

The Petrylaw Injury Case Value Report

SHOULDER INJURIES

How Minnesota Juries Decide the Value of Shoulder Injury Cases

The Petrylaw Injury Case Value Report provides facts and estimated ranges of value for specific Minnesota traumatic injuries. Often in trauma cases, many body parts are injured. As a result, the verdicts, settlements and case histories that you often hear discussed on the evening news, in the newspaper or among your friends do not help you determine the value of *your* injury when *you* have injured only one body part.

Often, in cases involving shoulder injuries arising from slip/trip and fall trauma, car accident trauma or construction accidents, the victim has other injuries as well. These frequently include humerus (arm) fractures and neck injuries. Thus, it is very important that keep in mind that if you have suffered a traumatic injury to more than one part of your body, you should use the information in **The Petrylaw Injury Compensation Report** as only a starting point. The value of your case could be much less or much more than the amounts discussed in **The Petrylaw Injury Compensation Report**.

A typical Minnesota personal injury lawsuit is based upon a claim of negligence where you contend that someone else is responsible for causing your injuries. In this type of case, as the Plaintiff (or the person bringing the suit) you bear the burden of proving the following elements:

1. **Duty** – you must prove that Defendant (the party you are suing) had a duty to do something specific (examples – maintain a proper lookout when driving a car, obeying the posted speed limit, removing snow and ice within a reasonable period of time following the conclusion of a storm, or inspecting a floor in the produce section of a grocery store);
2. **Breach** – you must prove that the Defendant failed to perform the duty (examples – a driver texting on a cell phone instead of watching where he is driving, traveling at an excessive rate of speed, or allowing snow and ice to accumulate on a sidewalk well after a storm has ended);
3. **Cause** – you must prove that the Defendant's failure to perform the duty was the proximate cause of your injury. This means that you have to convince a jury that, for example, a driver's failure to maintain a safe distance between his or her car and yours caused their car to crash into your car and further caused you to suffer an injury. There can also be superseding causes or things that happen after someone else breaches a

duty that either cause an injury or make the injury more severe than it would have been if the event that happened after the breach of duty had not occurred (example – your car gets hit broadside by a car that runs a red light. After the collision, a well meaning person sees that you are trapped in your car and tries to remove you from you car. In the process, he grabs your arm, without realizing that it is broken, and yanks on it causing even more damage to your arm).

4. **Damages** – you must prove that you have been damaged as a result of the Defendant's conduct. Damages may include pain and suffering, lost wages, damage to property, and other special damages. You must prove your damages with certainty and not based upon speculation or what might happen. (Example – if you seek to prove that you are going to need future medical treatment, your doctor(s) will need to state that to a reasonable degree of medical certainty you will need specific medical treatment in the future and that the treatment will cost a certain amount).

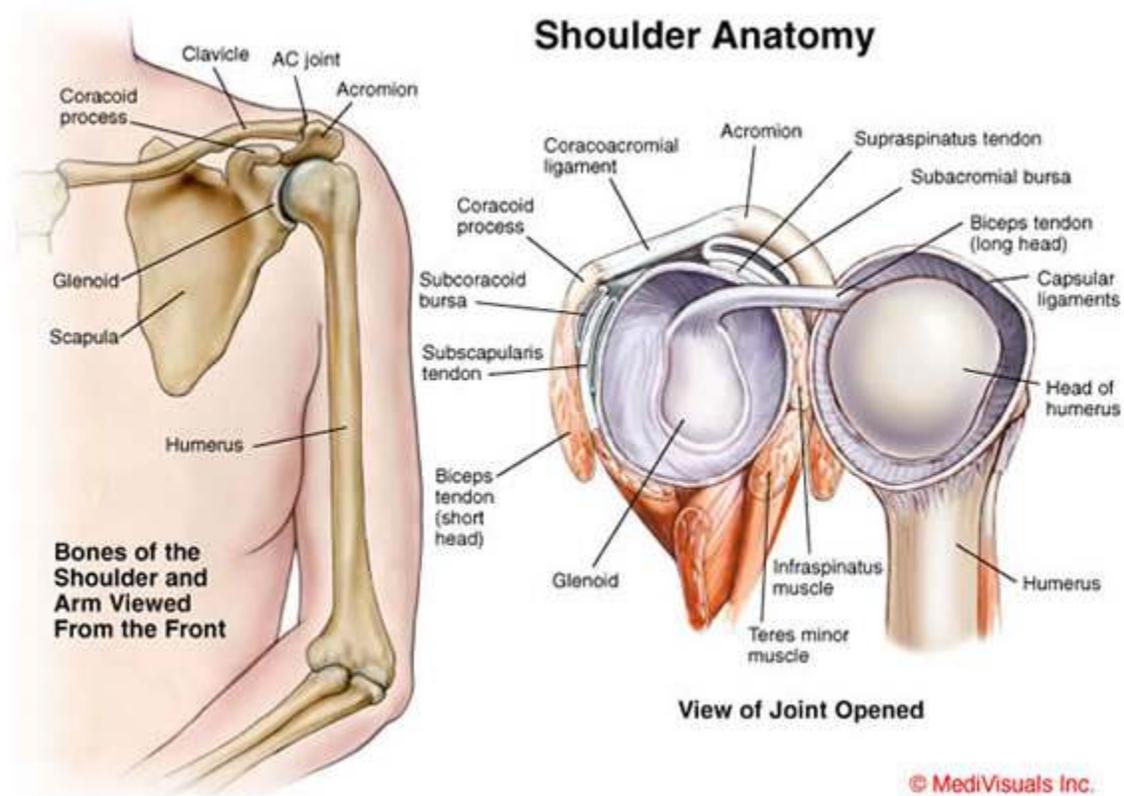
While you are trying to prove these elements at trial, the Defendant(s) may raise the following defenses. Be assured that defendants have raised these defenses time and time again with great success in either limiting or denying plaintiffs' injury claims:

1. **Pre-existing injury** – The defendant contends that the plaintiff was injured before the accident and thus the accident did not cause your injury;
2. **Assumption of Risk** – The defendant contends, for example, that you knew of a dangerous condition and still walked on an icy sidewalk.
3. **Contributory Negligence** – The defendant contends that your negligence rather than his or hers caused your injuries.

Rick Petry will gladly meet with you to discuss and evaluate your injury case at no cost or obligation. Please call Rick to discuss your injury case at 612.869.RICK (7425) or 612.332.0334.

Please keep in mind that the values discussed in this report are for **Minnesota Injury Cases** only. We tried to focus this report as much as possible on cases where there are not significant injuries in addition to the arm injury. Dollar amounts can be much higher when an injured person also incurs significant lost wages, significant medical expense payments and other so-called special or out of pocket damages or there are significant injuries to other parts of the body.

Now, let's look at the Shoulder:



Definitions

Shoulder - The ball and socket joint of the upper arm, where the head of the humerus meets the scapula.

Acromioplasty - A surgical procedure in which part of the acromion (a bony part of the shoulder – see diagram below) is resected to decompress impingement of the rotator cuff.

Arthroscopy - Examination or surgical repair of the interior of a joint with an arthroscope (a thin rod with a lens inserted into the joint through a small incision).

Avulsion Fracture - The separation of a small piece of bone that has been pulled away from the shaft.

Bankart Lesion - A traumatic detachment of the labrum.

Brachial Plexus - A large nerve network in the neck.

Dislocation - A complete loss of contact between the articular surfaces of a joint.

Glenoid - The depression or cavity in the scapula that articulates with the head of the humerus to form the shoulder joint (see diagram).

Hill-Sachs Lesion - A radiographic sign of a recurrent dislocation of the shoulder.

Humerus - The long bone of the upper arm.

Labrum - A fibrocartilaginous rim in the shoulder joint.

Rotator Cuff - A group of tendons and muscles surrounding the shoulder joint locking the humeral head into the glenoid.

Subluxation - A misalignment of opposing joint surfaces; a partial dislocation.

Scapula - The flat, triangular bone of the shoulder commonly referred to as the shoulder blade.

Tuberosity - A large bony projection or protuberance usually serving as an attachment for tendons.

Estimated value in Minnesota shoulder injury cases based on the circumstances described:

Low Range of Value for a Knee Injury: \$0 to \$60,000

Your case could be valued in the \$0 to \$60,000 range when any or all of the following factors are present: When you have no fractures; when physicians dispute whether a ligament or meniscus is torn; when you need only minor surgery or no surgery at all; when you have an excellent recovery; when you will not likely have future pain or disability; and when your case would be tried in an area where juries are conservative in their awards.

Actual Case: \$ 0 – _____.

Actual Case: \$50,000 -.

Actual Case: \$ _____ -.

Mid Range of Value for a Shoulder Injury: \$75,000 to \$200,000

Your case could be valued in the \$75,000 to \$200,000 range when any or all of the following factors are present: When you have a significant fracture, usually of the humeral neck. When you have clearly torn the rotator cuff; when you need

open or complicated arthroscopic surgery; when you have a fair to good recovery; when you will likely have some future pain or disability; and when your case would be tried in an area where juries are about average in their awards.

Actual Case: \$100,000 - _____.

Actual Case: \$300,000 - _____.

Actual Case: \$360,000 - _____.

High Range of Value for a Shoulder Injury: \$225,000 to \$750,000

Your case could be valued in the \$225,000 to \$750,000 range when any or all of the following factors are present: When you have a significant humeral neck fracture that requires open surgery; when you require multiple surgeries; when you have a poor to fair recovery; when you will likely have significant future pain and disability; when additional future surgery is credibly recommended; and when your case would be tried in an area where juries are liberal in their awards.

Actual Case: \$1,500,000 - _____.

Actual Case: \$4,000,000 - _____.

Actual Case: \$6,500,000 - _____.

Please feel free to either call or E-mail Rick to discuss your Injury Case!

If you have suffered a shoulder injury, you're invited to call me to discuss your injury case. I will ask questions about your injury and treatment and help you determine the value of your claim.

Call me at 612.869.RICK (7425) or 612.332.0334 or e-mail me at rpetry@petrylaw.com.

I am fully committed to helping you receive fair and just compensation for your injury.

Sincerely,

Rick L. Petry, Esq.
