

The Petrylaw Lawsuits Settlements and Injury Settlement Report

UPPER-LEG INJURIES

How Minnesota Juries Decide the Value of Pain and Suffering in Upper-Leg Injury Cases

The Petrylaw Lawsuits Settlements and Injury Settlement 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 upper leg injuries arising from slip/trip and fall trauma, car accident trauma or construction accidents, the victim has other injuries as well. These frequently include pelvic fractures, knee injuries and lower leg injuries (fibula/tibia fractures). 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 Lawsuits Settlements and Injury Settlement 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 Lawsuits Settlements and Injury Settlement 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.

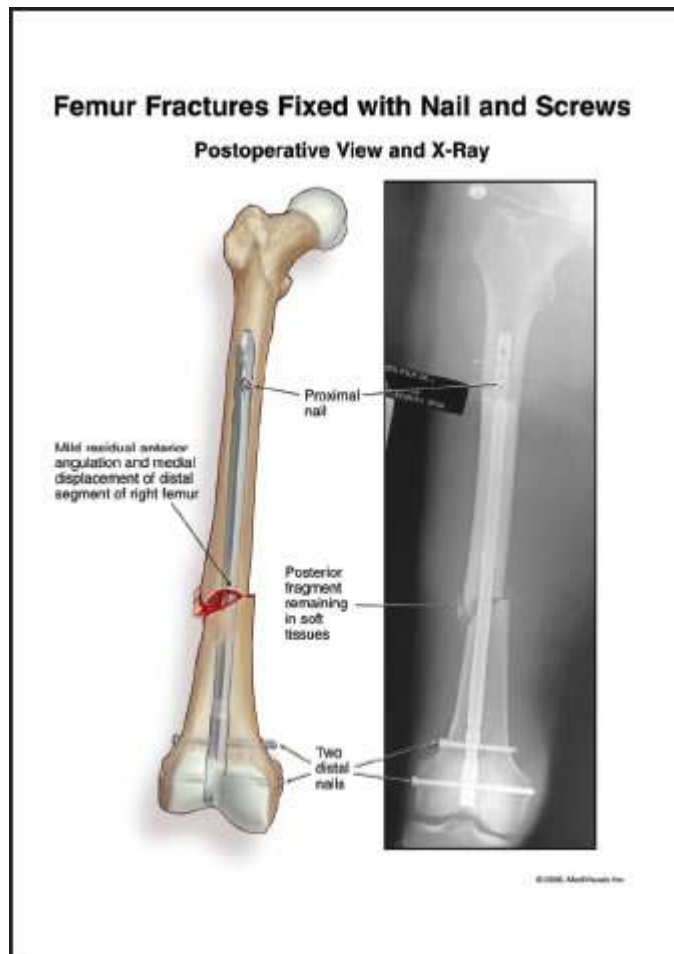
Rick Petry will gladly meet with you to discuss and evaluate your injury case at no cost or obligation. Please call Rick at 612.339.4295 or 612.387.7229 for a free legal consultation.

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 neck injury. The 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.

Estimated value for Minnesota upper-leg injuries based on the circumstances described:

Low Range of Value for a Femur Fracture: \$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 a minor or hairline fracture exists; when you do not need surgery; 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: \$_____ -.

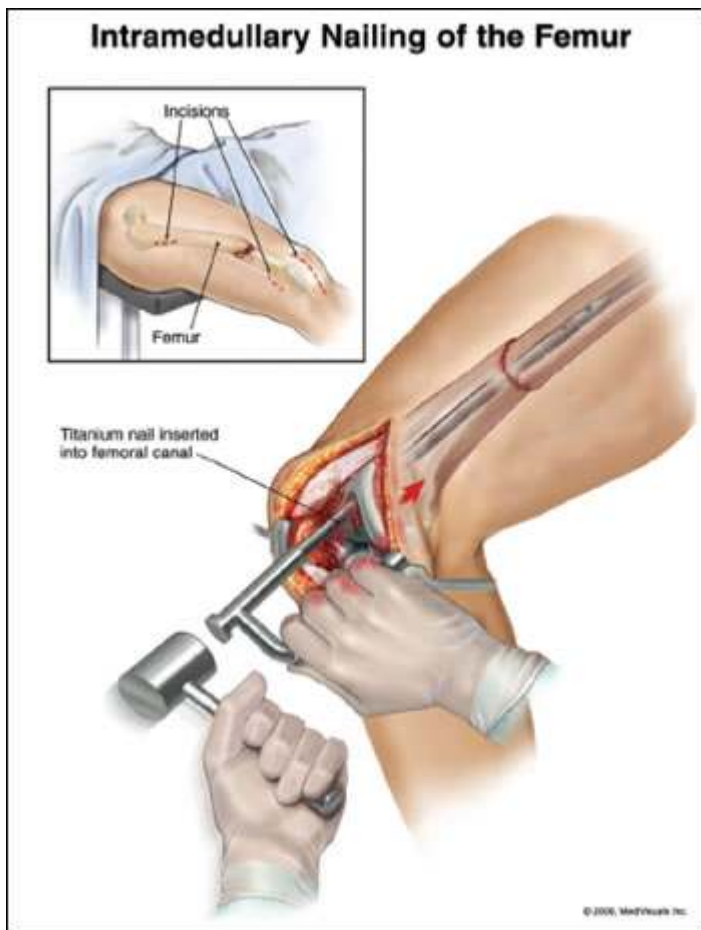
Mid Range of Value for a Femur Fracture: \$200,000 to \$750,000

Your case could be valued in the \$200,000 to \$750,000 range when any or all of the following factors are present: When you have a comminuted femur fracture; when the fracture extends into the hip joint; when you require more than one surgery; when you have a fair to good recovery; and when you will likely have some future pain or disability. This estimate also assumes that 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 Femur Fracture: \$750,000 to \$2,000,000

Your case could be valued in the \$750,000 to \$2,000,000 range when any or all of the following factors are present: When your fracture is severe; when you have multiple fractures; when you require complicated surgery; when you have a poor to fair recovery; when you will likely have significant future pain and disability, including a limp or growth plate damage; and when additional future surgery is needed. This estimate also assumes that 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 neck 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 612.339.4295 or 612.387.7229 or e-mail me at rpetry@mansfieldtanick.com.

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

Sincerely,

Rick L. Petry, Esq.

Definitions

Tibia – The longer bone of the lower leg (below the knee), commonly called the shin bone.

Fibula – The long thin bone of the lower leg (below the knee). It is smaller than the tibia.

Tibial Plateau – The flattened part of the top of the tibia that articulates with the femur (the thigh bone).

Malleolus – An expanded projection or process at the distal (far end) extremity of each bone of the leg.

Medulla – The inner or deep part of a structure (i.e., bone).

Fracture – A break or disruption in the continuity of a bone.
Comminuted Fracture: A bone splintered into multiple fragments.
Open Fracture: When the wound extends through the skin.
Closed Fracture: When the wound does not extend through the skin. Displaced Fracture: A fracture in which two ends of a fractured bone are separated from each other.

Fracture Dislocation – A joint dislocation that is accompanied by a fracture of one or more of the bones that form the joint.

Distal – Situated away from the center of the body.

Proximal – Situated toward the center of the body.

Open Reduction and Internal Fixation (“ORIF”) – A fracture treatment in which surgery is used to reduce or set the fracture fragments and then hardware (such as a rod, plate and/or nails) is then implanted to hold the reduction in place.

Closed Reduction – Manipulation or setting of the fracture without open surgical correction.

Degloving Injury – An injury that results in avulsion of the skin areas which are stripped from their proximal attachment and subjected to pressure abrasion. This injury frequently results in irreparable soft tissue damage.