H. Smith
Claims Examiner
Sedgwick CMS
PO Box 14520
Lexington, KY 40512

RE: John and Jane Doe
Your Insured: PL Transportation, Inc.
Date/Loss: 06/16/2016
Claim #:B66

**TIME LIMITED DEMAND**

Dear H. Smith:

As you are aware, our firm represents John and Jane Doe for an accident involving your insured on June 16, 2016. This letter is being sent to you pursuant to O.C.G.A. § 51-12-14 and is in the nature of a demand for purposes of settlement and compromise only. It shall not be admissible for any purpose in the event that we are unable to resolve the case.

**OUR CLIENTS:**

John Doe is a 55 year old Georgia resident who works for Goodwill Industries, and his wife Jane Doe is 49 years old and works for Medicine Wheel Clinic. John suffered a neck injury and an aggravation of low back pain as well as multiple new disc bulges in his lower back. His medical bills exceed **$11,000.00**. Jane suffered a jaw contusion and her medical bills are in excess of **$3,000.00**.

**CAUSE OF INJURY:**

On June 16, 2016, John and Jane were passengers on a bus on their way to a canoeing trip. They were traveling on GA 8 east of the Madison County Line, attempting to make a left hand turn into a private drive when your insured came up too fast behind them and was unable to stop and veered out of his lane, striking the van as it turned left. Your insured was following too closely and traveling too fast for conditions when the accident occurred.

**LIABILITY:**

Your insured was found to be at-fault for following too closely and negligently caused the collision. He forfeited his bond and paid the citation, meaning he admitted fault and is negligent per se. Liability will not be an issue in this case. The only issue for the jury will be the value of their injuries.

**MEDICAL TREATMENT & FACILITIES:**

Following the collision, both John and Jane had complaints of injury but declined medical transport to the hospital. The following morning, they both awoke in pain and sought treatment at Athens Regional Medical Center. They reported being on a bus when the collision occurred, Jane fell to the ground and John fell on top of her.

**Jane Doe:**

Jane advised the nurses that she had severe jaw pain and believes her husband’s elbow or head must have hit her jaw when they were thrown out of their seats. She also reported tenderness and stiffness in her neck. A CT Scan of her jaw was taken to ensure she had no fractures. She was diagnosed with a jaw contusion and discharged from the hospital.

**John Doe:**

John reported he was having neck pain and severe lower back spasms. He advised the triage that he had a history of low back pain but had been pain-free for several months after a lumbar facet injection. Following the accident, he began experiencing low back pain again as well as spasms. An x-ray of his lumbar spine was taken, and he was discharged with a neck sprain/strain and lumbar sprain/strain and advised to follow up with his doctor.

After discussing new and aggravated symptoms with his primary care doctor, an MRI of his lumbar spine was ordered and he underwent the MRI at Kaiser Permanente on August 27, 2016. As shown in the MRI report as well as his medical records, the August 27, 2016 was compared to an MRI he had in 2014. The report and records make clear that a new injury-producing edema in his L4-L5 facets and pedicles was seen in the August 27, 2016, which the doctors attributed to the accident and stated it was the “likely source of his pain.”

When his back pain did not subside, John sought treatment at Athens Spine Center. He was seen on October 6, 2017. John had previously been a patient at Athens Spine Center earlier in the year when he sought treatment for lower back pain radiating into his left hip which had persisted for several years prior with no precipitating event. He was treated with lumbar facet injections at the in March 2016, which had resolved his pain. He had no treatment or pain following that procedure until this collision occurred. The doctor reviewed his imaging and found no significant changes since his previous MRI in 2012, except an interval development of edema at L4-L5. John reported that he felt like there had been a significant set-back since the motor vehicle collision. On November 3, 2016, John underwent another set of lumbar facet injections. He reported relief lasting five or six days before the pain returned.

On December 8, 2016, John was seen at Polaris Spine for a surgical consult. After review of his MRI and an examination, no surgical intervention was recommended at this time; however, he was recommended medial branch blocks for greater pain relief than facet injections.

On January 30, 2017, John returned to Athens Spine Center. He reported that his back pain was interfering with his daily activities, including work, so his physician recommended a radiofrequency ablation (“RFA”). On March 9, 2017, John underwent an RFA on his lower back.

Unfortunately, John called his doctor on March 29, 2017 and reported increasing pain since the RFA. His doctor advised that they try an epidural injection and to call and schedule one. However, frustrated that the multiple invasive treatment options had failed thus far, John decided not to move forward with the epidural. Since March 2017, John’s back pain has steadily increased. In fact, he was moved to light duty at his job in the past few weeks.

Although John continues to experience significant pain in his lower back that will undoubtedly require additional treatment going forward, he would like to try to put this claim behind him before litigation if possible. However, should we need to proceed to litigation, John will certainly be at a point physically where additional treatment is needed in the coming months as litigation ensues.

**STATEMENT OF KNOWN LIENS AND SUBROGATION CLAIMS**

**Known Medical Liens:**

There are no known medical liens.

John and Jane’s medical bills were paid by health insurance. Worker’s Compensation, Medicare, and Medicaid are not involved at all.

Our clients have agreed to leave funds in the escrow account sufficient to cover all valid medical liens until such time as those claims can be negotiated and resolved.

**STANDING TO RELEASE CLAIMS**

The clients are the injured parties and are over the age of 18 years old.

**TIME LIMITED DEMAND:**

Based on the serious nature of the injuries to our clients, our clients hereby demand as follows:

John demands $25,000.00 in exchange for the execution of a mutually agreeable general release of your insured.

Jane demands $8,000.00 in exchange for the execution of a mutually agreeable general release of your insured.

This demand is made pursuant to O.C.G.A. § 51-12-14. My clients will be entitled to interest on the unliquidated damages if our offer is not accepted within 30 days of receipt of the demand.

**Please send a copy of this demand to your insured.**

Enclosed please find medical records and bills in our possession, which evidence our clients’ claims. If you have any questions, please contact me.

Sincerely,