
Pima County Superior Court Jury Trials

THE TRIAL REPORTER of Southern Arizona

July, 2009

7/9/09 - Judge PAUL E. TANG -
CV 2006-4664 - POWER (Frances T. Lynch of
Bache & Lynch) v TORCHIA (Douglas W.
Glasson of Barassi, Curl & Abraham, P.L.C.) -
PERSONAL INJURY - REAREND. *Case being
tried on Dfnt's appeal of Plntf's \$45,000 arbitra-
tion award.* Plntf, in his late forties, a
mechanic, alleged he was rear-ended by Dfnt.
Plntf called Richard N. Hinrichs, Ph.D., a
biomechanical engineer, who testified regarding
the forces generated in the collision. It was Dr.
Hinrichs' opinion that the impact could have
caused injury to Plntf. Dfnt, male, age 53, a
firefighter, admitted negligence, but argued
causation. Dfnt called Robert D. Anderson,
B.S.E., a biomechanist, who testified that the
Delta V forces generated in the collision were
very low, and less than those in amusement park
bumper car collisions. It was Mr. Anderson's
opinion that, based on the damage done to the
vehicles, Plntf could not have been injured.
Plntf alleged he sustained cervical and shoulder
sprains and sprains, with left-side radiculopathy,
reduced sensation in left arm and shoulder, and
residual headaches. Plntf also alleged his
injuries are permanent, and will require ongoing
treatment. Plntf called his treating physicians,
Michael Stone, D.C.; and David Jacobs, M.D.,

a physiatrist; both of whom testified Plntf had preexistent arthritis, but was asymptomatic prior to the collision. Dfnt called Colin R. Bamford, M.D., a neurologist, who performed an independent medical examination. Dr. Bamford testified Plntf had preexistent degenerative cervical joint disease. It was Dr. Bamford's opinion Plntf sustained a mild cervical and shoulder strain, with no permanent residuals. Prayer: Just and reasonable compensatory damages; \$16,000 (per P) or \$13,571.08 (per D) medical expenses; \$60,000 (per P) or \$39,000 (per D) future medical expenses; plus \$2,800 (per P) or \$3,000 (per D) lost wages. Plntf made a \$45,000 pretrial offer of judgment - Dfnt refused to make an offer (per P) or Dfnt made a \$2,500 offer of judgment (per D) (P & D). (Carrier: State Farm Insurance.) During closing arguments, Plntf's counsel asked jury to award Plntf \$80,000 to \$105,000 (per D). Defense counsel suggested \$20,000 to \$25,000 was adequate compensation (per D). Three day trial. Jury out one hour. AWARDED PLNTF \$20,000 COMPENSATORY DAMAGES. UNANIMOUSLY.
