

Bovis Kyle Attorneys Wayne Tartline and Edward Pankowski Obtain Defense-Friendly Verdict in Cobb County Traumatic Brain Injury Case

By Edward "Ward" Pankowski March 11, 2024

Bovis Kyle attorneys Wayne Tartline and Edward "Ward" Pankowski obtained a defense-friendly verdict following a two-day jury trial in Cobb County State Court. The trial was the culmination of a lawsuit that stemmed from a September 10, 2021, accident, in which the defendant was videotaped running a stop sign and striking the plaintiff's vehicle, pushing that vehicle into a nearby building.

During the trial, the plaintiff alleged she had sustained a permanent brain injury as a result of the accident, supported by the testimony of an expert neurologist. Plaintiff's medical records also showed a diagnosis of post-concussion syndrome in the weeks following the accident. During closing argument, the plaintiff asked the jury to award \$195,000 in total damages.

The defense of the case focused on multiple pieces of footage captured on police body-worn cameras showing the plaintiff at the scene of the collision which contradicted her testimony that she experienced significant pain and severe cognitive symptoms immediately after the impact. The defense did not use an expert, but instead relied on the diagnostic testing in plaintiff's own medical records.

"This case came down to the objective evidence and the plaintiff's expert's own diagnostic testing, which supported our position," Wayne said. "We showed the jury that the plaintiff's case was based mostly on subjective complaints and emotional appeal."

At closing, the defense urged the jury to award \$30,000. The jury returned a verdict for \$35,000, consistent with the defense's settlement offers made throughout the litigation.