
Huma County Superior Court Jury Trials

THE TRIAL REPORTER of Southern Arizona

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2/5/08 - Judge JOHN P. PLANTE - CV 2005-01130 - VIGIL and FLORES (Carol A. Bowman of Bowman & Smith, P.C.) v CARR (David L. Curl of Barassi, Curl & Abraham, P.L.C.) - PERSONAL INJURY - INTERSECTION - CONTROLLED - STOP SIGN. Plntf Vigil, male, age 66, retired, employed part-time cleaning mobile homes, and Plntf Flores, female, age 65, retired, alleged Dfnt failed to yield the right-of-way from a stop sign, and caused collision. Dfnt, male, age 67, retired, admitted negligence, but argued causation. Plntf Vigil alleged he sustained soft tissue injuries, which resolved three months post-accident. Plntf Flores alleged she sustained serious cervical, thoracic, and lumbar soft tissue injuries, which required treatment for two years; with residual permanent temporomandibular joint dysfunction. Plntfs used the deposition of Herbert D. Goodman, M.D., a pain management specialist, who was of the opinion that all of Plntfs' medical treatment, including treatment for Plntf Flores' temporomandibular joint dysfunction, was causally related. Plntfs also used the videotape deposition of Stephen M. Winber, D.D.S., M.P.S., a temporomandibular joint specialist, of Denver, Colorado, who was of the opinion that all treatment for Plntf Flores' temporomandibular joint dysfunction was causally related. Dfnt called Robert D. Anderson, B.S.E., a biomechanist, who testified there was no mechanism in the collision to cause a temporomandibular joint injury. Dfnt used the videotape deposition of Gary M. Gradke, D.D.S., who was of the opinion that Plntf Flores' temporomandibular joint dysfunction was not causally related. Plntf Vigil's Prayer: Just and reasonable compensatory damages; \$7,456 medical expenses; plus \$4,750 lost wages. Plntf Flores' Prayer: Just and reasonable compensatory damages; plus \$14,850.12 medical expenses.

Dfnt made a \$17,500 pretrial offer of judgment on Plntf Vigil; Dfnt made a \$25,000 pretrial offer of judgment on Plntf Flores (D). (Carrier: State Farm Insurance.) During closing arguments, Plntfs' counsel asked jury to award Plntf Vigil \$28,000, and award Plntf Flores \$110,000. Defense counsel suggested \$12,000 for Plntf Vigil, plus \$10,000 to \$12,000 for Plntf Flores, was adequate compensation. Four day trial. By stipulation, ten jurors deliberated. Jury out ? hours. AWARDED PLNTF VIGIL \$14,500 COMPENSATORY DAMAGES, AND AWARDED PLNTF FLORES \$25,000 COMPENSATORY DAMAGES. 8 - 2.
