

that she has not worked since the accident of December 21, 2018 due to the injuries she sustained in the accident.

Plaintiff, Patti Ann Burns, testified that she was originally treated on the day of the accident by Dr. Gary Weaver of Spring Valley Chiropractic. Dr. Weaver diagnosed the Plaintiff with the following:

- a. Sprain ligaments of the cervical spine;
- b. Sprain ligaments of the thoracic spine;
- c. Sprain of the sacroiliac joint;
- d. Post-depression syndrome.

Plaintiff testified that she treated at Spring Valley Chiropractic from December 18, 2018 through September 6, 2022. The Plaintiff testified she was also treated by Dr. William Perry of Lexington Family Practice on December 28, 2018. Dr. Perry diagnosed the Plaintiff with low back pain, neck pain and headaches. Plaintiff testified that she again treated with Lexington Family Practice on November 11, 2019. At that time, Dr. Alicia James diagnosed the Plaintiff with neck pain, depression and anxiety problems. Plaintiff continued to treat with Lexington Family Practice on February 9, 2021 and March 2, 2021 for chronic headaches, neck pain and depression. Plaintiff testified she continued to be out of work due to the accident.

Plaintiff testified that she was treated by Dr. Alicia James of Lexington Family Practice on March 5, 2021. Dr. James treated Plaintiff for cervical radiculopathy, myofascial pain, and post traumatic headaches. Dr. James related these injuries to the automobile accident of December 21, 2018. Plaintiff testified that she is presently being treated by Prisma Health Practice and was last seen by Prisma Health Practice on May 31, 2022.

The Plaintiff, Patti Ann Burns, testified that she was originally treated by Orthopedic Surgeon Craig M. Chebuhar, M.D. of Carolina Spine and Ortho on March 20, 2019. She testified that she was additionally treated by Dr. Chebuhar on April 10, 2019; May 1, 2019; May 15, 2019; June 12, 2019; June 25, 2019; July 10, 2019; August 13, 2019; October 1, 2019; and September 28, 2022.

Dr. Chebuhar diagnosed the Plaintiff with injuries to her cervical and lumbar spine from the motor vehicle collision on December 21, 2018. He stated to her that she has cervical myofascial muscular pain, and facet joint strain with pain. Dr. Chebuhar in his deposition noted

that the Plaintiff had disc protrusions at C5, C6, and C7 and that the accident of December 21, 2018, either caused or aggravated these discs.

Dr. Chebuhar's deposition testimony reflects that the Plaintiff was treated with trigger point injections and intramuscular Tramadol injections in the C4, C5, C5-C6, and C6-C7 regions. The Plaintiff was given the following impairment ratings by Dr. Chebuhar:

- a. Lumbar spine – 8% to whole person
- b. Cervical spine – 12% to whole person
- c. Total permanent impairment – 19% to whole person

The Plaintiff, Patti Ann Burns, testified that she discussed with Dr. Chebuhar the possibility of cervical surgery and was told by Dr. Chebuhar that that surgery would cost somewhere between \$80,000 and \$120,000 Dollars. Dr. Chebuhar testified in his deposition that that Plaintiff will have cervical pain and headaches for the remainder of her life.

The Plaintiff, Patti Ann Burns, stated that she has the following medical expenses as a result of the accident of December 21, 2018:

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| a. Inmed Diagnostic Services, of SC, LLC | \$ 3,964.00 |
| b. Spring Valley Chiropractic | \$ 4,864.00 |
| c. Spring Valley Chiropractic | \$ 1,449.00 |
| d. Spring Valley Chiropractic | \$ 160.00 |
| e. Carolina Spine and Ortho | \$ 13,155.00 |
| f. Wireless Tens Unit | <u>\$ 395.00</u> |
| Total Medical Expenses | \$ 23,987.00 |

After considering the evidence presented, I FIND:

- A) That an order of default was signed against the underinsured motorist carrier USAA Property & Casualty Insurance Company (USAA) on November 9, 2020 by the Honorable Alison Renee Lee.
- B) That an order referring the matter to Christopher Isgett, as special referee, was signed by the Clerk of Court for Richland County on April 12, 2022.
- C) That the Plaintiff was injured in a motor vehicle accident on December 21, 2018.
- D) That the Plaintiff was injured in a motor vehicle accident on December 21, 2018 and had medical expenses as follows:

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| a. Inmed Diagnostic Services, of SC, LLC | \$ | 3,964.00 |
| b. Spring Valley Chiropractic | \$ | 4,864.00 |
| c. Spring Valley Chiropractic | \$ | 1,449.00 |
| d. Spring Valley Chiropractic | \$ | 160.00 |
| e. Carolina Spine and Ortho | \$ | 13,155.00 |
| f. Wireless Tens Unit | \$ | <u>395.00</u> |
| Total Medical Expenses | \$ | 23,987.00 |

- E) That the Plaintiff testified that she continues to have pain.
- F) That pursuant to the life expectancy statute § 19-1-150 the Plaintiff will live for 34.51 more years.
- G) That the Plaintiff has permanent impairment ratings as follows: Lumbar spine – 8% to whole person; Cervical spine – 12% to whole person; and Total permanent impairment – 19% to whole person.
- H) All of Plaintiff's injuries, medical bills, wage loss and permanent physical impairments are directly related to the automobile accident with the Defendant on December 21, 2018.

THEREFORE, IT IS ORDERED that the Plaintiff, Patti Ann Burns, have judgment against USAA Property & Casualty Insurance Company, for actual damages for personal injury in the amount of **Seven Hundred Fifty Thousand Dollars and No Cents (\$750,000.00)**.

AND IT IS SO ORDERED.

9 February 2023



CHRISTOPHER ISGETT
SPECIAL REFEREE