

3/1/06 - Judge CARMINE CORNELIO - CV 2004-5271 - CONNER (Michael Edmund Larkin, a sole practitioner) v KIME (David L. Curl of Barassi & Curl, P.L.C.) - PERSONAL INJURY - MULTIPLE-VEHICLE REAREND. *Case being tried on Dfnt's appeal of Plntf's \$10,500 arbitration award.* Plntf, female, age 21, a caretaker with The Tucson House, operating a van, alleged Dfnt rear-ended non-party Pinkerton, who in turn, rear-ended Plntf's vehicle. Plntf also alleged the impact propelled her vehicle approximately six feet forward. Plntf called Alan M. Immerman, D.C., a biomechanist, who testified people can be injured in low-speed collisions, and was critical of Dfnt's expert's conclusions. On cross, Dr. Immerman admitted he did not calculate the Delta V forces generated in the collision, even though he previously had been quoted as saying Delta V is the most important piece of information in probability of injury. Dfnt, male, a mortgage broker, admitted negligence, but argued causation. Dfnt called Joseph D. Peles, Ph.D., a biomechanical engineer, who testified the impact occurred at less than five miles-per-hour, probably approximately three miles-per-hour. Dr. Peles compared the forces generated in the impact as the same as backing into a parking space, plopping into a chair, and dropping from a bed ten inches from the mattress. Plntf alleged she sustained cervical soft tissue injuries, plus an injury to the shoulder. Plntf also alleged she has ongoing pain, and a permanent injury. Additionally, Plntf alleged she is unable to bowl. Plntf called Craig T. Carrion, D.C., who testified Plntf sustained injuries to her entire back and shoulder, with extensive spasms, which were causally related. On cross, Dr. Carrion admitted his treatment had to show improvement to justify continued treatment, and he was prepared to continue treatment for another two months when Plntf stopped treatment. Dr. Carrion also admitted that tense muscles could cause spasms. Dfnt argued there was no damage to Plntf's vehicle, and Plntf was not injured. Prayer: Just and reasonable compensatory damages; plus \$4,410.05 medical expenses. Dfnt made a \$4,000 pretrial offer of judgment (D). (Carrier: State Farm.) During closing arguments, Plntf's counsel asked jury to award Plntf \$12,000 to \$15,000. Defense counsel argued Plntf was not injured. Two day trial. Jury out forty-five minutes. FOUND FOR DFNT. UNANIMOUSLY. (Post-

trial, Dfnt filed Rule 68 motion for \$8,846.56 in costs.)
