

WEBSITE PUBLICATION REQUEST

Case Name: Raad Yako, Elite PT and VIP Medical Transport v State Farm

Case Number: 15-003968-NF

Court: Wayne County Circuit Court

Judge: Hon. Leslie Kim Smith

Published or Unpublished Decision:

Date: Trial started on April 17, 2017 and went three days.

Attorneys: Defendants - Hewson & Van Hellemont: Kelli Bennett and Amber Cervantez

Plaintiff - The Law Offices of Joumana Kayrouz: Cliff Neubauer and Kristi Trigg

Intervening Plaintiffs - Steve Reifman

Type of Action: First-party No-Fault

Demand:

Plaintiff's claim: \$119,026.38

Intervening Plaintiffs claim: \$39,575.00

Issue:

Did Mr. Yako sustain a neck or back injury as a result of the subject accident?

Did Mr. Yako's sustain a right knee injury as a result of the subject accident?

If so, were any allowable expenses owed?

Summary of Trial:

Intervening Plaintiffs' dismissed their claims with prejudice after the first day of trial.

Raad Yako was involved in a March 25, 2014, motor vehicle accident. Mr. Yako claimed a neck and back injury, along with an exacerbation of his pre-existing right knee injury. His claims included medical expenses and attendant care benefits.

Mr. Yako relied on the testimony of Dr. Radden and Dr. Swift, his treating physicians. Dr. Radden testified that Mr. Yako suffered cervical and lumbar disc bulges, despite the normal MRI findings. Dr. Swift performed a right knee ALC reconstruction and MCL repair. He testified that Mr. Yako only had a single bundle ACL tear prior to the accident, and that it became a complete, double bundle tear after the accident.

State Farm relied heavily on the medical records in this case. Mr. Yako had a normal cervical, thoracic and lumbar MRI. He went to physical therapy for a month and was discharged for meeting his goals. Around that same time, he began treating with Dr. Radden, upon the referral from his attorney, who then referred him to an orthopedic surgeon and a different physical therapy facility.

In regard to his right knee, Mr. Yako had a pre-accident MRI that showed a complete ACL tear and meniscal tear. He had also been recommended for right knee surgery by two orthopedic surgeons prior to the accident. Furthermore, Mr. Yako presented to his primary care doctor a week before the accident and the day after the accident with the same right knee complaints. Defendant relied on Dr. Anthony Munaco, a radiologist, Dr. David Spiteri, a PM&R specialist, and Dr. David Viviano, Mr. Yako's prior treating orthopedic surgeon. In the end, the jury found that the medical evidence supported State Farm's position.

Verdict: No cause. The jury found that Mr. Yako suffered a neck and back injury as a result of the accident. However, no allowable expenses were owed. State Farm paid what it owed - two months of neck and back treatment. The jury also found the Mr. Yako suffered a right knee injury. However, it was not the result of the subject accident.

Additionally, three provider suits regarding Mr. Yako's right knee injury have been or will be dismissed: Central Home Health Care - \$50,872.00, Michigan Ambulatory Surgical Center - \$28,042.00 and Detroit Anesthesia Group - \$3,545.78.