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# Pima County Superior Court Jury Trials

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THE TRIAL REPORTER of Southern Arizona

September, 2010

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9/2/10 - Judge CARMINE CORNELIO - CV 2009-0932 - RODRIGUEZ (Louis Hollingsworth and Michael F. Kelly of Hollingsworth Kelly, P.L.L.C.) v STIEFBOLD (David L. Curl of Barassi, Curl & Abraham, P.L.C.) - PERSONAL INJURY - INTERSECTION - CONTROLLED - STOP SIGN. Case being tried on comparative fault. Plntf, female, 43, a dental assistant/hygienist, alleged Dfnt negligently entered the thoroughfare, from a stop sign, and caused collision. Plntf also alleged Dfnt was travelling twenty-five miles-per-hour at the time of impact. Dfnt, female, age 67, retired, argued Plntf was fifty percent at fault, due to Plntf's inattention. Dfnt called Joseph D. Peles, Ph.D., an accident reconstructionist, who testified Plntf could have stopped her vehicle prior to impact, had she been more attentive. Plntf sustained a fractured sternum, with ongoing pain; plus cervical, thoracic, and lumbar soft tissue injuries. Plntf also alleged she sustained memory loss, personality changes, decrease in mental acuity, clinical changes in her breast tissue, and lung bruising from the chest wall bruise. Additionally, Plntf alleged her injuries are permanent in nature. Plntf used the deposition of Robert Watson, D.C., who was of the opinion Plntf's treatment was reasonable and necessary, and she will continue to experience problems in the future. Dfnt argued Plntf's treatment was unreasonable and unnecessary. Prayer: Just and reasonable compensatory damages; \$16,000 (per P) or \$17,000 (per D) medical expenses; plus \$2,000 lost wages (per D). Plntf made a \$60,500 pretrial offer of judgment - Dfnt made a \$30,000 offer of judgment (P Kelly & D). (Carrier: State Farm Insurance.) During closing arguments, Plntf's counsel argued that, at most, Plntf was no more than two percent at fault. Plntf's counsel asked jury to award Plntf a fair and reasonable amount

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(per P) or \$550,000 (per D). Defense counsel asked jury to find Plntf fifty percent at fault, and suggested \$8,000 (per P) or \$10,000 (per D) for medical expenses and \$5,000 (per P) or \$5,000 to \$10,000 (per D) for pain and suffering, was adequate compensation. Three day trial. Jury out two-plus hours. AWARDED PLNTF \$35,000 COMPENSATORY DAMAGES. 7 - 1 (per P) or 6 - 2 (per D). (Found Dfnt to be one-hundred percent at fault.)

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