

DTI v TBI

In California

CASE: Margaret Jake O'Kelly v. Mariah Bryant and Randal Bryant, No. 17CV000345

The defense's accident reconstruction and biomechanics expert initially testified during depositions that the forces involved in the collision were the same as those involved when a head hits a pillow, which were well below "concussion thresholds" and, therefore, incapable of causing injury to the brain. She also opined at her deposition that "structural

Defense counsel contended that the accident involved a low-speed collision, which resulted in minor property damage and which caused O'Kelly to strike her head against a "padded" headrest. Counsel argued that O'Kelly could not have suffered a mild traumatic brain injury based on the mechanics of the accident and noted that O'Kelly did not treat with a neurologist or have any positive findings on MRIs of O'Kelly's brain.

In early 2018, the expert neuropsychologist referred O'Kelly for a Diffusion Tensor Imaging MRI, which allegedly demonstrated axonal shearing in O'Kelly's brain. Plaintiff's counsel used the DTI MRI results, together with the expert's neuropsychological testing, to support the claim that O'Kelly suffered a mild traumatic brain injury.

The defense's neuroradiology expert testified that the brain CT scan taken at the end of June 2015 was normal. The expert also testified that DTI MRIs can only be used in studies of multiple subjects and that they are, therefore, misleading and false to use to diagnose a brain injury in an individual.

Plaintiff's counsel also noted that the defense's neuroradiology expert based his opinion about the DTI MRI being used without scientific basis on an article he read, but the expert did not provide the article or a citation at deposition. The expert also testified about "hundreds of articles" on the topic of the DTI MRI, but did not produce one article or cite to any articles at the time of his deposition, claiming that he was not "charged with doing" literature search. However, at the time of trial, the expert neuroradiologist had the article with him. As a result, plaintiff's counsel made a motion in limine to preclude him from testifying about any article that he did not produce or cite at his deposition. The judge granted plaintiff's counsel's motion following a 402 on the topic, which precluded the defense's expert from testifying about or citing any articles.

Amount: \$6,840,000

Type: Verdict-Plaintiff

State: California

Venue: Napa County

Court: Superior Court of Napa County, Napa, CA



Contact: Timothy D Dillard
Sr. Vice President
tdillard@nationalbii.com
281-661-5021

ABOUT THE NATIONAL BRAIN INJURY INSTITUTE - ONE STOP SOLUTION FOR TBI

The NIH estimates that 90% of all traumatic brain injuries are mild. With mild TBI, the symptoms are often severe, the result of microscopic damage in the brain's white matter tracts. Historically, this damage has been mostly undetectable via traditional MRI. We are a one stop solution for all things TBI. We do everything including the Initial Comprehensive Evaluation, the Neuropsychological Assessment Battery, Diffusion Tensor Imaging, Life Care Planning and Treatment or Expert Witness.

We now have a proven, proprietary process and FDA approved technology for diagnosing and treating mild traumatic brain injuries. We work well with both Defense Firms and Plaintiff's Firms. Our only job is the patient's health.