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Recent Eye Damage Awards

Margaret Mazza*

IMPAIRMENT OF VISION may be either temporary or permanent and may be caused by direct trauma, burns, or any other injury to the face near the area of the eyes. Vision may be impaired or completely lost due to injury to the brain or associated nerves. The list of cases below gives descriptions and awards in some recent eye injury suits.

Diseases of the eyes such as prior glaucoma, hypertensive retinopathy, diabetic retinopathy, detachment of the retina and oculomotor disturbances can be aggravated by subsequent head injuries or blows to the face.¹ Although prior cataracts do not seem to be aggravated by subsequent head injuries, a \$5,000 award was given when a blow to the side of the face caused cataracts to grow.²

The pupil of the eye is controlled in part by the sympathetic nervous system. It is this part of the nervous system that is generally affected by whiplash injuries. Therefore eye injury may result from whiplash, and eye tests can be used in some measure to determine the validity of the alleged whiplash injury.³

Proof, Disproof, and Mitigation of Awards

One of the best methods of proving impairment of vision or blindness is by the expert testimony of an ophthalmologist. Scientific methods are available by which such injuries can be ascertained with great accuracy. Demonstrative evidence also can be of substantial aid in the presentation of such cases. Expert testimony as to the possible restoration of vision may result in a mitigation of damages. In *Gangl v. The Barberton Citizens Hospital*⁴ the plaintiff suffered severe eye burns due to administration of 75% silver nitrate solution. A doctor testi-

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¹ 1 *Curr. Med. for Attys.* 3 (Feb. 1954).

² *Tynes v. McLendon*, 143 *Miss.* 231, 108 *S. 2d* 716 (1959).

³ 5 *Curr. Med. for Attys.* 22 (Nov. 1956); *Gunn v. Filer*, 117 *S. 2d* 247 (*La. App.*, 1960).

⁴ *Common Pleas, Summit County, Ohio*, Docket No. 214574, April 7, 1960.

fied that the prospect was good of 100% vision restoration by a corneal transplantation. The award in this case was \$65,000, which appears low when the long hospitalization and the seriousness of the injury are considered.

*Current Medicine for Attorneys*⁵ lists the following criteria for determining the validity of eye injury claims:

- (a) Objective signs, such as scarring or defects of the various parts of the eye, are corroborative evidence of claims.
- (b) Shock, psychic injury and hysteria may cause bona fide eye impairment where there are no objective signs in the eye.
- (c) Conflict in describing visual symptoms or inconsistent visual symptoms which may not be regularly recurring are evidence of feigning or exaggerating. Thus, the "acuity of vision" and/or the "visual field" frequently change on repeated or follow-up eye examinations in such cases.
- (d) "Acuity of vision" and "color sense" may not be correctly or consistently related.
- (e) Normal reaction of pupils to light casts doubts on symptoms (abnormal reactions are suggestive of injury to the pupil-reacting mechanism).
- (f) Where there is a claim of a small visual field following injury (such as complaints of "telescope vision") body movements should be insecure due to the fact that the individual has trouble seeing. Thus, a party who moves about with speed and alertness is showing evidence of an inconsistent claim.

The plaintiff's failure to properly care for his eyes medically may be grounds for having damages diminished, and such an issue can be submitted to the jury. This applies whether or not treatment has been recommended by a physician.⁶ In *Freeman v. Wilson* eye treatment was recommended by plaintiff's doctor but counsel advised against it because of possible adverse effects on recovery at trial.⁷

⁵ *Proof & Disproof of Disability in Personal Injury Cases*, Vol. 2, No. 8 (May 1955).

⁶ *Vanormer v. Osborn Mfg. Co.*, 255 Pa. 47, 99 A. 161 (1916), care advised by doctor; *Cero v. Oynesando*, 48 R. I. 316, 138 A. 45 (1927), care not recommended by doctor.

⁷ *Tex. Civ. App.*, 149 S. W. 413 (1912), rev'd on other grounds 108 Tex. 121, 185 S. W. 993 (1918).

Trends in Awards

Awards for blindness or impairment of vision caused by brain injury, burns, or trauma show few trends. The reason is the composite nature of the injury, in which the factor of eye damage may be minor as compared to the total injury claimed. On the other hand the eye injury may be the basis for the greater part of the award.

In 1957 two cases were decided which involved extensive burns and vision impairment to the plaintiffs, both of whom were in their twenties. Both accidents occurred while plaintiffs were at work and both were caused by gas explosions. One award was for \$300,000⁸ and the other was for \$273,345.38.⁹

In 1957 a railroad employee received \$15,000, his vision being impaired when he was struck by a piece of metal.¹⁰ In 1955 the award was identical in a case involving the same set of facts and similar injury.¹¹

Awards for total blindness range from \$273,345.38¹² to \$60,000.¹³ These awards show a general trend upward except for a \$92,628 award in 1958 to a 13 year old boy who was blinded in both eyes by the explosion of dynamite caps.¹⁴ This amount appears low as compared with two 1957 cases in which \$120,000 was awarded to a 48 year old man who was totally blinded,¹⁵ and \$194,529.52 to a man blinded by a gunshot wound.¹⁶

Amounts received for the loss of sight in one eye vary from \$200,000¹⁷ to \$9,785,¹⁸ and there appears to be no trend in this

⁸ *Hulke v. International Mfg. Co.*, 144 Ill. App. 2d 5, 142 N. E. 2d 717 (1957).

⁹ *Rex. v. Southern Union Gas Co.*, (D. C. Albuquerque, N. M., Dec. 13, 1957).

¹⁰ *Pate v. Southern Pacific R. R. Co.*, (Super Ct., Sacramento County, Calif., No. 92163, April 1957).

¹¹ *Churbuck v. Union Railroad Co.*, 380 Pa. 181, 110 A. 2d 210 (1955).

¹² *Beal v. Southern Union Gas Co.*, 66 N. M. 424, 349 P. 2d 337 (1960).

¹³ *Caputo v. Best Foods, Inc.*, 17 N. J. 259, 11 A. 2d 261 (1955).

¹⁴ *McNeil v. Perkins*, 84 Ariz. 74, 324 P. 2d 211 (1958).

¹⁵ *Mack v. Minute Maid Corp.*, (Cir. Ct., Orange County, Fla., No. 31269, Oct. 25, 1957).

¹⁶ *Karas v. Snell*, rev'd on grounds other than damages, 11 Ill. 2d 233, 142 N. E. 2d 46 (1957).

¹⁷ *Natale v. Great Atlantic & Pacific Tea Co.*, (Supr. Ct., New York County, April 30, 1958), rev'd on grounds other than damages, 7 App. Div. 2d. 282, 182 N. Y. S. 2d 404 (1959).

¹⁸ *Heftie v. State*, 13 Misc. 2d 410, 178 N. Y. S. 2d 310 (1959).

area. This fact is best illustrated by an examination of the cases involving injury to children. In 1955 the awards varied from \$110,000 received by a nine year old boy¹⁹ to \$25,000 received by a 13 year old girl.²⁰ In 1956 a four year old child received \$52,717.62²¹ The awards in 1958 appear more consistent. Two were for \$50,000²² and one was for \$45,884.²³ The highest award for loss of one eye was received in 1959 by an 11 year old boy.²⁴ In that same year a 12 year old boy received \$30,000.²⁵

Conclusion

Some sources claim that the awards for personal injury are increasing at a phenomenal rate. Others claim that injury awards are becoming smaller.²⁶ There does not appear to be a clear trend in eye damage awards except those involving total blindness. The other awards seem to be based upon the extensive nature of the injuries, the age of the plaintiff, his earning capacity after recovery, and other elements used to arrive at an adequate and fair damage award. Sight has been described as "that one talent which is death to hide,"²⁷ and all would agree that it is perhaps the most valuable of the senses. No award can compensate completely for its loss or impairment. The most a jury or court can do is to attempt, as far as possible, to compensate the plaintiff monetarily for an irreplaceable loss.

¹⁹ *Lavanco v. New York City*, (Supr. Ct., New York County, 1955).

²⁰ *Williams v. Grand Truck Western R. Co.*, 344 Mich. 84, 73 N. W. 2d 455 (1955).

²¹ *Mueller v. Teichner*, (Supr. Ct., Bronx County, N. Y., No. 10604/1948, March 6, 1956).

²² *Mar v. Frank*, (Super. Ct., San Francisco County, Calif., No. 477067, Sept. 5, 1958); *Lynshak v. City of Detroit*, 35 Mich. 230, 88 N. W. 2d 596 (1958).

²³ *McVeigh v. Bd. of Ed.*, (Super. Ct., Los Angeles County, Calif., Nos. 6123198, 678925, Feb. 1958).

²⁴ *Supra* n. 17.

²⁵ *U. S. v. Stoppelman*, 266 F. 2d 13 (8th Cir. 1959).

²⁶ *Cleveland Plain Dealer*, Oct. 5, 1960, pg. 1.

²⁷ *Milton, On His Blindness*.

RECENT CASES INVOLVING EYE INJURY*

Total Blindness

\$273,345.38. 19 year old man, loss of ears, nose and eyes as result of gas explosion. *Beal v. Southern Union Gas Co.*, 66 N. M. 424, 349 P. 2d 337 (1960).

\$126,500. 35 year old engineer, total industrial blindness, facial disfigurement, leg injuries, explosion of negligently constructed bomb. *Staad v. Zero Bomb Co. & Zabco Co.* (Dist Ct., Creek County, Okla. No. 31061, April 14, 1958).

\$92,628. 13 year old boy, blind in both eyes, injured by explosion of stolen dynamite caps, attractive nuisance and property owner's liability doctrines applied. *MacNeil v. Perkins*, 84 Ariz. 74, 324 P. 2d 211 (1958).

\$194,529.62. Permanent total blindness, gunshot wound inflicted by policeman. *Karas v. Snell* (rev'd on grounds other than damages), 11 Ill. 2d 233, 142 N. E. 2d 46 (1957).

\$120,000. 48 year old man, total permanent blindness, broken ribs, fractured skull, auto accident, case settled before trial. *Mack v. Minute Maid Corp.*, (Cir. Ct., Orange County, Fla. No. 31269 Oct. 25, 1957).

\$110,137.79. Plaintiff had life expectancy of 48 years, earning \$50 per week, permanent blindness, severe shock, fracture of right frontal bone of skull, perforation of left eardrum, fracture of facial bones, fracture of left clavicle, loss of one kidney, brain injury, loss of sense of smell, injury to legs and arms, disturbance of sense of balance. *Evans v. Pennsylvania R. R.*, 154 F. Supp. 14 (D. C. Del. 1959).

\$75,000. Motorist, totally blind and other extensive injuries and disfigurement. *Brown v. State*, 284 App. Div. 1014, 135 N. Y. S. 2d 440 (1955).

\$60,000. Total loss of vision, paid to injured employee by third party tortfeasor. *Caputo v. Best Foods, Inc.*, 17 N. J. 259, 11 A. 2d 261 (1955).

Loss of Vision of One Eye

\$100,000 (\$30,000 pain and sufferings). Married woman, injury included loss of eye resulting from auto accident. *Alexander v. Nash-Kelvinator Corp.*, 271 F. 2d 524 (2d Cir. 1960).

* These cases have been compiled from various sources including *Oleck, Damages to Persons and Property* (1961 revision); *Belli, Modern Damages* (1959); *Oleck, Negligence and Compensation Service* (current issues); *Statewide Jury Verdicts*.

\$28,000 (\$3,000 medical). 7 year old girl, loss of sight of one eye, struck by defendant's car. *Ramsey v. Decker*, (Supr. Ct., Poughkeepsie, N. Y., Calendar No. 839-F, June 10, 1960).

\$225,000 (Reduced to \$175,000). Before injury plaintiff had 20/20 vision in left eye, after loss of right eye he was permanently and totally unemployed industrially but could get about by himself and was able to do some reading with the aid of glasses. *Hogue v. Permanent Mold Die Co.*, 177 F. Supp. 299 (D. C. Mich. 1959).

\$200,000. 11 year old boy, loss of one eye due to explosion of Pepsi Cola bottle. *Natale v. Great Atlantic & Pacific Tea Co.*, (Supr. Ct., New York County, April 30, 1958) rev'd on grounds other than damages, 7 App. Div. 2d 282, 182 N. Y. S. 2d 404 (1959).

\$75,000. Child with life expectancy of 65.64 years, loss of vision in right eye, severe contusions of right side of face and head, cerebral concussion with multiple contusions and abrasions, fracture of right clavicle. *Lopez v. Prince*, 145 Conn. 560, 145 A. 2d 127 (1959).

\$30,000. 12 year old boy, loss of one eye, explosion of .30 caliber live blank cartridge left on government property after Marine maneuvers. *U. S. v. Stoppelmann*, 266 F. 2d 13 (8th Cir. 1959).

\$9,785 (\$285 special damages). Inmate of New York State Reformatory, injured on State property, loss of one eye. *Heftie v. State*, 13 Misc. 2d 410, 178 N. Y. S. 2d 310 (1959).

\$150,000. 53 year old ship watchman, loss of one eye, struck by load of lumber being lifted from hold of ship, settled after jury selected. *Galagher v. Ship Scaling Corp.*, (Staten Island, N. Y. Supr. Ct. June 1958).

\$85,000. Plaintiff's daughter lost sight of one eye, unable to work, auto accident. *Smith v. Penn Line Service & J. W. Hosey*, (Super Ct. App., W. Va., 113 S. E. 2d 505 1958).

\$80,000. 32 year old railroad employee, loss of one eye, after injury able to work at odd jobs, wages before injury \$450 per month and after injury \$113 per month. *Missouri-Kansas Texas R. Co. of Tex. v. Bush*, 310 S. W. 2d 404 (Tex. Civ. App., 1958).

\$50,000. 9 year old boy, loss of sight of left eye, fractured skull, loss of hearing in one ear, struck by auto while walking in crosswalk. *Mar v. Frates*, (Super Ct., San Francisco County, Calif., No. 477067, Sept. 5, 1958).

\$50,000 (\$3,000 medical). 7 year old trespassing child, loss of one eye, hit by golf ball, negligence of city based on its failure to properly fence area. *Lyshak v. City of Detroit*, 351 Mich. 230, 88 N. W. 2d 596 (1958).

\$45,884. 14 year old boy, loss of one eye, struck by bat while watching student baseball game. *McVeigh v. Board of Education*, (Super Ct., Los Angeles County, Calif. Nos. 6123198, 678925, Feb. 1958).

\$26,350. 27 year old man, loss of sight in one eye, auto guest, defendant negligent because of failure to discover defective ashtray. *Zahn v. Ford Motor Co.*, 164 F. Supp. 936 (D. C. Minn. 1958).

\$10,000 (Reduced 30% because of contributory negligence). Seaman, permanently blinded in one eye. *Efstratois Karanikolas v. Navegacion Maritime Panama, S. A.*, 157 F. Supp. 602 (D. C. N. Y. 1958).

\$17,500 (\$10,500 medical, \$4,500 loss of earnings). 45 year old man, loss of left leg, 90% blind in one eye, auto struck by train. *LaBelle v. Southern Pacific R. Co.* (Super Ct., Los Angeles County, Calif., Nos. 662408, 666305, June 1957).

\$100,000. Section laborer, loss of right eye, vision impaired in left eye, struck by steel chip. *Zendejas v. Southern Pacific R. Co.*, (Dist. Ct., San Francisco, Calif., August 1957), reported 20 NACCA LJ 404.

\$50,000. Loss of one eye, ricocheting "BB" pellet. *McLane v. Stillmaker*, (rev'd on grounds other than damages), 102 Ohio App. 319, 143 N. E. 2d 610 (1957).

\$60,000. Brakeman, loss of one eye, dust blew into the eye, defendant negligent because of failure to furnish goggles. *Fitzpatrick v. St. Louis S. F. R. Co.*, (D. C. St. Louis, Mo., Nov. 6, 1957).

\$35,000. 55 year old laborer, loss of one eye, struck by piece of steel. *Sariana v. Western Pacific R. Co.*, (Super Ct. San Francisco, Calif., No. 469314, Oct. 28, 1957).

\$125,000. 45 year old ship yard worker, multiple skull fracture resulting in loss of brain tissue and blindness in one eye with impaired vision in the other. *Sachau v. Pacific Greyhound Lines* (Super Ct., San Francisco, Calif., Mar. 27, 1956).

\$85,000. 18 year old railroad employee, loss of vision in left eye, injury to eyelid, disfigurement and numbness over left side of forehead, at time of trial employed as filling station attendant. *Gehrisch v. Pennsylvania R. Co.* (D. C. N. D. Ohio, No. 30149, May 17, 1956).

\$52,717.62. 4 year old, removal of right eye, exploding bottle case. *Mueller v. Teichner*, (Supr. Ct., Bronx County, N. Y., No. 10604/1948, March 6, 1956).

\$6,500. Illiterate laborer, loss of one eye, reversed because of attorney's intemperate and improper conduct. *Kulodziej v. Lehigh Valley R. R. Co.*, 39 N. J. Super. 250, 120 A. 2d 763 (1956).

\$110,000. 9 year old boy, severed optic nerve caused loss of vision in right eye, stick entered side of face when he fell in playground. *Lavanco v. New York City* (Supr. Ct., New York County, 1955).

\$90,000. 32 year old garage operator, loss of one eye, multiple fracture of face, auto accident. *Creech v. Everly* (Super. Ct., Kern County, Calif. Jan. 18, 1955).

\$50,755 (\$755 medical expense). 7 year old girl, blind in one eye, struck by part from defective toy, *res ipsa loquitur* applied. *Curley v. Mattell Inc.*, (Super Ct., Los Angeles, Calif., No. 618881, Sept. 1955).

\$50,000. 31 year old man, severe head injuries, loss of one eye, auto truck collision. *Burke v. O. R. S. Neon Corp.*, (Super Ct., Los Angeles, Calif., No. 621463, Oct. 1955).

\$45,573.73 (\$573.73 loss of wages, \$108 maintenance, \$35,000 future earnings, \$10,000 pain and suffering). Seaman, almost complete blindness in one eye, struck by glob of paint. *Dietz v. U. S.*, 228 F. 2d 494 (3rd Cir. 1955).

\$25,000. 13 year old girl, loss of one eye, facial scars. *Williams v. Grand Truck Western R. Co.*, 344 Mich. 84, 73 N. W. 2d 455 (1955).

\$25,000. 48 year old laborer, loss of sight in right eye, struck by concrete chip. *Khan v. Southern Pacific R. Co.*, 132 Cal. App. 2d 410, 282 P. 2d 78 (1955).

\$19,578.22. Loss of left eye, injury to nasal passages, disfigurement of face. *Rein v. Jarvis*, 131 Colo. 1377, 281 P. 2d 1019 (1955).

\$15,000 (\$2,000 medical). Loss of all service vision in right eye, right eardrum punctured, right jawbone fractured, seven teeth knocked out, multiple fracture of facial bones. *Satterwhite v. Bocelato*, 130 F. Supp. 825 (D. C. N. C. 1955).

\$15,000 (\$400 medical, \$2,000 to husband). 52 year old married woman, loss of right eye, difficulty in performing household duties and work in store. *Blalock v. Temple*, 38 Tenn. App. 450, 276 S. W. 2d 493 (1955).

Eye Damage Associated with Brain Injury

\$250,000 (\$15,000 medical). 51 year old laborer, injury to central nervous system which affected eye, leg amputated, ribs injured, totally disabled. *Murphy v. Lindahl*, 24 Ill. App. 2d 461, 165 N. E. 2d 340 (1960).

\$17,000. 37 year old welder, eyes and brain injury, heart damage, electric shock, earning reduced \$1,000 per year. *James v. Bowman*, 331 S. W. 2d 866 (Ark., 1960).

\$15,000 (\$700 loss of wages). Married woman, impairment of visual field of right eye and permanent head injuries causing dizziness and headaches. *Neal v. Linnel*, 156 Me. 1, 157 A. 2d 231 (1960).

\$50,000. 41 year old railroad engineer, claimed color blindness caused by psychosomatic conversion following sideswipe accident. *Clark v. Erie R. R. Co.* (D. C. Ind. 1959).

\$175,000. 45 year old carpenter, permanent impairment of vision resulting from skull fracture, fractured ribs, loss of sense of taste and smell. *Geguere v. U. S. Steel Corp.* (D. C. Chicago, Ill. 1958).

\$87,500. 41 year old truck driver, head-on auto collision, concussion, damage to right eye, cuts and bruises, burns on legs, memory loss, internal injuries with crippling effects. *Groshele v. Northern Pacific Transport Co.* (13th Dist. Ct., Yellowstone County, Mont. 1957).

\$45,000. Railroad employee, brain concussion resulting in loss of vision in upper left field of both eyes, plaintiff earning more after injury. *Taylor v. Monongahela Ry. Co.*, 155 F. Supp. 601 (D. C. Pa. 1957), aff'd 256 F. 751 (1958).

\$25,000. 36 year old woman, concussion of brain resulting in blurred vision and dizziness, surgery necessary to correct nasal injuries, lacerations and permanent scars. *Luchansky v. J. V. Parish Inc.*, 157 N. E. 2d 388 (Ohio Ct. App. 1957).

\$79,841 (\$7,110 medical, \$12,514 loss of wages). Service station manager, loss of half of visual field, brain damage, paralysis of eye muscles, knee fracture. *O'Toole v. U. S.*, 140 F. Supp. 672 (D. C. Del. 1956).

\$100,000. College student, compressed fracture of lumbar vertebrae, fractured skull resulting in double vision. *Grover v. San Mateo Jr. College*, 146 Calif. App. 2d 86, 303 P. 2d 602 (1956).

\$72,000. 40 year old railroad employee, fractured skull, brain injury resulting in permanent impairment of vision, settled on

5th day of trial. *Mills v. Southern Pacific R. R. Co.* (Super. Ct., San Francisco, Calif., Oct. 15, 1956).

\$115,000. 24 year old teacher; injury to brain, right eye, and left arm as a result of truck-auto collision. *Jarrell v. Pearce Produce Co.*, (Cir. Ct., Dade County, Fla., 1955).

\$4,500. 5 year old girl, contusion and abrasion of head, arms, and shoulders; cerebral concussion, laceration of lower lip; partial paralysis of muscle of left eye causing double vision when she looked up and to the right. *Pecor v. State*, 207 Misc. 606, 139 N. Y. S. 2d 838 (1955).

Impairment of Vision Due to Other Causes

\$76,000 (\$1,369 medical). Air force pilot, hospitalized one day, trouble with pupil of eye, headaches, whiplash injury. *Gunn v. Filer*, 117 S. 2d 247 (La. App. 1960).

\$65,000 (\$1,500 medical, \$500 loss of earnings). 36 year old partner in masonry contracting business, intern in hospital treated eye with 75% silver nitrate solution which burned eye-balls and eyelids, 25 days in hospital, 87% vision remains in left eye, prospect of corneal transplant and restoration of 100% vision. *Gangl v. The Barberton Citizens Hospital*, (Common Pleas, Summit County, Ohio, Docket No. 214574, April 7, 1960).

\$60,000 (\$1,879 medical). 15 year old boy, perforation of right cornea, 40% loss of vision, plaintiff has 20/200 vision, possible future infection and sympathetic effect on left eye, bottle attachment of oxygen equipment exploded during medical treatment. *Landerson v. Hospital Oxygen Inc.*, (Supr. Ct., Jamaica, N. Y., No. 6113-55, Sept. 21, 1960).

\$37,500 (\$634.98 specials). Teacher, struck in eye by metal substance deflected from radiator by workman in the school, injury to upper and lower eyelid, substance embedded in palpebral conjunctive of right eye, ulceration in cornea of right eye, acute iritis. *Rubin v. Thomas Corwin Inc.*, (Supr. Ct., Brooklyn, N. Y., Docket No. 9512-56, May 23, 1960).

\$23,534. Sea captain, vision impaired, back and neck injury, knee injury, earnings reduced. *Davis v. Sill*, 348 P. 2d 215 (Wash. 1960).

\$15,000 (\$200 medical). 62 year old railroad engineer, shattered glass driven into eyes, impairment of vision of right eye. *Ives v. Hartford, New Haven R. R. Co.*, (D. C., S. Dist., N. Y., No. 126-363, June 6, 1960).

\$10,000. 45 year old man, left eye eviscerated by gunshot pellet, loss of depth perception, plaintiff became nervous, irritable and self-conscious, award of \$3,000 increased. *Theriot v. Gianellone*, 121 S. 2d 275 (La. App. 1960).

\$9,500 (\$870 medical, \$1,545 loss of wages). 61 year old taxi driver, purulent conjunctivitis from glass in eye, nose injury contusions. *Bodin v. Killen*, 199 S. 2d 540 (La. App. 1960).

\$2,000 (\$150 medical). Male employee of meat market, corneal abrasions of left eye with subconjunctive hemorrhages and closure of nasolacrimal passages, defendant's employee pushed meat tray into plaintiff's eyes. *Weinberg v. Rubin Co.*, (Supr. Ct., Bronx, N. Y., No. 8085-57, June 3, 1960).

\$53,500. School boy, hit in back of head during track and field practice, partial loss of vision in both eyes, settled before trial. *Sea v. El Dorado School Dist.* (Calaveras County, Calif., 1959).

\$27,303. College student, retina of eye punctured and surgery required. *Jay v. Walla Walla College*, 53 Wash. 2d 590 355 P. 2d 458 (1959).

\$8,500. 20 year old male student, contusion and laceration of left eye, concussion, collar bone fractured, no permanent disability. *Goch v. Lake*, 327 S. W. 2d 132 (Mo. 1959).

\$7,259 (\$1,173 medical, \$1,086 loss of wages). Truck driver, severe contusion of eyeball, fractured kneecap, concussion, permanent limp. *Sorleau v. Manuel*, 109 S. 2d 509 (La. App. 1959).

\$5,000 (\$300 damage to auto). Man sustained blow to side of face causing cataracts to grow. *Tynes v. McLendon*, 143 Miss. 231, 108 S. 2d 716 (1959).

\$750 (\$62 medical). Truck delivery helper, blurred vision, head pain, minor cut over eye leaving scar, two weeks lost from work. *Ortiz-Ortiz v. Carroll Transport Inc.*, 193 N. Y. S. 2d 803 (1959).

\$140,396 (\$2,396 medical). 28 year old welder, double vision, permanent inability to coordinate right side. *Southern Truck Leasing Co. v. Manieri*, 325 S. W. 2d 912 (Tex. Civ. App. 1959).

\$56,200. Garage mechanic, extensive facial injury, disfigurement and eye damage, tractor put in reverse when plaintiff was changing tire. *Brown v. Shirks Motor Exp. Co.*, 392 Pa. 367, 143 A. 2d 374 (1958).

\$43,840. Woman, employed, double vision, cheek bone fractured, left eye abnormal. *Kessen v. Bernhardt*, 157 F. Supp. 652 (D. C. Minn. 1958).

\$35,000. 35 year old housewife, partially blinded, permanently scarred, internal injuries, janitor of apartment hurled lye mixture in her face, sued apartment house owner. *Boyd v. Willis* (Ct. unreported, Arlington, Va., May 1958).

\$20,000 (reduced to \$10,500). Plumber, punctured eyeball, tetanus injection, inability to flex fingers, no interference with ability to work. *Gorlin v. Master Contracting Corp.*, 15 Misc. 2d 1, 180 N. Y. S. 2d 84 (1958).

\$10,000 (\$1,400 special). 41 year old railroad employee, left eyelid almost torn off requiring surgery, one tear duct destroyed, dropping eyelid which partially impaired vision in one direction. *Afflect v. Chicago N. W. Ry. Co.*, 253 F. 2d 249 (7th Cir. 1958).

\$4,500. Eye displacements with 25% loss of vision, breathing impaired, facial deformity, shoulder and back injuries, auto accident, \$2,000 award increased. *Neely v. Cotton Baking Co.*, 106 S. 2d 811 (La. App. 1958).

\$2,500 (award held inadequate, \$96 medical, \$880 loss of earnings). 22 year old woman, loss of direct vision of left eye, injury to bridge of nose, lacerations of scalp, forehead and left leg, 1½ inch scar on face. *Wafford v. Simon*, 163 F. Supp. 664 (D. C. Pa. 1958).

\$300,000 (\$52,931.43 medical, \$14,742 loss of wages). 29 year old construction foreman, partial loss of vision in both eyes, burns over 80% of body, loss of both external ears, gas explosion. *Hulke v. International Mfg. Co.*, 14 Ill. App. 5, 142 N. E. 2d 717 (1957).

\$273,345.38. 24 year old man, extensive burn, disfiguring scars, almost completely blinded in explosion at work, prolonged hospitalization, extensive skin grafts. *Rix v. Southern Union Gas Co.*, 62 N. M. 38, 304 P. 2d 566 (1957).

\$55,000. 45 year old housewife, permanent impairment of vision, hip injury, thighbones and wrist fracture, extensive operations. *Goldman v. Goldman*, 20 Conn. Supp. 279, 132 A. 2d 418 (1957).

\$30,000. Teenage girl, 80% loss of vision in one eye, injury caused by eraser thrown by classmate in public school. *Burge v. Jennings* (Dist. Ct., Tulsa, Okla., Feb. 1957).

\$30,000 (reduced to \$15,000). Railroad welder, corneal scarring and impaired vision, struck by piece of metal, on motion for new trial award reduced. *Pate v. Southern Pacific R. R. Co.*, (Super. Ct., Sacramento Calif., No. 92063, April, 1957).

\$17,500 (\$5,929 special damages). Truck driver, double vision, neck and head injuries, concussion, wrist fracture, earning ability impaired. *Ferguson v. Post*, 243 F. 2d 144 (2d Cir. 1957).

\$6,500. 22 year old man, numerous fish bites resulting in temporary vision impairment and skin damage. *Petition of Trans-Pacific Fishing & Packing Co.*, 152 F. Supp. 44 (D. C. Wash. 1957).

\$1,735.50 (\$235.50 special damages). Man, blind in left eye for 3 weeks, headaches for 1 month, fracture of maxillary antrum, injury to nerves leaving tingling sensation. *McCormick v. State of New York*, 5 Misc. 2d 587, 161 N. Y. S. 2d 666 (1957).

\$75,000 (\$25 medical, \$300 loss of earnings, \$25,000 punitive damages). 31 year old gas station attendant, permanent partial blindness of right eye, beaten by station manager. *Donato v. Standard Oil Co.*, (Super. Ct., Los Angeles, Calif., No. 643433, Sept. 1956).

\$30,000 (\$2,337 medical). 10 year old girl, inability to close eye, partial facial paralysis, skull and rib fracture, facial scar, ear drum lacerated. *Monatto v. Fond DuLac Co.*, 272 Wis. 552, 76 N. W. 2d 279 (1956).

\$12,500 (Reduced to \$6,000). Railroad brakeman, temporarily blinded for 4 days, headaches on sunny days unless wearing dark glasses, original verdict of \$12,500 reduced to \$2,500 because of plaintiff's contributory negligence and \$4,000 because excessive in amount. *Stamp v. Union Pacific R. R. Co.*, 5 Utah 2d 397, 303 P. 2d 279 (1956).

\$7,500 (\$839 special damages). 17 year old boy, vision impaired, cerebral concussion, ribs fractured, kidney contused. *Mendoza v. Rudolf*, 140 Cal. App. 2d 633, 295 P. 2d 445 (1956).

\$6,250 (\$512 special damages). Teenage boy double vision, contusions of brain, partial paralysis, multiple contusions. *Mendoza v. Rudolf*, 140 Cal. App. 2d 633, 295 P. 2d 445 (1956).

\$4,500. Operator of grocery, vision reduced to 20/260, explosion of Coca Cola bottle. *Coca Cola Bottling Co. of Southeast Arkansas v. Jones*, 226 Ark. 953, 295 S. W. 2d 321 (1956).

\$3,500. 72 year old man, 40% loss of vision of left eye, fractured skull and ribs, scarring lacerations and contusions. *Self v. Employers Mut. Liab. Ins. Co. of Wis.*, 90 S. 2d 547 (La. App. 1956).

\$2,500. 17 year old girl, portion left eyelid torn away, plastic surgery, inability to close left eye fully, facial scars. *Stroud v. Standard Accident Ins. Co.*, 90 S. 2d 477 (La. App. 1956).

\$1,654. 25 year old college student, eyeball pierced, no loss of vision, slight scar on cornea. *Hawayek v. Summons*, 91 S. 2d 49 (La. App. 1956).

\$1,000. Construction worker, eye injury, ribs and hand fractured, grasp impaired. *Cooley v. Walther*, 226 Ark. 612, 291 S. W. 2d 515 (1956).

\$88,996.50. 45 year old woman, lacerations and abrasions of right eye, 70% disability of shoulder and hands, fractured ribs. *Hibble v. Virginia Transit Co.*, (Cir. Ct., Norfolk, Va., June 6, 1955).

\$35,000. 58 year old laborer, double vision probably permanent, concussion, jaw fracture, contusions, rib fractures, scars. *Klotz v. Lee*, 36 N. J. Super. 6, 114 A. 2d 746 (1955).

\$30,000 (reduced to \$15,000). 55 year old groceryman, ecchymosis of both eyes, burns of mouth and nasal passage, skull fracture, stomach ulcers, gas explosion. *Andrepoint v. Ochsner*, 84 S. 2d 63 (La. App., 1955).

\$15,000 (\$500 medical, \$1,100 loss of wages). 28 year old railroad employee, loss of 80% vision in left eye, hit by piece of steel track. *Churbuck v. Union Railroad Co.*, 380 Pa. 181, 110 A. 2d 210 (1955).

\$4,500. Truck driver, eye injury, head injury, sleeplessness, traumatic neurosis, earnings impaired. *Niblo v. Central West Oil Corp.*, 128 F. Supp. 121 (D. C. Ind. 1955).

\$2,500 (\$360.83 medical, \$570 loss of wages). Laceration of eye reducing vision to 20/70, missed 3 months and 10 days from work, returned to same employment. *Wilt v. Blazier*, 383 Pa. 143, 114 A. 2d 111 (1955).