

8/30/06 - Judge LESLIE B. MILLER - CV 2005-1433 - BLAINE (Richard J. Gonzales of Gonzales Law Firm, P.C.) v CLASS (David L. Curl of Barassi & Curl, P.L.C.) - PERSONAL INJURY - HEAD-ON COLLISION. *Parties entered into a*

\$50,000/\$10,000 high/low agreement. Case being tried as a summary jury trial. Plntf, male, a border patrol agent, alleged that, as he exited a dip in the roadway, oncoming Dfnt was in his lane of travel. Plntf also alleged he turned the steering wheel to the right, to avoid the collision. Additionally, Plntf alleged his vehicle stopped on the right side of the roadway, near a fence, and the items contained in the vehicle's trunk had been scattered around the vehicle. Dfnt, female, admitted she was passing a vehicle, in a "no passing" zone, and also admitted negligence. Plntf alleged he sustained an injury to the left ankle, which required surgical intervention and physical therapy. Plntf also alleged that, one month post-collision, he twisted the surgically affected ankle, then, one year later re-injured it. Additionally, Plntf alleged he sustained an injury to the left shoulder; bruising of the inner right thigh; plus lacerations to the nose, right cheek, and hands. Plntf called Glenn C. Hunter, M.D., a surgeon, of Galveston, Texas, who testified the collision probably weakened Plntf's ankle, and resulted in the second sprain, three weeks post-collision, then contributed to the third sprain. It was Dr. Hunter's opinion the collision was the initial cause and was a direct cause of the ankle surgery. Dfnt argued Plntf sustained soft tissue injuries, which had resolved, and the ankle surgery performed was not causally related. Dfnt called Jon T. Abbott, M.D., an orthopod, who testified Plntf's ankle injury was not causally related. Dr. Abbott also testified Plntf's physician measured Plntf's reflexes, which would have included the ankle, and Plntf's ankle sprain would have been observed by physicians, if present. Prayer: Just and reasonable compensatory damages; \$23,982.20 medical expenses; plus \$4,528.08 lost wages (D). (Carrier: State Farm Insurance.) During closing arguments, Plntf's counsel asked jury to award Plntf \$75,000. Defense counsel suggested \$7,500 to \$10,000 was adequate compensation. One day trial. By stipulation, four jurors deliberated. Jury out one hour. AWARDED PLNTF \$25,000 COMPENSATORY DAMAGES. UNANIMOUSLY. (By agreement, verdict not appealable.)
