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# Addendum & Erratum

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*Following is some additional information about a trial previously reported in the October 2011 issue of THE TRIAL REPORTER of Southern Arizona. The additional information is in bold italic type.*

10/20/11 - Judge STEPHEN C. VILLARREAL - CV 2009-8041 - GOLDMAN (Gerald F. Giordano, Jr., of Dorris & Giordano, P.L.C.) v NAKANO (Douglas W. Glasson of The Curl Law Firm) - PERSONAL INJURY - SHIATSU TREATMENT. Plntf, female, *age 47, a spiritual response therapist*, alleged Dfnt negligently injured her during *her second shiatsu (finger pressure) therapy session. Plntf also alleged that, while she was lying on her back, Dfnt placed her right leg in a figure four position, with her right foot against her left knee and her right knee out to her side. Additionally, Plntf alleged Dfnt then placed both hands on the inside of her right thigh and thrust down strongly. Plntf alleged that she screamed and that was the end of the shiatsu session.* Dfnt, male, *age 51*, denied liability, *advancing the defense that he did not thrust down on Plntf's thigh as she described. Dfnt alleged he performed a rotational stretch with Plntf's right leg, but denied Plntf screamed, or that she told him to stop the session.* Plntf alleged she sustained a *torn or frayed right hip labrum, and was bedridden, unable to care for her family. Plntf also alleged her hip injury is permanent.* Plntf used the videotape deposition of Michael Cronin, N.M.D., *who was of the opinion that Plntf sustained ligament and tendon strains and sprains. Dr. Cronin conceded that it was possible Plntf's sprains and strains could have persisted since a prior slip and fall injury, in 1984.* Dfnt argued Plntf's complaints were related to her preexistent lumbar, hip, and groin

condition. Dfnt alleged Plntf failed to mitigate her damages. Prayer: Just and reasonable compensatory damages; *plus \$11,000 medical expenses. Plntf's spouse and two children made claims for loss of consortium.* Plntf made a pretrial demand of \$96,700 *or \$60,000 (per D)* - Dfnt made a \$4,500 offer of judgment. *During closing arguments, Plntf's counsel asked jury to award Plntf \$200,000 to \$300,000, award Plntf's spouse \$100,000 to \$200,000 for loss of consortium, and award Plntf's two children \$50,000 to \$100,000 each for loss of consortium. Defense counsel argued liability.* Three day trial. *By stipulation, nine jurors deliberated.* Jury out less than one hour. FOUND FOR DFNT. 8 - 1.

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