

Maryland Lawyer

News and analysis of legal matters in Maryland

Roofer wins \$2.7M for Capital Beltway collision

Learning disabilities complicate plaintiff's employment prospects

BY STEVE LASH

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A Baltimore jury awarded more than \$7 million to a learning-disabled roofer who has suffered debilitating back pain after an automobile collision in December 2005.

Because of Maryland's cap on non-economic damages, the Baltimore City Circuit judge reduced the award to Jamie Blake to \$2.7 million after the verdict late Thursday.

The defendants — driver Jeffrey Crain and his employer, Iacoboni Site Specialists Inc. — admitted liability for the Dec. 6, 2005, collision in which Crain's vehicle rear-ended Blake's pickup truck on the Capital Beltway. The week-long trial in **Baltimore City Circuit Court** was over how much money was owed to Blake, who has been unable to find work since the collision.

Blake, through attorneys Andrew D. Freeman and Stuart O. Simms of **Brown, Goldstein & Levy, LLP**, presented expert testimony from a neurosurgeon, an orthopedic surgeon, a vocational rehabilitation expert and an economist on the pain he continues to suffer and the financial costs he has and will continue to sustain.

Blake attended special education classes starting in first grade and has trouble with math and writing. However, he was a skilled roofer who, but for the accident, could command \$75,000 annually, Freeman said.

Now, though, chronic back pain requires Blake to take long breaks and renders him unable to perform manual labor, and his lack of math and writing skills has made it difficult for him to find work as a roofing supervisor, estimator or office clerk, Freeman added.

Freeman said the statutory cap undervalues the emotional pain Blake has endured by being unable to play ball with his young son or enjoy many other life activities with his longtime girlfriend.

"The jury thought that was worth \$5 million," Freeman said of the non-economic damages. "Unfortunately, Maryland law disagrees."

The defendants, through attorney Mark J. Strong, countered with expert testimony from a neurosurgeon who said Blake's condition was not so severe and from private investigators who took surveillance video of Blake lifting boxes in 2007 and fishing at a pond in 2011, Freeman said.

The videos proved nothing, as the boxes were empty and fishing is not a strenuous activity, Freeman said.

"Just because you can fish in a pond doesn't mean you can find work as a roofer," Freeman said Friday.

Strong did not return telephone messages seeking comment Thursday night and Friday. He is with the **Law Offices of Jonathan P. Stebenne** in Baltimore.

Blake first filed suit in 2008 but withdrew the complaint until he finished undergoing medical



Andrew D. Freeman

treatment. The withdrawal occurred after Crain and Iacoboni, a Rosedale-based utility construction company, agreed they would not raise a statute of limitations defense when Blake refiled the case beyond the three-year limit, Freeman said.

Blake refiled the action on Aug. 24, 2011.

He sought \$10 million in damages for the collision in which he claimed Crain, while driving a truck on assignment for Iacoboni, "suddenly and without warning" struck his pickup from behind near the Central Avenue exit in Capitol Heights, forcing the pickup into a retaining wall.

Blake was "thrown forcibly and violently" around the interior of his car, causing injuries to his head, neck, back and limbs, according to the lawsuit.

The jury awarded Blake, who was 31 at the time of the collision, \$5,037,000 in pain and suffering, \$1,429,749 in lost future income, \$436,406 in lost past income and \$175,909 in medical expenses, for a total of \$7,079,064.

Judge Jeffrey M. Geller reduced the pain and suffering award to \$665,000 — the cap on non-economic damages at the time of the December 2005 collision — which cut the total to \$2,707,065.

BLAKE V. CRAIN ET AL.

Court: Baltimore City Circuit Court

Case No.: 24C11005479

Judge: Jeffrey M. Geller

Outcome: \$7 million plaintiff's verdict, capped at \$2.7 million

Dates:

Event: Dec. 6, 2005

Suit filed: Aug. 24, 2011

Verdict: Sept. 27, 2012

Plaintiff's Attorneys: Andrew D. Freeman, Stuart O. Simms, and Jessica P. Weber of Brown, Goldstein & Levy, LLP in Baltimore.

Defendant's Attorney: Mark J. Strong of the Law Offices of Jonathan P. Stebenne in Baltimore.

Plaintiff's Experts: Gary Dix, treating neurosurgeon; Raymond Drapkin, orthopedic surgeon; Charles Smolkin, vocational rehabilitation; and Louis Maccini, economist.

Defendant's Expert: Bernhard Zunkeler, neurosurgeon.

Count: Negligence.