
10/22/08 - Judge CARMINE CORNELIO -
CV 2007-0172 - ROSS (James E. Marner of
Shultz & Rollins, Ltd.) v FORBES (Douglas W.
Glasson of Barassi, Curl & Abraham, P.L.C.) -
PERSONAL INJURY - INTERSECTION -
CONTROLLED - TRAFFIC SIGNAL - T-BONE
MISHAP. Plntf, female, age 70, retired, alleged

Dfnt negligently T-boned Plntf's vehicle. Dfnt, female, age 68, retired, admitted negligence, but argued causation. Plntf alleged she sustained an injury to the left shoulder, with residual subacromial bursitis, ongoing pain, and weakness. Plntf called her treating physician, John A. Meaney, M.D., an orthopod, who testified Plntf's preexistent bone spurs would have remained asymptomatic absent the injuries sustained, which resulted in bursitis. Dr. Meaney also testified that Plntf's preexistent shoulder condition, reported in medical records five to nineteen years prior to the instant collision, caused by a cervical problem, was unrelated to her current shoulder complaints. Plntf also called Kari S. Hutton, P.T., who testified regarding the physical therapy performed. Dfnt called Jon T. Abbott, M.D.,

an orthopod, who was of the opinion that Plntf's preexistent shoulder condition played a causative role in her current complaints. However, on cross, Dr. Abbott acknowledged Plntf's subacromial bursitis was causally related. Prayer: Just and reasonable compensatory damages; plus \$4,755 medical expenses. Plntf made a \$40,000 pretrial offer of judgment - Dfnt offered \$20,000 (P). (Carrier: State Farm Insurance.) During closing arguments, Plntf's counsel asked jury to award Plntf between \$9,000 and \$18,000 per year for the remainder of her life of approximately fifteen years. Defense counsel suggested approximately \$20,000 was adequate compensation. Two day trial. Jury out two-plus hours. AWARDED PLNTF \$145,000 COMPENSATORY DAMAGES. 7 - 1.
