
9/19/14 - Judge CHARLES V. HARRINGTON -
 CV 2012-2031 - SHARMA (David J. Dwyer and
 Michael G. Ciaccio of Ciaccio & Dwyer, P.C.)
 v CITY OF TUCSON (David L. Curl of Curl
 & Glasson, P.L.C.) - PERSONAL INJURY -
 NEGLIGENT MAINTENANCE - DEFECTIVE
 ARMREST - GOLF CART - FALL. Plntf,
 male, age 38, a product manager, and a friend
 were playing golf at Dfnt's Silverbell golf
 course. Plntf alleged he fell from the passenger
 side of Dfnt's golf cart when the armrest gave
 way. Plntf also alleged Dfnt knew that the
 armrests were weak and prone to give way.
 Plntf called Jeff Kiewel, a golf maintenance
 expert, who was of the opinion that Dfnt should
 have had a maintenance program in effect, and
 should have changed out the defective and/or
 weak armrests. Dfnt denied liability, advancing

the defense that Plntf fell out of the golf cart because he was not paying attention as his friend executed a sudden sharp left turn. Dfnt argued the armrests were stable and did not bend unless there was abuse. Dfnt called Robert D. Anderson, M.S., a biomechanist, who supported Dfnt's position. It was Mr. Anderson's opinion that the armrest had nothing to do with Plntf falling out, but was probably bent when Plntf grabbed it as he fell. Plntf sustained a fractured left wrist, which required open reduction, with implantation of internal fixation devices, plus a subsequent surgical procedure to remove the internal fixation devices. Plntf alleged he now has difficulty playing the guitar because he is unable to use his left wrist normally. Plntf used the videotape deposition of David B. Siegel, M.D., a hand surgeon, who was of the opinion that Plntf sustained a severe fracture of the left wrist which was very painful. It was also Dr. Siegel's opinion that Plntf will be sensitive to weather for a couple of years, and his limitation in playing the guitar is minimal but permanent in nature. Prayer: Just and reasonable compensatory damages; plus \$63,978.54 medical expenses. Plntf made a \$90,000 pretrial offer of judgment - Dfnt made a \$20,000 offer of judgment (D). (Dfnt self-insured.) During closing arguments, Plntf's counsel asked jury to award Plntf \$250,000 to \$300,000. Defense counsel argued liability. Four day trial. Jury out one-plus hours. FOUND FOR DFNT. 6 - 2.
