Knee injuries can be among the most common type of injuries we see in personal injury cases. They can run the gamut from a minor sprain to a catastrophic complete disruption of the entire joint. They may require little or no treatment other than applying ice, reducing inflammation with over the counter drugs like Ibuprofen, or they may require complex reconstruction surgery with total joint replacement and extensive formal physical therapy. I recently took a look at some lower end knee injury cases to see how they had resolved and wanted to share this information here.

In Baker vs. Edwards (1997) a Dade County case, which is only relevant in that settlements and verdicts are typically higher this more “liberal” metropolitan area. The plaintiff was a female front seat passenger. The defendant made a left hand turn in front of the car plaintiff was in. The injury was a complex tear of the posterior horn of the lateral meniscus, a flap tear of the posterior medial aspect of the medical meniscus, and a partial posterior cruciate ligament tear and synovitis. This case settled for $42,500 before trial.

In Brousseau vs. Wal-Mart Stores, Inc., the plaintiff fell and claimed a medial meniscus tear to the right knee, an aggravation of pre-existing degenerative joint disease, Grade I or II posterior tibial tendonitis of the right ankle, greater trochanteric bursitis of the right hip, injury to two front teeth, a laceration to her lip caused by a tooth puncture, laceration of left toe, laceration, and a contusion and abrasion to the face. Plaintiff underwent arthroscopic surgery with partial medial meniscectomy and chondroplasty debridement. The surgical findings were a small oblique tear of the posterior horn of the medial meniscus, Grade II chondromalacia over 50% of the patella and arthritic lesions on the medial femoral condyle and the medial plateau. A Polk County jury awarded $19,400.

In Brown vs. Greer, a 2003 case in Orange County, the plaintiff, a 27 year old female, alleged a derangement of medial meniscus and a tear to
the posterior horn of medial meniscus of the left knee. She required arthroscopic surgery with a partial medial meniscectomy. The defendant alleged and the jury found that the plaintiff did not sustain a permanent injury within a reasonable degree of medical probability that was caused by the accident. The jury returned a verdict of $30,301.53 which represented $27,301.53 in past medical expenses and $3,000 in past lost wages.

In Johnson vs. Bostic, a 2003 case arising out of a vehicle on pedestrian collision, a jury returned a $27,000 verdict for a 39 year old female plaintiff. The nature of the injury was a medial meniscus tear of left knee and Grade II chondromalacia of medial femoral condyle. The treatment consisted of arthroscopic partial medial meniscectomy and non-abrasion chondroplasty of the medial femoral condyle. The plaintiff had a prior repair of a medial meniscus tear of in 1998; however, Plaintiff had not experienced any problems since. The verdict was composed of $3,438.60 in past medical expenses; $4,549.60 in past lost wages; $17,011.80 in past pain and suffering and $2,000 in future pain and suffering.

In Rios vs. Euro American Investments, Ltd., a Dade County jury returned a $20,000 verdict in 1997 for a female plaintiff in her 60’s who claimed she sustained a partial tear of the medial meniscus in a fall, requiring arthroscopic surgical treatment. The plaintiff’s expert, an orthopedic surgeon, testified as an expert and opined that the plaintiff sustained a 5% permanent injury of the whole body stemming from the fall.

In Wesner vs. Cordoba, et al, a male plaintiff in his 40’s sustained an internal derangement of the right knee, a tear of the anterior cruciate ligament, a tear of the medial meniscus with subchondral erosion of the medial femoral condyle, and a small vertical tear in the anterior horn of the lateral meniscus as a result of an auto collision. The plaintiff’s orthopedic surgeon assigned him a 5% permanent disability of the knee. The defense orthopedist assigned plaintiff a 7%-8% partial permanent impairment. The case settled prior to trial for $70,000.

It is important to note that often times what may appear to be the diagnosis on an MRI is ultimately more definitively diagnosed at surgery. After a person undergoes formal diagnosis and completes treatment, the doctor can give a permanent impairment rating. The nature and extent of the injury and degree of disability and impairment, for example, a lack of range of motion or significant pain upon using the joint, will enhance an impairment rating.

As you can see from these case clips above, causation is often a problem in proving the case. A jury must find that the injury was in fact caused by the incident that is the subject of the case. The older we get the more degeneration occurs in our knees, as well as other joints. The knee is particularly susceptible to chronic inflammation, arthritis, and general degenerative wear and tear if a person is overweight or sustains prior injuries from sports, such as running or football. Therefore, the
older you are when your incident of your personal injury case occurs, the more likely it is that you already have some degree of pre-existing condition. The law allows you to still recover even if all the trauma from your incident caused was an aggravation of a pre-existing condition.

The factors that make up the evaluation of a personal injury case’s economic value are the subject of a separate article. If you have suffered a knee injury as a result of some accident or incident and you would like to have a free legal evaluation of the possible case, you may contact our office for a confidential risk free evaluation.

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