

The Hochfelder Report

THE CONSUMER'S GUIDE TO INJURY LAWSUITS IN NEW YORK

UPPER LEG INJURIES

ISSUE 4

How New York Juries Decide the Value of Pain and Suffering in Upper Leg Fracture Cases

The Hochfelder Report provides facts and estimated ranges of value for New York pain and suffering for specific 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 or in the newspaper do not help you determine the value of your injury when you have injured only one body part.

Therefore, please understand that if you have suffered a traumatic injury to more than one part of your body, you should use the information in The Hochfelder Report only as a starting point. The value of your case could be much less or much more than the amounts discussed here.

Often, in cases involving fractures of the femur — resulting from slip/trip and fall trauma, car accident trauma or construction injuries — the victim has other injuries as well. These frequently include knee injuries, pelvic fractures and lower leg (tibia/fibula) fractures. For information about a specific claim regarding those injuries, see The Hochfelder Report that deals with that specific injury.

If we haven't discussed your injury, you're invited to call John Hochfelder, who will gladly

discuss your injuries with you at no cost or obligation. You're invited to call John toll free at 1-800-530-4660, or locally, 914-686-0900.

Please understand that the values set forth here are for pain and suffering only, and, also, we have eliminated as much as possible cases in which there are significant injuries in addition to the femur fracture. 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 in addition to a femur fracture.

Note: The verdicts and settlements described in this issue of The Hochfelder Report were current on the date of publication. If you'd like to verify that these case results are current, please call John Hochfelder at 914-686-0900. Or, if you're outside the local area, call John toll free at 1-800-530-4660.

Now, here are the estimated New York pain and suffering values of injuries based on the circumstances described:

Low Range of Value for a Femur Fracture: \$75,000 to \$200,000

Your case is often valued in the \$75,000 to \$200,000 range when any or all of the following factors are present: When a minor or hairline



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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: \$120,000 pain and suffering Nassau County jury award for a six year old girl in a car accident who did not seek immediate treatment for her injuries. Her transverse femur fracture was treated by closed reduction and a cast.

Actual Case: \$150,000 pain and suffering jury award in an Orange County lawsuit for a 21 year old male auto mechanic in a car accident who suffered a comminuted fracture of his femur requiring surgery with the insertion of a rod and two screws. He was hospitalized for five days and made an excellent recovery.

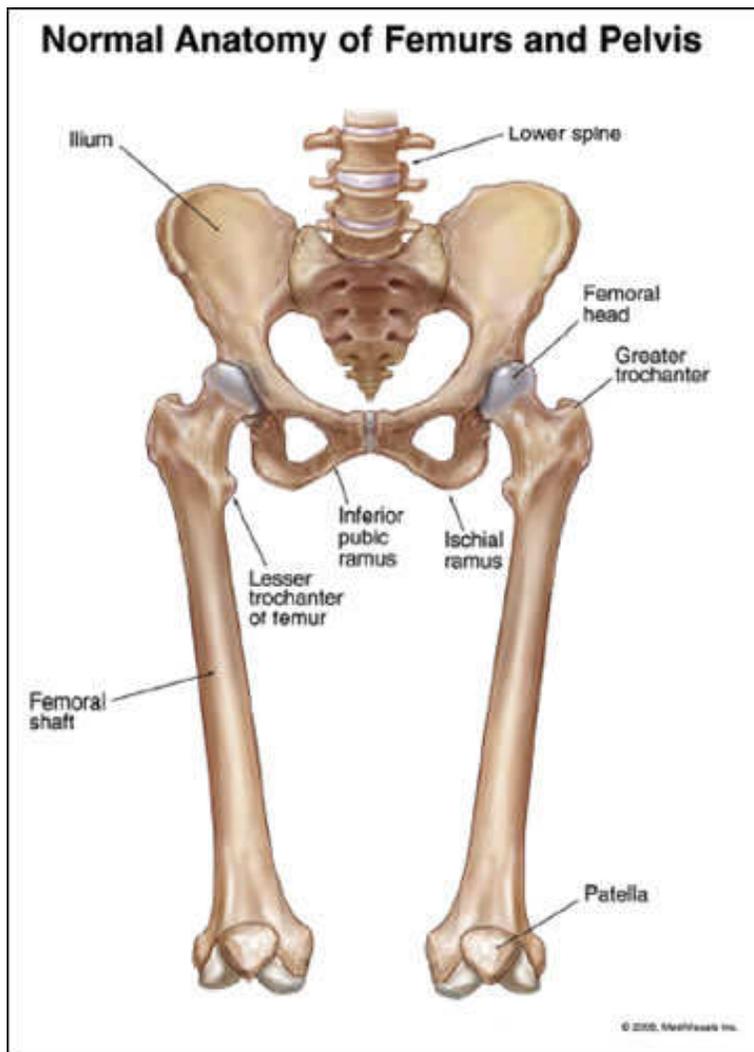
Actual Case: \$170,000 pain and suffering jury verdict in a Rockland County lawsuit for a 16 year old high school student in a car accident who suffered a comminuted displaced femur fracture requiring open reduction and internal fixation. By the time of trial, he was working as a lifeguard.

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

Your case is often 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. 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: \$225,000 appellate court determination as to pain and suffering in an Ulster County case involving a 73 year old man who fell and fractured the intertrochanteric area of his hip. Surgery was required in which a large screw was inserted through the femur and up into the ball of the hip joint and secured to a steel plate extending down and affixed to the femur with screws. Plaintiff made a good recovery.



Actual Case: \$300,000 appellate court determination in a New York County case involving a 14 year old boy who suffered a compound fracture of his femur requiring three surgeries, including the implantation of an intramedullary rod and screws, subsequent removal of the hardware and a two week hospital stay in traction. He also had a shoulder dislocation and two surgeries to repair recurring dislocations. He returned to competitive downhill skiing after 10 months.

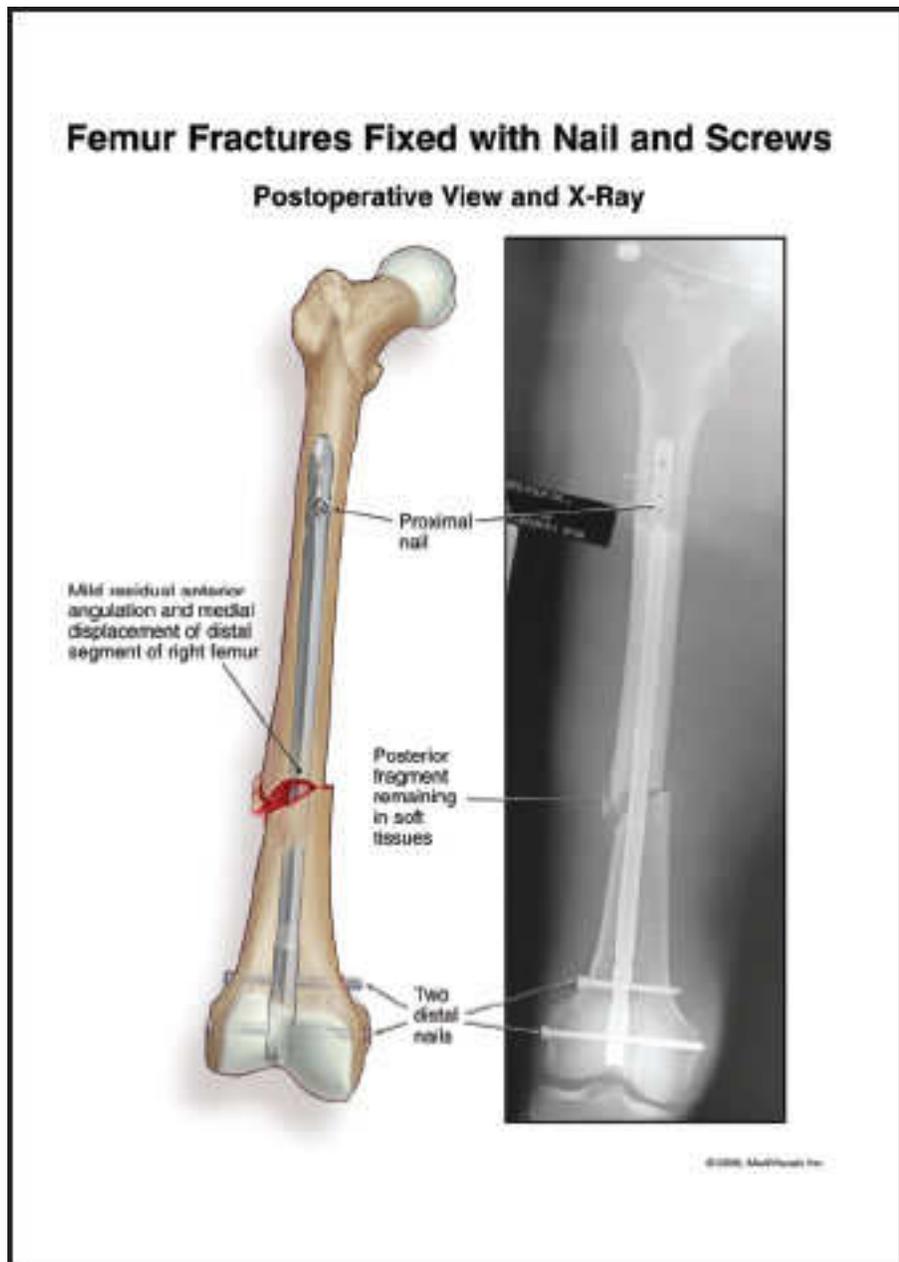
When you will likely have significant future pain and disability, including a limp or growth plate damage. When additional future surgery is needed. And when your case would be tried in an area where juries are liberal in their awards.

Actual Case: \$760,000 settlement for a 67 year old retiree in Kings County who was struck by a

Actual Case: \$700,000 mediated settlement for pain and suffering in a Suffolk County case involving a 40 year old safety engineer who was hit by a truck while walking across the street. He sustained a fracture of his femoral shaft, underwent open reduction internal fixation surgery, spent seven days in the hospital, three months at home and then returned to work.

High Range of Value for a Femur Fracture: \$750,000 to \$2,000,000

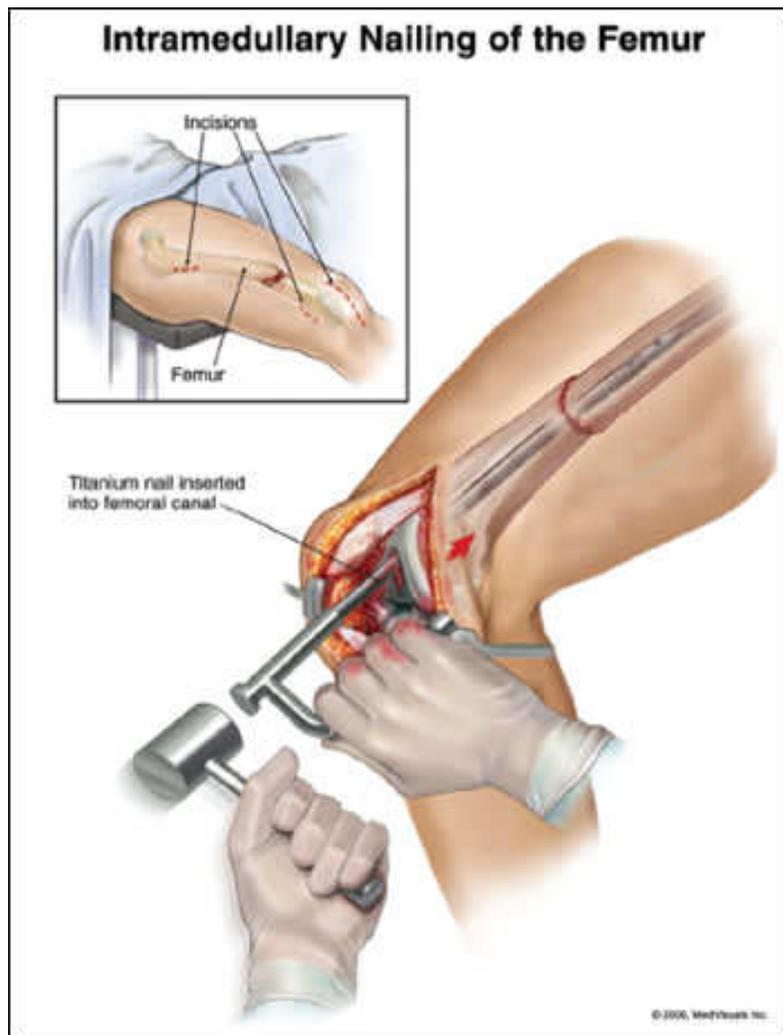
Your case is often valued in the \$750,000 to \$2,000,000 range when any or all of the following factors are present: When your fracture is severe. When you have multiple fractures. When you require complicated surgery. When you have a poor to fair recovery.



bus and sustained an intertrochanteric fracture of her hip which was treated by open reduction and internal fixation. The repair failed and she needed a total hip replacement. Each surgery required a two month hospital stay.

Actual Case: \$1,000,000 settlement following a Bronx County jury verdict on liability in favor of a 37 year old illegal alien who was struck by a UPS truck while setting up an outdoor display at a store. Plaintiff suffered a fractured femur with angulation and was treated with open reduction internal fixation with an intramedullary rod. There was delayed healing and one year after surgery the plaintiff required another surgery and will require a third.

Actual Case: \$1,400,000 pain and suffering Erie County jury award for a six year old boy injured in a sledding accident. He sustained a fracture of his femur with growth plate damage, underwent two surgeries and wore a cast for several months. He claimed he would suffer from femur angulation during his teenage years and he exhibited a limp.



Actual Case: \$2,000,000 pain and suffering Kings County jury award for an eight year old boy struck by a van while riding a motor scooter. He sustained a transverse fracture of his femur, underwent closed reduction and pinning and wore a body cast for 68 days. He had an angulated femur and expert testimony established that he had a permanent limp.

You're Invited to Call or E-mail!

"If you have suffered an upper leg injury, you're invited to call me. I will ask questions about your injury and help you determine the value of your claim."

Call me toll free at 1-800-530-4660
or
e-mail
jhochfelder@newyorkinjurycases.com.

"I promise I'll do everything I can to help you."

—John Hochfelder

Definitions

Acetabulum - The hemispheric concavity of the pelvis that articulates with the head of the femur.

Closed Fracture: When the wound does not extend through the skin.

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

Comminuted Fracture: A bone split into multiple fragments.

Displaced Fracture: A fracture in which two ends of a fractured bone are separated from each other.

Distal – Situated further from the point of reference; as to the femur, that portion of the bone nearer to the knee.

Femur - The longest and strongest bone of the body, contained in the thigh. It articulates at both the hip and knee joints.

Fracture - A break or disruption in the continuity of a bone.

Growth Plate - A layer of cartilage at the end of a bone where most of the longitudinal growth of bones occurs.

Hip - The joint at which the proximal femur articulates with the acetabulum of the pelvis.

Intramedullary Rod – A metal rod or nail inserted into the canal of a tubular bone (such as the femur) to provide internal fixation and stabilization of the fractures.

Open Fracture: When the wound extends through the skin.

Open Reduction and Internal Fixation - 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.

Pelvis - The bony basin shaped ring that provides weight-bearing for the trunk and lower extremities.

Proximal - Situated nearer to the point of reference; as to the femur, that portion of the bone nearer to the hip

Spiral Fracture: A fracture in which the trauma produces a winding fracture line relative to the long axis of the broken bone.

Transverse Fracture: A fracture line at a right angle to the longitudinal axis of the broken bone.

Trochanter - Either of the two bony protuberances that project from below the neck of the femur; known as the greater and lesser trochanters.