
Cochise County Superior Court Jury Trials

THE TRIAL REPORTER of Southern Arizona

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5/2/13 - Judge JAMES L. CONLOGUE - CV 2010-00390 - HERRERA (Michael J. Bell of Busby, Bell & Biggs, P.C.) v CAFLISCH (Douglas W. Glasson of Curl & Glasson, P.L.C.) - PERSONAL INJURY - REAREND. Plntf, female, age 54, an auditor, alleged she was rear-ended by Dfnt. Dfnt, female, age 16, a high school student, admitted negligence, but argued extent and severity of Plntf's injuries. Plntf alleged she sustained an aggravation of her preexistent lumbar condition. Plntf also alleged she sustained an aggravation of her preexistent deQuervain's tenosynovitis in the right wrist, which necessitated surgical intervention. Additionally, Plntf alleged she sustained a permanent cervical injury, plus an injury to the shoulder, and bruising of the knees and hands. Plntf called her treating physician, Blair T. Goodsell, D.O., a family practitioner, who was of the opinion that Plntf sustained an aggravation of her preexistent wrist condition, which required a surgical release. Plntf also called her treating physician, Laurence M. Susini, M.D., an orthopod, who was of the opinion that Plntf had sustained an aggravation of her preexistent lumbar condition. Dfnt argued Plntf had a complicated medical history, with multiple preexistent injuries and conditions that contributed to her injuries and complaints in the instant accident. Dfnt called Colin R. Bamford, M.D., a neurologist, who performed an independent medical examination. Dr. Bamford testified that Plntf had sustained a cervical strain and sprain; plus soft tissue injuries to the knees, left hip, and shoulders. It was Dr. Bamford's opinion that Plntf's cervical strain and sprain had resolved. Prayer: Just and reasonable compensatory damages; \$24,199.29 medical expenses; plus \$3,208 stipulated lost wages. Plntf made a pretrial demand of \$40,000 (per P) or Plntf made a \$45,000 pretrial offer of judgment

(per D) - Dfnt made a \$35,000 offer of judgment (P & D). (Carrier: GEICO.) During closing arguments, Plntf's counsel asked jury to award Plntf her specials, plus \$25,000 for pain and suffering for the first year post-accident, \$10,000 per year for pain and suffering for the next four years, and up to \$10,000 per year for pain and suffering for the next twenty-two years for her permanent cervical injury. Defense counsel suggested that approximately \$15,000 for medical expenses and \$10,000 to \$15,000 for pain and suffering was adequate compensation. Three day trial. By stipulation, nine jurors deliberated. Jury out forty-five minutes. AWARDED PLNTF \$33,787.49 COMPENSATORY DAMAGES. 8 - 1.
