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Recent Leg Damage Awards

Doris Hawth*

INJURIES TO THE LEG include fractures of the various bones of the leg (tibia,¹ femur² and fibula³), fractures of the foot, ankle, knee or hip, and amputation of one, both, or a part of the leg. This article includes a digest of cases arising in the last five years involving leg injuries. The facts in each case are briefly stated and the damage award specified.

Awards for leg injuries vary because of the amount of disability which results from a particular injury. The disability is an estimate of how much function is left compared with an amputation. It is a relatively easy problem to estimate the degree of permanent disability arising from the amputation of a part of the body. However, even in these cases an amputee may be further disabled because the condition of the stump makes the use of prosthesis (an artificial limb) impossible.⁴

In other leg injuries, a problem arises in estimating the degree of partial disability which results from the particular injury. Disability may be caused by non-union which is a failure of the bone ends to heal together. This is common in certain bones because of the construction, deficient blood supply, or absence of any method of immobilizing the bone until it has a chance to heal. Non-union is often corrected by secondary bone grafting operations.⁵

In cases involving compound fractures (one in which there is a break in the skin and the tissues around the bone) the danger of osteomyelitis or infection of the bone exists.⁶ If the injury causes a tendon to be severed, this must be repaired in order for the muscle to function normally.⁷ Injuries involving disloca-

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¹ The larger and inner bone of the leg below the knee.

² The thigh bone.

³ The outer and smaller bone of the leg below the knee.

⁴ *Leming v. Oilfields Trucking Co.*, 44 Cal. 2d 343, 282 P. 2d 23 (1955).

⁵ *Injuries to the Extremities*, Abstract of a Panel Discussion at the University of Tennessee College of Law Medico-Legal Institute, 24 Tenn. L. Rev. 463 (1956).

⁶ *Ibid.*

⁷ *Ibid.*

tions of the hip joint or ankle joint may be further complicated by avascular necrosis (a death of the bone because of lack of adequate blood supply). A joint thus affected will result in weakness, pain and stiffness.⁸ Other disabilities may result from shortening of the leg,⁹ necessity for use of a brace or crutches,¹⁰ or the use of pins, screws or plates to facilitate healing.¹¹

The highest award for amputation of both legs was \$750,000 won by a 9-year-old boy who also suffered severe burns as a result of an explosion.¹² The lowest award for injuries resulting in the loss of both legs was \$75,000 received by a 21-year-old woman.¹³ In two similar cases involving amputation of both legs and one arm, a Texas court in 1960 awarded a 21-year-old laborer earning \$80 per week \$157,400,¹⁴ while a Federal court in 1957 awarded a 23-year-old man earning \$300 per month \$225,000.¹⁵

Amputation—Both Legs

\$157,400. 21-year-old laborer earning \$80 per week, suffered injuries requiring amputation of both legs below the knees and amputation of right arm below the elbow. *Texas & N. O. R. Co. v. Flowers*, 336 S. W. 2d 907 (Tex. Civ. App. 1960).

\$200,000. Man suffered amputation of both legs ten inches below the groin and amputation of the left arm above the elbow. *Goertz v. Chicago & N. W. Ry. Co.*, 19 Ill. App. 2d 261, 153 N. E. 2d 486 (1958).

\$226,000. 23-year-old brakeman earning \$5,500 per year suffered amputation of both legs below the knee. *Hubbard v. Long Island R.*, 152 F. Supp. 1 (D. C. N. Y. 1957).

\$225,000. 23-year-old man with monthly income of \$300 suffered amputation of both legs and right arm as a result of high

⁸ *Id.* at 466.

⁹ *Kinney v. Kraml Dairy*, 233 Mis. 892, 103 S. 2d 861 (1959).

¹⁰ *Gustafson v. 5th Avenue Catering Corp.*, (Doc. No. 42611, Sup. Ct., Jamaica, N. Y. March 28, 1960).

¹¹ *Southern Ry. Co. v. Smith*, 268 Ala. 235, 105 S. 2d 705 (1958).

¹² *Finn v. Commonwealth Edison Co. & Northern Ill. Gas Co.*, (Super. Ct., Cook County, Ill. 1957).

¹³ *Benedict v. New York, N. H. & H. R.*, (Super. Ct., Suffolk County, Mass. 1957).

¹⁴ *Texas & N. O. R. Co. v. Flowers*, 336 S. W. 2d., 907 (Tex. Civ. App. 1960).

¹⁵ *Union Pac. R. v. Johnson*, 249 F. 2d 674 (9th Cir. 1957).

voltage electric shock. *Union Pac. R. v. Johnson*, 249 F. 2d 674 (9th Cir. 1957).

\$350,000. 37-year-old workman with average annual earning expectancy of \$7,200 injured when boom of crane touched over-head wires, suffered amputation of one leg at the knee, amputation of other foot, destruction of the covering of his heart and damage to hearing and eyesight. *Lebeck v. William A. Jarvis, Inc.*, 145 F. Supp. 706 (D. C. Pa. 1956).

Amputation—One Leg

\$150,000. 9-year-old boy sustained injuries resulting in amputation of his leg and 90% permanent disability of his left hand as a result of electric shock. *Wytupeck v. City of Camden*, 25 N. J. 450, 136 A. 2d 887 (1958).

\$149,388. 35-year-old railroad brakeman earning \$6,000 per year to whom 20% negligence was attributed suffered amputation of left foot and lower leg with accompanying fractures and damage to tissue of lower leg. *Russell v. Monongahela Ry.*, 262 F. 2d 349 (3rd Cir. 1958).

\$200,000. 25-year-old electrician suffered loss of one leg, injury to knee cartilage, various fractures and disfigurement. *Butler v. General Motors Corp.*, 240 F. 2d 92 (2d Cir. 1957).

\$125,000. 16-year-old girl injured when the motorcycle on which she was a passenger collided with defendant's truck, suffered loss of right leg. *Simmons v. Lilly*, 200 Va. 791, 108 S. E. 2d 245 (1957).

\$231,460.22. 47-year-old married man earning \$410 per month suffered guillotine amputation of left leg midway between knee and hip. Plaintiff unable to use prosthesis because of condition of stump. *Leming v. Oilfields Trucking Co.*, 44 Cal. 2d 343, 282 P. 2d 23 (1955).

\$193,911. 8-year-old boy struck by locomotive at crossing suffered loss of left leg. *Braddock v. Seaboard Air Line R.*, 80 S. 2d 662 (Fla. Sup. Ct. 1955).

Amputation—Foot

\$50,000. Trial by plaintiff when 23 years old for injuries sustained when struck by train at age 22 months causing loss of three toes and metatarsal arch on right foot, loss of left heel and possible future amputation of right foot. *Shine v. Wabash R.*, 8 Ill. App. 2d 545, 132 N. E. 2d 41 (1956).

\$30,000. Pedestrian caught foot in crevice between tracks and cross tie causing traumatic amputation of foot by locomotive. *Alabama Great Southern R. v. Bishop*, 265 Ala. 118, 89 S. 2d 738 (1956).

Fractures—Leg

\$10,000. 2-year-old boy suffered fracture of left femur with gross displacement of bone. *Fland v. Walker*, 398 Pa. 166, 157 A. 2d 163 (1960).

\$100,000. Plaintiff who worked for a milk distributor sustained a compound comminuted fracture of the right femur resulting in shortening of leg and loss of motion in the knee, also suffered headaches and dizzy spells due to brain injury. *Kinney v. Kraml Dairy, Inc.*, 20 Ill. App. 2d 531, 156 N. E. 2d 623 (1959).

\$60,000. 42-year-old man injured in automobile accident, sustained fractures in foot and leg which rendered him partially disabled. *American Creosote Works, Inc. v. Smith*, 233 Mis. 892, 103 S. 2d 861 (1959).

\$12,000. 72-year-old man sustained a broken leg with severe pain and suffering and certain impairment of earning power. *Robinson v. Lunsford*, 330 S. W. 2d 423 (Ky. App. 1959).

\$67,500. 24-year-old laborer earning \$63 per week injured when struck by defendant's truck on a public lot, suffered fractures of left femur and tibia, both close to the knee. *Roberts v. Greer Lines Co.*, 216 Md. 69, 139 A. 2d 235 (1958).

\$61,200. 47-year-old laborer earning over \$3,000 per year injured while operating lever on oil truck, suffered fractures of right leg and injuries to muscles and tendons. *Hobb v. Grant*, 314 S. W. 2d 351 (Tex. Civ. App. 1958).

\$35,000. 72-year-old man, not regularly employed, struck while walking on shoulder of highway, suffered fractures in both legs requiring metal pins and screws, also fractured pelvis. *Southern Ry. Co. v. Smith*, 268 Ala. 235, 105 S. 2d 705 (1958).

\$25,855. 65-year-old housewife sustained compound comminuted fractures of tibia and fibula of both legs with permanent disability. *Applegate v. Home Oil Co., Fireman's Fund Indemnity Co.*, 182 Kan. 655, 324 P. 2d 203 (1958).

\$95,000. Former world's woman tennis champion injured when a truck collided with horse she was riding, suffered fractured leg and blocked blood vessel resulting in inability to con-

tinue as professional tennis player. *Connolly v. Pre-Mixed Concrete Co.*, 49 Cal. 2d 483, 319 P. 2d 343 (1957).

\$45,000. 26-year-old married woman sustained fractures of both legs and left hip and suffered severe pain which could not be relieved with sedatives because of heart condition. *Crowther v. Fenstermaker*, 96 S. 2d 91 (La. App. 1957).

\$60,000. 19-year-old boy earning \$75 per week suffered compound comminuted fractures of both legs, fracture of femur in left leg and kidney injury. *Boynton v. McKales*, 139 Cal. App. 2d 777, 294 P. 2d 733 (1956).

\$34,040. 57-year-old helper and car man injured in fall in repair yard while repairing freight car, suffered comminuted fracture of lower third of femur extending into knee resulting in permanent disability from performing manual labor. *Howard v. Missouri Pacific R.*, 295 S. W. 2d 68 (Mo. 1956).

Fractures—Ankle

\$35,000. Crane operator with average annual earning of \$5,500 suffered compound fracture of right ankle, a comminuted fracture of the pelvis, lacerations and shock. *Jemison v. Pfeifer*, 397 Pa. 81, 152 A. 2d 697 (1960).

\$75,000. Plaintiff lost use of his right leg and suffered fracture of his left ankle when a bulldozer overturned. *McFarland v. Voorheis-Trindle Co.*, 336 P. 2d 599 (Cal. App. 1959).

\$34,700. Nurse sustained fracture of foot and 40% disabling fracture of right ankle preventing her from following her profession. *Nelson v. August*, 145 Conn. 347, 142 A. 2d 726 (1958).

\$37,950. 43-year-old warehouseman injured when air compressor broke loose from towing vehicle and crashed into plaintiff's car, suffered fractures of both ankles, permanent disability of left leg and other injuries. *Roberts Construction Co. v. Henry*, 265 Ala. 608, 93 S. 2d 498 (1957).

\$50,000. 56-year-old Mexican migratory farm worker suffered compound fracture of right ankle, simple fracture of left ankle and eight fractured ribs resulting in permanent disability. *Quiroga v. Southern Pacific R.*, 130 Cal. App. 2d 93, 278 P. 2d 80 (1955).

\$35,675. 33-year-old yardman earning \$417.35 per month injured in fall caused by grease negligently left on grab iron by defendant, suffered multiple fractures of left ankle resulting in

permanent limp. *Texas & N. O. R. v. Hayes*, 284 S. W. 2d 776 (Tex. Civ. App. 1955).

\$25,000. 21-year-old housewife suffered brain concussion, compound fracture of ankle and foot and other injuries, resulting in permanent limp and requiring ankle brace. *Firenze v. State*, 208 Misc. 663, 145 N. Y. S. 2d 74 (1955).

Hip Injuries

\$75,000. 50-year-old woman sustained fracture of right femur with stiffening of the right hip joint and knee requiring crutches to walk. *Lau v. West Towns Bus Co.*, 16 Ill. 2d 442, 158 N. E. 2d 63 (1959).

\$50,000. 62-year-old salesman injured in fall in defendant's store, suffered a fractured hip. *Decker v. S. H. Kress Co.*, 168 Cal. App. 2d 365, 335 P. 2d 952 (1959).

\$25,000. Oiler injured in fall, suffered fracture of hip requiring a future operation. *Duplanty v. Matson Nav. Co.*, 53 W. 2d 434, 333 P. 2d 1092 (1959).

\$15,000. Saleslady suffered fracture at base of femur and hip injury requiring surgery, no permanent disability. *Brandwein v. Elliston*, 268 Ala. 598, 109 S. 2d 687 (1959).

\$125,000. 42-year-old carpenter injured in automobile-train collision, suffered severe chest and hip injuries. *Cutchins v. Seaboard Air Liner Co.*, 101 S. 2d 857 (Fla. 1958).

\$65,650. Laborer injured when struck by defendant's truck in cross-walk, suffered fractured hip requiring seven operations, developed osteomyelitis. *McMann v. Reliable Furniture Co., Inc.*, 153 Me. 383, 140 A. 2d 736 (1958).

\$75,000. 24-year-old married woman earning \$2,500 per year injured while a passenger on a bus, sustained broken femur of left leg, aseptic necrosis of head of left femur resulting in incomplete left hip joint and broken arm. *Neal v. Matanusky Valley Lines, Inc.*, 255 F. 2d 632 (9th Cir. 1957).

\$37,500. 62-year-old salesman with annual earnings of \$6,000 injured when struck by dolly in defendant's store, suffered broken right hip resulting in some disability, and other injuries. *Moss v. Mindlin's, Inc.*, 301 S. W. 2d 761 (Mo. 1957).

\$12,000. Waitress suffered linear fracture through neck of femur of right hip requiring surgery, and other injuries to right leg and knee in an accident while a passenger on defendant's bus. *Twin City Lines v. Cook*, 226 Ark. 657, 291 S. W. 2d 810 (1956).

Knee Injuries

\$85,000. Certified public accountant with life expectancy of 28.41 years sustained injuries to his right leg resulting in permanent loss of use of ankle and knee and shortening of the leg. *Continental Bus System, Inc. v. Toombs*, 325 S. W. 2d 153 (Tex. Civ. App. 1959).

\$15,000. Tavern owner injured in fall, suffered knee injury requiring several operations, unable to continue business because of difficulty in standing. *Placanica v. Riach Oldsmobile Co.*, 53 W. 2d 171, 332 P. 2d 47 (1959).

\$12,500. High school athlete suffered knee laceration with minor scar which prevented him from playing football and working on strenuous jobs. *Matherne v. Crowther*, 96 S. 2d 89 (La. App. 1957).

\$25,000. 47-year-old woman injured in auto-truck collision suffered broken left knee cap, cut on right knee cap, three broken ribs, sprained right ankle and multiple bruises, also loss of power from her hip to her knee in left leg. *Fox v. Hayes Freight Lines, Inc.*, 244 F. 2d 305 (7th Cir. 1957).

\$45,000. 29-year-old laborer received a crushing blow to left knee leaving him permanently crippled and unable to perform manual labor. *Davis Transport, Inc. v. Bolstad*, 295 S. W. 2d 941 (Tex. Civ. App. 1956).

Miscellaneous Injuries—Feet and Ankles

\$27,500. Switchman thrown from braking platform of box-car, suffered fractured foot requiring fusion and impaired movement of joints. *Southern Railway Co. v. Jones*, 98 Ga. 313, 106 S. E. 2d 298 (1958).

\$74,000. Seaman had his right foot and ankle crushed in accident aboard a tugboat. *Yates v. Dann*, 223 F. 2d 64 (3rd Cir. 1957).

\$41,500. 52-year-old marine engineer on tanker sustained sprained ankle which was reinjured when he returned to duty and required fusion. *Green v. Orion Shipping & Trading Co., Inc.*, 139 F. Supp. 431 (D. C. Md., 1956).

\$41,500. Railroad fireman suffered neuralgia of foot resulting in permanent occupational disability. *Rice v. Louisville & N. R.*, 8 Ill. App. 2d 479, 131 N. E. 2d 808 (1956).

Miscellaneous Injuries—Legs

\$20,000. 12-year-old girl sustained leg lacerations leaving permanent scars as a result of negligent removal of a cast. *Allen v. Giuliano*, 144 Ct. 573, 135 A. 2d 904 (1958).

\$111,103.42. 24-year-old crane rigger earning \$80 per week suffered severe electrical burns to legs and feet requiring eight skin-graft operations, also injury to nervous system and brain. *Stark v. Lehigh Foundries, Inc.*, 388 Pa. 1, 130 A. 2d 123 (1957).

\$60,000. 20-year-old licensed second mate earning \$7,500 per year injured in fall on defendant's icy pathway, suffered torn semi-lunar cartilage, ruptured cruciate ligament and osteoporosis of patella resulting in 50% disability. *Chesapeake & O. R. v. Newman*, 243 F. 2d 804 (6th Cir. 1957).

\$75,000. 45-year-old mechanic suffered permanent loss of all feeling and control from hip down. *Ambrosius Industries, Inc. v. Adams*, 293 S. W. 2d 230 (Ky. App. 1956).

\$12,500. Boy injured when his motor scooter collided with an automobile, suffered shattered left leg near the hip resulting in shortening of leg. *Smith v. Manufacturers Casualty Ins. Co.*, 83 S. 2d 164 (La. App. 1955).