



subsequently received further treatment and physical therapy for those injuries which were resolved within a few months.

{¶ 4} Plaintiff was also directed to see her obstetrician as soon as possible. The day after the accident, plaintiff did see her obstetrician, Dalibor Hradeck, M.D., because she was experiencing vaginal bleeding. As a part of his examination, Dr. Hradeck used an ultrasound to determine the size of plaintiff's gestational sac; he also checked the level of "pregnancy hormone" known as HCG. The tests were repeated on December 5, 2003. According to Dr. Hradeck, the measurements were abnormally low given the stage of plaintiff's pregnancy. On December 12, 2003, Dr. Hradeck was unable to detect a fetal heart rate and he determined that a miscarriage had occurred. On December 13, 2003, Dr. Hradeck performed a dilation and curettage procedure on plaintiff.

{¶ 5} Dr. DeVoe testified that "the vast majority" of miscarriages in women in their late thirties are caused by chromosome abnormalities in the embryo or fetus. Dr. DeVoe explained that the measurement of HCG and gestational sac size are both standard methods to assess the viability of a fetus. According to Dr. DeVoe, plaintiff's medical records show that her abnormally low HCG level increased slightly between December 2 and 5 and that such readings indicate that the pregnancy was failing in a manner that is typical of early miscarriages. Dr. DeVoe opined that plaintiff's pregnancy was failing prior to the December 1, 2003, accident.

{¶ 6} Based upon the testimony and evidence, the court finds that the December 1, 2003, vehicle collision was not a proximate cause of plaintiff's miscarriage.

{¶ 7} Plaintiffs also presented evidence of unreimbursed expenses incurred and wages lost as a result of the accident. The court finds that plaintiffs are entitled to damages for the unreimbursed expenses and for Jennifer Hughes' lost wages; however, they are not entitled to damages for John Hughes' wage loss. Based upon the totality of the evidence, plaintiffs shall be awarded the following damages:

{¶ 8} 1) Non-economic damages, which include, but are not limited to, pain and suffering in the amount of \$9,752;

{¶ 9} 2) Special damages in the amount of \$4,748;

{¶ 10} 3) Loss of spousal consortium in the amount of \$500.

{¶ 11} Accordingly, judgment is hereby rendered in favor of plaintiffs in the amount of \$15,025, which includes the \$25 filing fee paid by plaintiffs. Court costs are assessed against defendant. The clerk shall serve upon all parties notice of this judgment and its date of entry upon the journal.

---

J. CRAIG WRIGHT  
Judge

Entry cc:

Matthew C. Huffman  
127-129 North Pierce Street  
P.O. Box 546  
Lima, Ohio 45802

Attorney for Plaintiffs

Eric A. Walker  
Assistant Attorney General  
150 East Gay Street, 23rd Floor  
Columbus, Ohio 43215-3130

Attorney for Defendant

Case No. 2004-06178

- 4 -

JUDGMENT ENTRY

To S.C. reporter December 29, 2005