

How the Rhodes Hieronymus firm **negotiated a reasonable settlement** with the help of BRC's expert, Dr. Austin Folley



CASE STUDY

Situation

Defense litigation law firm Rhodes Hieronymus has been serving Oklahoma, Arkansas, Kansas, Missouri, and Texas since 1931. With a focus on resolving disputes through jury trials or negotiation, the firm frequently teams up with some of the largest law firms in the world to serve as their local council.

One of the firm's cases concerned a collision that occurred between an automobile and a commercial truck during rush-hour conditions.

"The truck's driver contended that the automobile driver changed lanes in front of him then came to an abrupt stop for no apparent reason," said Dan Folluo, the Rhodes Hieronymus partner representing the trucking company. "The truck's driver tried to stop but still impacted the rear of the automobile."

One of the case's main challenges was that experts didn't get involved in fact-finding right after the accident, so detailed inspections of the vehicles post-collision never took place. Consequently, Dan had to build a defense based on the police report, photos taken at the scene, and property damage estimates.

Neither of the vehicles received detailed inspections post-collision, so **BRC had to determine how the collision had occurred in order to help the firm build a defense.**

These items were all he had to work with—but they were enough. BRC was able to use these materials to perform an Injury Causation Analysis to determine how the collision had occurred and whether the accident caused the neck injuries being claimed by the driver of the automobile.

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BRC is a leader in biomechanical studies and well-known throughout our area by the people who do what I do."

DAN FOLLUO
Partner
Rhodes Hieronymus

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Solution

For more than thirty-seven years, BRC has analyzed and reconstructed incidents worldwide, and its consultants have provided testimony in nearly two thousand trials. BRC consultants have applied the science of biomechanics to objectively analyze various complex kinetic events, such as automotive accidents, to provide accurate and reliable expert testimony.

“One interesting thing about this case was that the plaintiff’s attorney had their own biomechanical expert who took a unique position,” said Dan. “They argued that it was not scientifically possible to reconstruct this accident. Therefore, there could be no reliable biomechanical opinions on injury causation. We had to counter that argument.”

To assist with the case, Dan retained BRC expert Dr. Austin Folley, a board-certified emergency medicine physician with an engineering degree in biosystems engineering who also happens to be a certified accident reconstructionist. Dr. Folley performed an Injury Causation Analysis, which included a reconstruction of the accident event and an evaluation of the mechanism of injury for Plaintiff’s claimed injuries. The plaintiff’s lawyer challenged the doctor’s qualifications and sought to exclude the report he wrote.

“We had an extensive hearing on this matter,” said Dan. “Ultimately, the judge overruled the motion to exclude our expert because he focused on the methodology and scientific analysis that our expert put into the report.”

Shortly after that court hearing, Dan settled the case and noted that “BRC’s expert played a major role in the negotiated settlement.”

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Results



Objective medical and biomechanical analysis



Admissible expert testimony



Competitive advantage over plaintiff