

## Special Feature

### Largest Settlements

#### Med-Mal, Breach Of Contract Top 2004 Settlements

##### *38 Claims Of \$1 Million Or More Reported*

An \$11 million medical-malpractice case topped this year's list of million-dollar settlements reported to Michigan Lawyers Weekly in 2004.

In that case, doctors failed to diagnose severe preeclampsia and placenta abruption in a 21-year-old college student, resulting in cortical blindness, severe quadriplegia, and hypoxic brain injury with cognitive deficits and blindness.

The second largest verdict reported to the newspaper last year was *Horvath v. Hubner*, a \$10 million breach of contract matter arising when the unmarried couple split after maintaining a personal and professional relationship for almost two decades.

Rounding out the top three reports was a \$5.5 million settlement where the plaintiff overcame the "statutory employee" defense in a construction accident case by creating a genuine issue of fact regarding his employment status on this site. It was argued that if the plaintiff was not an "employee" of his immediate "employer," then he could not have a "statutory employer."

Unlike jury verdicts, settlements are often confidential and preclude the publication of parties' names and other pertinent facts. Accordingly, a settlement is often only reported when a party — usually the plaintiff — submits a Verdicts & Settlements report to Michigan Lawyers Weekly.

Also included in this section are matters that went through arbitration or facilitation.

For 2004, Lawyers Weekly was notified of and received appropriate verification of 38 settlements of \$1 million or more. Some of these settlements were just recently brought to our attention. Thus, they are being published in this special section for the first time.

Following are the reports of those 38 settlements.

#### **34. Auto Negligence Case Nets \$1M Settlement**

##### *Plaintiff Suffered Neck, Back Injuries*

**Type of action:** Auto negligence; truck accident

**Type of injuries:** Neck and back injuries requiring surgery; depression

**Name of case:** Buckner v. Hersch's Lawn Spray, Inc.

**Court/case no./date:** Confidential; May 2004

**Name of judge:** Confidential

**Settlement amount:** \$1 million

**Attorney for the plaintiff:** Steven Gursten

**Attorney for the defendant:** Withheld

January 24, 2005