

Gardner v. International Paper Destruction and Recycling

Case Number

S-14-0815

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April 29, 2015

Court Number

Douglas

Case Summary

S-14-0815 Bryant Gardner v. International Paper Destruction & Recycling (Appellant)

Worker's Compensation Court, Judge James R. Coe

Attorneys: Richard J. Rensch (Appellee) --- Timothy E. Clarke (Baylor Evnen Curtiss Gruit & Witt LLP)

Civil: Further award

Proceedings below: The trial court found plaintiff experienced an increase in incapacity due solely to his work-related injury and found he was entitled to permanent partial disability benefits.

Issues: The trial court erred in (1) including plaintiff's mental injury as part of the award for permanent and total disability as it violated the law of the case doctrine given the court had previously found that plaintiff had reached MMI with no impairment or restriction; (2) admitting and relying on reports of Drs. Golnick and Rich in finding permanent and total disability, in violation of the law of the case doctrine.
