

Novara Law Wins Appeal on Threshold Issue in Third-Party Case

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Novara Law Partner Kaitlyn Cramer recently won an appeal on a threshold issue in a third-party case.

The trial court initially denied the defendant's motion finding only that plaintiff had suffered herniated discs. The Court of Appeals determined that the trial court did not go far enough to investigate how the accident allegedly impacted plaintiff's ability to lead his normal life.

On appeal, Cramer argued to the Court of Appeals that plaintiff did not establish a threshold injury. Plaintiff had been hospitalized for other issues for nine months before the accident and admitted that he lived a sedentary lifestyle both before and after the accident. His only claimed difference was that his daughter had to change bandages for wounds he sustained in the accident. Further, the ER and other medical records showed no evidence of actual wounds from the accident and he later admitted they were just scrapes and scratches.

The Court of Appeals reversed the trial court, finding that the plaintiff did not establish a threshold injury.

PROFESSIONALS

Kaitlyn A. Cramer

PRACTICE AREAS

Appeals

Insurance Defense

Litigation