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REAREND. Case being tried on Dfnt's appeal of Plntf's \$7,066 arbitration award, plus \$626.70 in costs. Plntf, male, age 33, a plumber, alleged he was rear-ended by Dfnt. Dfnt, male, age 32, a contractor, admitted negligence, but argued causation. Dfnt argued the damage to Plntf's work truck was only \$563.36, and the damage to Dfnt's pickup truck was \$1,209.63. Plntf alleged he sustained cervical, thoracic, and lumbar soft tissue injuries, with secondary headaches; plus aggravation of his preexistent spinal condition. Plntf called his treating physician, Orrin C. Smith, D.C., who was of the opinion Plntf's injuries were causally related. Dfnt argued impact was minor, and Plntf was not injured. (Dfnt planned to called Robert D. Anderson, B.S.E., a biomechanist and accident reconstructionist, but was precluded from doing so, due to late disclosure.) Dfnt called Stephen G. Brown, M.D., an orthopod, who testified Plntf had no objective findings of injury, based on Plntf's chiropractic records, and Plntf's chiropractic treatment was unnecessary. In the alternate, Dr. Brown testified Plntf sustained a very transient strain, which required a course of treatment, at a cost of \$500 to \$700. Prayer: Just and reasonable compensatory damages; plus \$5,066 medical expenses. Plntf made a \$5,500 pretrial offer of judgment - Dfnt made a \$3,250 offer of judgment (P & D). (Carrier: State Farm Insurance.) During closing arguments, Plntf's counsel argued Plntf's treatment was reasonable and necessary. Plntf's counsel asked jury to award Plntf \$5,066 for medical expenses, plus \$8,400 for pain and suffering. Defense counsel argued impact was minor, and Plntf's complaints were related to his preexistent condition. In the alternate, defense counsel suggested \$2,500 was adequate compensation. Two day trial. Jury out one hour. AWARDED PLNTF \$1,300 (PER P) OR \$1,361 (PER D) COMPENSATORY DAMAGES. UNANIMOUSLY.

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3/19/08 - Judge CHARLES V. HARRINGTON -  
 CV 2006-5469 - ARGUELLO (Gabriel D. Fernandez, a sole practitioner) v NIEGOCKI (Douglas W. Glasson of Barassi, Curl & Abraham, P.L.C.) - PERSONAL INJURY -

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