
6/20/13 - Judge CHARLES V. HARRINGTON - CV 2010-10040 - SOLANO (John G. Pain, a sole practitioner) v HUMMELL (David L. Curl of Curl & Glasson, P.L.C.) - PERSONAL INJURY - REAREND. Case being tried on comparative fault. Plntf, female, age 49, a certified nursing assistant, alleged she was a passenger in a vehicle operated by her boyfriend, which was rear-ended by Dfnt, female, age 24, a student. Plntf also alleged the impact propelled the vehicle in which she was a passenger into the vehicle in front of it. Plntf alleged she struck her head on the passenger door, which resulted in a closed head injury, with bruising and a black eye. Plntf also alleged she has permanent migraine headaches, and is now unable to work. Plntf used the videotape deposition of Wendi I. Kulin, M.D., a neurologist, who was of the opinion

that Plntf's migraine headaches were probably causally related. Dfnt argued Plntf was not wearing her seatbelt, which contributed to her injuries. Dfnt also argued Plntf was running a business, assisting the elderly, earning \$10 per hour. Dfnt called Joseph D. Peles, Ph.D., a biomechanical engineer, who was of the opinion that Plntf was either not wearing a seatbelt or her black eye came from another incident. Dfnt also called Barry A. Hendin, M.D., a neurologist, who was of the opinion that Plntf had preexistent fibromyalgia, which includes migraine headaches as part of the pain syndrome. Prayer: Just and reasonable compensatory damages; \$6,677 past medical expenses; plus \$21,346 future medical expenses. Plntf made a pretrial demand of \$100,000 - Dfnt offered \$18,000, and made a \$20,000 offer of judgment (D). (Carrier: State Farm Insurance.) Three day trial. By stipulation, nine jurors deliberated. Jury out one-plus hours. AWARDED PLNTF \$70,371.98 COMPENSATORY DAMAGES. UNANIMOUSLY. (Found Plntf to be ninety percent at fault and Dfnt to be ten percent at fault; therefore, Plntf's award to be reduced to \$7,037.20.)
