer had been \$250,000.

John Grantland of Murphy and Grantland in Columbia represented the defense. He declined to comment on the verdict.