
11/15/13 - Judge JAMES E. MARNER - CV 2010-0395 - BOSSARD-FUNK (John Gabroy of Gabroy, Rollman & Bosse, P.C.) v ANDERSON (Douglas W. Glasson and Jeffrey J. Coe of Curl & Glasson, P.L.C.) - PERSONAL INJURY - REAREND. *Case being tried on Dfnt's appeal of Plntf's \$14,439.94 arbitration award.* Plntf, female, age 48, an attorney, alleged she was rear-ended by Dfnt. Dfnt, male, age 17, a student, admitted negligence, but argued causation. Plntf alleged she sustained cervical and lumbar soft tissue injuries, which required physical therapy and epidural injections. Plntf also alleged she has residual right-sided facial and eye pain, which occurs intermittently and is triggered by stress and long hours at work. Plntf called her treating physician and physical therapist. Plntf also used the videotape deposition of her treating physiatrist. Dfnt argued Plntf's complaints were related to her long history of preexistent cervical, lumbar, and degenerative conditions. Dfnt called Joseph D. Peles, Ph.D., a biomechanical engineer, who was of the opinion that the Delta V forces generated in the collision were less than 5.2 miles-per-hour, and the injuries alleged by Plntf were very unlikely. It was also Dr. Peles' opinion that the seat in Plntf's vehicle was specifically designed to reduce whiplash injuries in low-speed accidents.

Dfnt also called Colin R. Bamford, M.D., a neurologist, who conducted an independent medical examination. It was Dr. Bamford's opinion that Plntf's symptoms lacked a physiological basis and defied neuroanatomy. Dr. Bamford testified that he noted inconsistencies in Plntf's medical record and her reported symptoms. It was Dr. Bamford's opinion that Plntf could have been injured in the instant accident, but that such injury would probably only consist of muscle strains, that would have resolved within a few weeks. Prayer: Just and reasonable compensatory damages; plus \$8,939.94 medical expenses. Plntf made an \$11,500 pretrial offer of judgment - Dfnt made a \$1,000 offer of judgment (D). (Carrier: State Farm Insurance.) During closing arguments, Plntf's counsel asked jury to award Plntf \$15,000 to \$20,000. Defense counsel argued causation. Three day trial. Jury out less than one hour. AWARDED PLNTF \$3,540.09 COMPENSATORY DAMAGES. UNANIMOUSLY.
