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5/7/04 - Judge MICHAEL D. ALFRED - CV 2003-0116 - SCIGLIANO (Leighton H. Rockafellow of Rockafellow & Ciaccio Law Firm) v VOWLES (David L. Curl of William B. Blaser & Associates) - PERSONAL INJURY - INTERSECTION - CONTROLLED - LEFT TURN. Plntf, female, age 37, northbound on LaCanada Drive, alleged oncoming Dfnt negligently executed a left turn, into Plntf's path, and caused collision. Contact between the vehicles occurred to the driver's side quarter panel of both vehicles, and both vehicles' airbags deployed. Plntf's vehicle sustained over \$16,000 in damage. Dfnt, female, a homemaker, admitted negligence, but argued causation. Plntf alleged she sustained cervical, thoracic, and lumber soft tissues injuries; plus injuries to the wrist, shoulder, elbow, knee and pelvic region; with residual headaches and ongoing pain. Plntf also alleged that, post-accident, she was unable to participate in her pre-accident activities, which included weightlifting, horseback riding, tubing, and hiking. Plntf used the deposition of Lyle S. Wilcox, D.C., who was of the opinion Plntf's injuries were causally related. Plntf called Frederick P. Wedel, D.O., a general practitioner, who testified he treated Plntf for approximately eighteen months, following the accident. It was Dr. Wedel's opinion Plntf's injuries were causally related. It was also Dr. Wedel's opinion Plntf's short leg was related to posture, not the accident, and could cause popping of the hip. Dr. Wedel referred Plntf to W. Horace Noland, M.D., a neurologist. Plntf also called Simon Billingham, D.C., who was of the opinion Plntf's injuries were causally related. Dr. Billingham treated Plntf with the ART method, which breaks up scar tissue; plus cold laser therapy, and a theracane stick, at a cost of \$16,000. It was Dr. Billingham's opinion Plntf requires ongoing treatment, once

per week, at a cost of \$100 per session. On cross, Dr. Billingham testified Plntf has full range of motion in her neck, and she is able to lift fifteen pounds. Additionally, Plntf called David Jacobs, M.D., a physiatrist, who testified Plntf has causally-related mild fibromyalgia. It was Dr. Jacobs' opinion Plntf's injuries are permanent, and she will require ongoing treatment. However, on cross, Dr. Jacobs admitted that he issued a report, one year post-accident, that Plntf would only require six to eight additional massages. Plntf also called Karen L. Disbrow, P.T., who testified she treated Plntf's headaches with physical therapy and cranio-sacral therapy, during over one-hundred treatments, at a cost of \$12,776. It was Ms. Disbrow's opinion Plntf now has fibromyalgia, as diagnosed by Dr. Jacobs. It was also Ms. Disbrow's opinion Plntf had had relapses and remissions, and has become despondent. On cross, Ms. Disbrow admitted her training for cranio-sacral therapy consisted of three five-day seminars. Ms. Disbrow also admitted she did not request Plntf's physicians' records, and did not break up scar tissue, because she did not find any scar tissue. Additionally, Ms. Disbrow admitted she never diagnosed fibromyalgia, even though she treats it regularly. Dfnt argued Plntf's medical records did not reflect complaints of severe headaches. Dfnt also argued Plntf drove approximately 46,000 miles on business during the year following the accident, which was the same mileage she had driven in the year preceding the accident. Dfnt called John S. LaWall, M.D., a neurologist, who testified that, based on his examination and review of Plntf's medical records, Plntf's injuries should have resolved within two to three months post-accident. It was Dr. LaWall's opinion that, if Plntf has fibromyalgia, it is not causally related. It was also Dr. LaWall's opinion that only Dr. Wilcox's treatment was reasonable and necessary. Prayer: Just and reasonable compensatory damages; \$40,043 medical expenses; \$206,000 future medical expenses; plus \$1,384 lost wages.

PLNTF MADE A PRETRIAL DEMAND OF \$100,000 - DFNT MADE A \$25,000 OFFER OF JUDGMENT (D). (CARRIER: STATE FARM INSURANCE.) DURING CLOSING ARGUMENTS, PLNTF'S COUNSEL ASKED JURY TO AWARD PLNTF \$300,000. DFNT ARGUED \$10,000 WAS ADEQUATE COMPENSATION. FOUR DAY TRIAL. JURY OUT TWO-PLUS HOURS. AWARDED PLNTF \$18,212.77 COMPENSATORY DAMAGES, IN ADDITION TO THE COURT'S RULING THAT PLNTF IS ENTITLED TO AT LEAST \$4,088.69 FOR DR. WILCOX'S TREATMENT, FOR A TOTAL JUDGMENT OF \$22,301.46. UNANIMOUSLY.

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