

MINOR DAMAGE TO VEHICLE DOES NOT INDICATE LACK OF INJURY

By: Pamela B. Lolan

Significant injuries can and do result from accidents of minimal impact. The law of Louisiana is clear that where personal injuries are established by medical and lay evidence, the force of the impact is of no material importance.

Case 1

Mrs. Weeks was a passenger in a bus. The bus and an automobile brushed each other on the side. There was no physical damage to the bus and only scraping of the right front fender of the other vehicle. There was no question that an accident did occur. A physician of the Bus Company examined Ms. Weeks approximately five days after the accident. She was diagnosed with bruising and/or strain of the left lower rib cage and left shoulder area of the back. Ms. Weeks was also treated by her general practitioner along with a general surgeon and orthopedic surgeon. There was muscle spasm noted by the physicians.

The Bus Company contended that since the damages to the vehicles were slight and Ms. Week's injuries were minimal; any treatment after two weeks was unnecessary. The case went to trial and Ms. Week's won. The jury's award revealed that all medical treatment was taken into consideration. The appellate court agreed with the jury finding that the record established there was a collision in which the plaintiff was injured. The minimal forces of the accident is of no material importance as it relates to the extent of the injuries. The degree of injuries sustained in a collision cannot be measured by the minimal force of a collision.

Case 2

Mr. Orleans was struck from behind while at a stop sign. His car was propelled 20 to 25 feet. The vehicle was old but was in good condition prior to the accident. There was damage to the rear of his vehicle in the amount of \$109.43. Mr. Orleans had two witnesses who confirmed the facts of the accident and a mechanic to confirm the damage to his vehicle was new. Mr. Orleans sustained injuries to the left cheek, the bridge of his nose, the back of his neck and shoulder blades and, in addition, an aggravation of a pre-existing back injury. His physician treated him for approximately 6 months.

Mr. Denial did not deny he struck the rear of the vehicle. However, he denied causing damage to the rear of the vehicle. He claimed that the car was old and all the damage was there before the accident. He further contended that the accident was so minor Mr. Orleans could not have incurred any injuries in the accident.

The case went to trial and found Mr. Denial responsible for the injuries. The jury's award included property damage, reimbursement of medical expenses and a pain and suffering award. The court of appeal agreed with the jury's decision. The minimal force of a collision is of no material importance as it relates to the extent of injuries received in such a collision.

Case 3

Ms. Teacher's automobile was struck in the rear by a vehicle which was also rear ended by another vehicle. The damage to her vehicle was to the rear bumper and was so slight that there was no claim for property damage. Ms. Teacher suffered a severe cervical strain with severe headaches. She was treated conservatively for over a year.

Again the defendant contended that this accident could not have caused these injuries. Again, the court rejected the defendants arguments and awarded damages according to the medical testimony.

In conclusion, a minimal collision between vehicles does not prove that the impact could not have caused injuries. There are other factors such as angle of impact, weight of vehicles and even prior condition of occupants which can cause injuries to occur. More important is the fact that Louisiana law has continually recognized that a minimal impact and minor property damage do not indicate the extent of injury.

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