THE TRIAL REPORTER of Southern Arizona   March, 2012

****

3/7/12 - Judge JAN E. KEARNEY - CV 2010-8627 - GUYSE (John C. Coste of Zanes Law Group) v DAVIS (David L. Curl of The Curl Law Firm) - PERSONAL INJURY - REAREND. *Case being tried on Plntf's appeal of an arbitration finding for Dfnt.* Plntf, female, age 27, a temporary employee, operating a Dodge sport utility vehicle, alleged that, while stopped on Williams Boulevard, prior to executing a right turn onto Craycroft Road, she was rear-ended by Dfnt, who was operating a Dodge Accord. Plntf alleged that, as she started to move forward, she stopped for a vehicle that was executing a U-turn. Dfnt, female, age 64, a clerical worker, admitted negligence, but argued causation. Dfnt argued that, when she saw Plntf start to move forward, she took her foot off the brake pedal, looked to her left to see if it was clear to execute a right turn, and struck Plntf's vehicle. Dfnt also argued she was travelling five miles-per-hour at the time of impact, and collision was minor. Additionally, Dfnt argued Plntf's vehicle sustained a scratch and her vehicle sustained a dent in the hood. Plntf alleged she sustained an aggravation of her preexistent soft tissue injuries. Plntf used the videotape deposition of Craig T. Carrion, D.C., who was of the opinion that Plntf's treatment was causally related. Dfnt argued Plntf had been involved in a prior rearend collision on February 9, 2009, and was still treating at the time of the instant accident. Prayer: Just and reasonable compensatory damages; plus $4,533 medical expenses. Plntf made a $2,500 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 $2,200 for medical expenses, plus $3,000 for pain and suffering. Defense counsel argued Plntf was not injured. Two day trial. By stipulation, nine jurors deliberated. Jury out less than one hour. AWARDED PLNTF $412 COMPENSATORY DAMAGES. UNANIMOUSLY.

****