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# Pima County Superior Court Jury Trials

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THE TRIAL REPORTER of Southern Arizona

April, 2014

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4/2/14 - Judge CHARLES V. HARRINGTON - CV 2012-0534 - GIANNI (Scott M. Baker, a sole practitioner) v COWLES (Douglas W. Glasson of Curl & Glasson, P.L.C.) - PERSONAL INJURY - MULTIPLE-VEHICLE REAREND. Case being tried as a summary jury trial. Plntf, female, age 52, a naturopathic physician, alleged she was rear-ended by Dfnt. Plntf also alleged the impact propelled her vehicle into the vehicle in front of her. Dfnt, male, age 71, a retired instrumentation technician, admitted negligence, but argued causation. Dfnt called Joseph E. Peles, Ph.D., a biomechanical engineer, who testified the first impact resulted in Delta V forces of five miles-per-hour or less, and the second impact produced Delta V forces of 4.1 miles-per-hour or less, which presented a very low probability of injury. Plntf alleged she sustained cervical and thoracic soft tissue injuries, plus injuries to the right arm and hand. Plntf also alleged she has ongoing residual cervical pain, radiating into the right shoulder and arm, with numbness and tingling in the lateral two fingers of the right hand. Plntf called her treating providers, Carol L. Henricks, M.D., a neurologist; Scott A. Cochrane, D.C.; and Jennifer L. Allen, P.T. Dfnt argued impact was minor and Plntf was not injured. Dfnt called Zoran Maric, M.D., an orthoped, who performed an independent medical examination. It was Dr. Maric's opinion that there was no objective evidence that Plntf was injured. In the alternative, Dr. Maric testified that, if Plntf did sustain a strain and sprain injury, it should have resolved within one month post-accident, with or without treatment. Prayer: Just and reasonable compensatory damages; plus \$10,180.14 medical expenses. Dfnt made a \$10,000 pretrial offer of judgment (D). (Carrier: State Farm Insurance.) During closing arguments, Plntf's counsel asked jury to award

Plntf \$37,500. Defense counsel argued Plntf was not injured. In the alternate, defense counsel suggested \$1,200, plus a few thousand dollars for pain and suffering, was adequate compensation. Two day trial. By stipulation, four jurors deliberated. Jury out one-plus hours. AWARDED PLNTF \$6,000 COMPENSATORY DAMAGES. UNANIMOUSLY.

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