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1/19/01 - Judge STEPHEN C. VILLARREAL - CV 327004 - MORENO (Steven H. Pincus of the Law Offices of Steven H. Pincus, P.C.) v ANDERS-STOUT (David L. Curl of William B. Blaser & Associates) - PERSONAL INJURY - REAREND. *This is a retrial; first trial ended in a mistrial, on Plntf's motion, on July 28, 2000, in Judge Harrington's division.* Plntf, female, age 29, a pre-natal nurse, alleged she was rear-ended by Dfnt. Dfnt, male, employed as a glass blower, at Philabaum Glass, also a student at the University of Arizona, admitted negligence, but argued Plntf was not injured. Dfnt called Joseph D. Peles, Ph.D., a biomechanical engineer, who testified the forces involved in the collision were less than a Delta V force of 7, and were insufficient to cause injury, in the average person. Dfnt also argued Plntf was overtreated. Plntf alleged she sustained cervical, thoracic, and lumbar soft tissue injuries, and a facet joint injury. Plntf called Douglas R. Eisenstein, D.O., a general practitioner, who testified the injuries were causally related, and the time Plntf was forced to take off from work was also causally related. Dr. Eisenstein testified medical expenses of \$6,700, for his treatment, and \$1,100, for x-rays, were reasonable and necessary. Plntf also called Alan M. Immerman, D.C., who testified the forces in the accident were sufficient to cause a facet joint injury. Jury was shown a

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surveillance film of Pntf. Prayer: Just and reasonable compensatory damages; \$7,800 medical expenses; plus \$1,600 lost wages. Pntf made a pretrial demand of \$17,500, and made an offer of judgment of \$15,250 - Dfnt offered \$12,500 (D). (Carrier: State Farm Insurance.) During closing arguments, Pntf's counsel asked jury to award Pntf \$29,000 to \$45,000. Defense counsel suggested Pntf's medical expenses were excessive, her injuries were minor, and suggested \$2,500 to \$3,500 was adequate compensation for pain and suffering. Two day trial. Jury out two hours. AWARDED PLNTF \$15,000 COMPENSATORY DAMAGES. UNANIMOUSLY.

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