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# Addendum & Erratum

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THE TRIAL REPORTER of Southern Arizona

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*Following is a more accurate report of a trial previously reported in the September 2008 issue of THE TRIAL REPORTER of Southern Arizona. The correction is in bold italic type.*

9/17/08 - Judge CARMINE CORNELIO - CV 2006-6341 - LUSTER (pro se) v PETERSEN (Douglas W. Glasson of Barassi, Curl & Abraham, P.L.C.) - PERSONAL INJURY - PARKING LOT MISHAP. *Case being tried on Plntf's appeal of an arbitration award.* Plntf, female, was passenger in a 2002 Ford Mustang, operated by Dfnt, female, who was using a cell phone. Plntf alleged non-party Contreras, operating a 1997 Chevrolet Lumina, in a grocery store parking lot, near the intersection of First Avenue and Grant Road, collided with the rear passenger side of Dfnt's vehicle, as Dfnt negligently backed from a diagonal parking space. Damage to Dfnt's vehicle was \$709.88, and damage to non-party Contreras' vehicle was \$432.30. Plntf alleged she sustained cervical, thoracic, and lumbar soft tissue injuries; plus an injury to the right knee. Dfnt argued Plntf was not injured in the low-speed collision. Dfnt also argued Plntf had preexistent *infectious* (septic) arthritis, chronic pain, fibromyalgia, and psychological/psychiatric problems. Additionally, Dfnt argued Plntf did not seek medical treatment until six days post-accident, and her treatment was unreasonable, unnecessary, and unrelated. Dfnt called David M. Sonne, an accident reconstructionist; and Lydia Artiola-Fortuny, Ph.D., a neuropsychologist. Prayer: Just and reasonable compensatory damages; plus an unspecified amount in medical expenses. (Carrier: State Farm Insurance.) Two day trial. Jury out less than one hour. FOUND FOR DFNT. UNANIMOUSLY.

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