

\*\*\*\*\*

PERSONAL INJURY - ASSAULT & BATTERY  
 - PEDESTRIAN MISHAP - PARKING LOT.

*Case being tried on Plntf's appeal of an arbitration finding for Dfnt.* Plntf, male, a local contractor and handyman, alleged that, as he was handing a plate of food to a homeless person in the parking lot of a Circle K, when he heard Dfnt and Dfnt's wife arguing. Plntf also alleged that, as Dfnt backed from the parking space, Plntf stepped away from his vehicle while Dfnt gunned his engine. Additionally, Plntf alleged Dfnt yelled obscenities at him, then drove toward him. Plntf alleged he attempted to jump out of the way, but was struck by the side of Dfnt's vehicle when it turned into him, throwing him to the ground. Plntf also alleged Dfnt left the scene. Plntf called three independent eyewitnesses who testified Dfnt accelerated toward Plntf. Plntf also called the investigating police officers. Dfnt, male, age 28, a collection agent for student loans, denied liability, advancing the defense that Plntf or one of his friends had called Dfnt's wife a "boy toy", and as he backed from the parking space, Plntf stepped in front of the vehicle. Dfnt alleged there was continued yelling and use of profanity and, when Plntf stepped to the side, approaching the driver's window of Dfnt's vehicle, Dfnt "floored" the accelerator and Plntf kicked or struck the vehicle as it went by. Dfnt also alleged he continued out of the parking lot and drove home, a couple of blocks away, because he feared for his safety. Dfnt argued the damage to his vehicle was over the driver's side wheelwell, with no damage to the front of the vehicle. Plntf alleged he sustained cervical, thoracic, and lumbar soft tissue injuries; plus injuries to the shoulder, left knee, and left ankle. Plntf also alleged he has ongoing complaints. Plntf called John T. Pellerito, Jr., M.D., an internist, who was of the opinion that Plntf's treatment and expenses were reasonable and necessary. Prayer: Just and reasonable compensatory damages; just and reasonable punitive damages; plus \$7,021.67 medical expenses. Plntf made a pretrial demand of

\*\*\*\*\*

1/22/10 - Judge KENNETH LEE -  
 CV 2007-6811 - TORMOS (Lawrence Y. Gee of  
 Kimminau Law Firm, P.C.; and Andrew D.  
 Diodati, a sole practitioner) v BELLAIS (David  
 L. Curl of Barassi, Curl & Abraham, P.L.C.) -

\*\*\*\*\*

\$50,000 - Dfnt made a \$1,000 offer of judgment; prior to trial, Dfnt offered to walk away, each side to bear its own costs (D). (Carrier: State Farm Insurance.) During closing arguments, Plntf's counsel argued Dfnt and his wife had changed their story and left the scene because they knew they had done something wrong. Plntf's counsel asked jury to award Plntf \$7,000 for medical expenses, plus a fair and reasonable amount for pain and suffering. Defense counsel argued Plntf stood in front of Dfnt's vehicle because he was looking for a fight. Defense counsel also argued Plntf was not injured, and should take nothing. Three day trial. Jury out less than thirty minutes. FOUND FOR DFNT. UNANIMOUSLY.

\*\*\*\*\*