

Man entitled to replacement services, attendant care

\$807,474.17 verdict, plus attorneys' fees and costs



MARKO

The plaintiff, an 82-year-old man, had a stroke causing him to crash his vehicle. The plaintiff then developed several brain bleeds. He almost died and was in the hospital for 12 days. He was then sent to a rehab facility for another month. He finally was able to return home to his elderly wife and son after that.

According to plaintiff's counsel, the defendant insurer hid the fact from the plaintiffs that they had a right to replacement services and attendant care. Thus, they did not submit forms even though they were performing the services. Shortly before one year ran out, the plaintiffs hired Marko who immediately made a demand for the benefits and filed suit. Pioneer then switched to the defense that the plaintiff's inability to care for himself was the result of the stroke and/or pre-existing health conditions.

The plaintiff died while awaiting trial. Plaintiff's counsel took his de

bene esse deposition six hours before he died. The deposition lasted 3 1/2 minutes.

A four-day jury trial was held. The jury awarded \$807,474.17 — \$686,295.42 for attendant care and medical bills (24 hours a day, 7 days a week); \$15,500 in replacement services; and \$105,679.75 in interest.

Jonathan Marko, counsel for the plaintiff, provided case information.

Type of action: No fault; PIP

Injuries alleged: Traumatic brain injury

Name of case: Jackson v. Pioneer State Mutual Insurance Company

Court/Case no./Date: Wayne County Circuit Court; 19-002256-NF; 10/21/2021

Tried before: Jury

Name of judge: Hon. Muriel Hughes

Demand: \$700,000

Highest offer: \$275,000

Case evaluation: \$150,000

Verdict amount: \$807,474.17, plus attorneys' fees and costs

Most helpful experts: Dr. Bradley Sewick, neuropsychology; Dr. Tejpaul Pannu, neurosurgery

Attorney for plaintiff: Jon Marko, Detroit