Recent Leg Damage Awards

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Recent Leg Damage Awards

Doris Hauth

Injuries to the leg include fractures of the various bones of the leg (tibia, femur, and fibula), 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.

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.

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. If the injury causes a tendon to be severed, this must be repaired in order for the muscle to function normally. 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.
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.\textsuperscript{8} Other disabilities may result from shortening of the leg,\textsuperscript{9} necessity for use of a brace or crutches,\textsuperscript{10} or the use of pins, screws or plates to facilitate healing.\textsuperscript{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.\textsuperscript{12} The lowest award for injuries resulting in the loss of both legs was $75,000 received by a 21-year-old woman.\textsuperscript{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,\textsuperscript{14} while a Federal court in 1957 awarded a 23-year-old man earning $300 per month $225,000.\textsuperscript{15}

\textbf{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. \textit{Texas \& N. O. R. Co. v. Flowers}, 336 S. W. 2d 907 (Tex. Civ. App. 1960).


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

\textsuperscript{8} Id. at 466.
\textsuperscript{10} Gustafson v. 5th Avenue Catering Corp., (Doc. No. 42611, Sup. Ct., Jamaica, N. Y. March 28, 1960).
\textsuperscript{12} Finn v. Commonwealth Edison Co. \& Northern Ill. Gas Co., (Super. Ct., Cook County, Ill. 1957).
\textsuperscript{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).


**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).


**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).

**Fractures—Leg**


$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).


$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-

$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).


$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**


$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).


$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


**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).


$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).

Knee Injuries


$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).


Miscellaneous Injuries—Feet and Ankles


$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).

Miscellaneous Injuries—Legs


$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).