
Ms. Hoeft's opinion that an accident could aggravate Plntf's preexistent condition. However, on cross, Ms. Hoeft admitted she knew nothing about the accident, and thought her examination of Plntf's knee, ankle, and cervical spine was normal. Ms. Hoeft also admitted that Plntf had made complaints of cervical pain for years, and had been taking Suboxone for three years without Ms. Hoeft's knowledge. Dfnt argued Plntf was not injured. Dfnt used the deposition of the responding emergency medical technician, who wondered how anyone could be injured in such a small accident. Dfnt called Robert D. Anderson, M.S., a biomechanist, who was of the opinion that the accident occurred at four miles-per-hour. Mr. Anderson compared the Delta V forces generated in the collision with hard braking while driving in reverse. It was Mr. Anderson's opinion that it was unlikely that Plntf's knee impacted the dash or anything else in the vehicle, due to the occupant kinematics in a rearend accident. Prayer: Just and reasonable compensatory damages; plus \$13,753.80 (per P) or \$13,672.80 (per D) medical expenses. Plntf made a \$20,000 pretrial offer of judgment - Dfnt made a \$2,000 offer of judgment (P & D). (Carrier: State Farm Insurance.) During closing arguments, Plntf's counsel asked jury to award Plntf her medical expenses, plus a fair and reasonable amount for pain and suffering. Defense counsel argued liability. Three day trial. Jury out two-plus hours, over a two-day period. AWARDED PLNTF \$3,200 COMPENSATORY DAMAGES. 6 - 2.

3/13/14 - Judge D. DOUGLAS METCALF - CV 2012-5641 - PRICE (John A. Gravina, a sole practitioner) v BURDOIN (David L. Curl of Curl & Glasson, P.L.C.) - PERSONAL INJURY - REAREND - PARKING LOT MISHAP. *Case being tried on Dfnt's appeal of Plntf's \$16,253.80 arbitration award.* Plntf, in her early fifties, a homemaker, alleged that, as she waited for an opening to merge into traffic from a private parking lot, she was rear-ended by Dfnt. Dfnt, male, age 77, a retired electrical engineer, denied liability, advancing the defense that Plntf had stopped, began to move forward, then stopped again, as Dfnt looked to his left to see if he could also exit the parking lot. Dfnt alleged his vehicle rolled into the rear of Plntf's vehicle. Dfnt called the investigating police officer, who testified there was little or no damage to the vehicles, and was advised by a responding fireman that he did not think anyone needed transport but that Plntf or her spouse was insistent that she be transported. Plntf, who has preexistent conditions, alleged she sustained a cervical strain and sprain, a sprained ankle, and an injury to the knee. Plntf used the videotape deposition of her treating provider, Katy R. Hoeft, P.A., a physician's assistant, who was of the opinion that Plntf's treatment was reasonable and causally related. It was also