
Pima County Superior Court Jury Trials

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Plntf for a right-side tremor and never contacted Plntf's primary care physician. Dr. Gerhauser also admitted he based his opinion on what Plntf told him. Plntf also called Vanessa M. Morton, P.T., who administered twenty-seven physical therapy sessions, and discharged Plntf with some improvement. It was Ms. Morton's opinion that Plntf's treatment was causally related. However, on cross, Ms. Morton admitted that she had not noted that Plntf had a tremor in his right hand, and had relied on Plntf regarding how he was hurt. Dfnt argued Plntf did not seek treatment until thirteen days post-accident, and was not injured. Dfnt also argued Plntf had treated for a foot issue in 2009, and a pulled back muscle in 2012. Additionally, Dfnt argued Plntf admitted that he claimed lost wages for three days for physical therapy even though he did not receive treatment. Prayer: Just and reasonable compensatory damages; \$8,927.69 medical expenses; plus \$2,358 lost wages. Plntf made a \$19,999 pretrial offer of judgment - Dfnt made a \$2,500 offer of judgment (D). (Carrier: State Farm Insurance.) During closing arguments, Plntf's counsel asked jury to award Plntf \$31,335. Defense counsel argued Plntf was not injured. Two day trial. Jury out thirty-five minutes. FOUND FOR DFNT. UNANIMOUSLY.

4/8/15 - Judge D. DOUGLAS METCALF - CV 2013-5561 - CLARK (Michael V. Moldoveanu and James E. Abraham of Zanes Law) v LOGAN (David L. Curl of Curl & Glasson, P.L.C.) - PERSONAL INJURY - REAREND. *Case being tried on Dfnt's appeal of Plntf's \$30,285 arbitration award.* Plntf, male, age 62, a plumber, alleged that, while stopped for a red traffic signal, he was rear-ended by Dfnt. Dfnt, male, age 54, a grounds maintenance worker, admitted negligence, but argued causation. Plntf alleged he sustained cervical, thoracic, and lumbar soft tissue injuries; plus an injury to the left foot. Plntf, who now has unrelated Parkinson's disease, called Richard H. Gerhauser, M.D., a physiatrist, who explained how Plntf's foot could have been injured in the collision and that spinal injuries are common in rearend accidents. It was Dr. Gerhauser's opinion that Plntf's treatment was causally related. However, on cross, Dr. Gerhauser admitted he never treated or referred