
negligently changed lanes into Plntf's lane of travel and caused collision. Dfnt, female, age 56, admitted negligence, but argued causation. Plntf alleged he sustained cervical, thoracic, and lumbar soft tissue injuries, with secondary headaches; plus a right hand sprain. Plntf called James Suba, D.C., who was of the opinion that Plntf's soft tissue injuries were causally related, and the twenty-four chiropractic treatments administered, over two-and-one-half months, were reasonable and necessary. However, on cross, Dr. Suba admitted that he never reviewed Plntf's medical records from other providers and did not know Plntf's pre-accident status. Dr. Suba also admitted that he was unaware that Plntf was also treating with his primary care physician and a neurologist. Additionally, Dr. Suba admitted that Plntf never claimed pain levels higher than 4/10 and, for the majority of the time during chiropractic treatment, Plntf reported pain levels of 1/10. Plntf used the videotape deposition of Ty H. Endean, D.O., an orthopod, who was of the opinion that Plntf's hand injury was causally related, but did not require additional treatment. However, Dr. Endean admitted he did not review Plntf's medical records from other providers, including Plntf's X-rays of the right hand taken five days post-accident, and his opinion regarding causation was based on what Plntf told him. Dfnt argued Plntf was not injured. Dfnt also argued Plntf did not seek treatment for his hand injury until five days post-accident, and did not seek chiropractic treatment until eleven days post-accident, after he had consulted an attorney. Dfnt alleged that, while Plntf was receiving chiropractic treatment, Plntf reported no cervical, thoracic, or lumbar pain to his primary care physician or his neurologist. Additionally, Dfnt alleged Plntf reported significant balance issues to the neurologist, which had caused him to fall. Prayer: Just and reasonable compensatory damages; plus \$5,389.25 medical expenses. Dfnt made a \$2,200 pretrial offer of judgment (D). (Carrier: State Farm Insurance.) During closing argu-

6/4/15 - Judge GUS ARAGON, JR. - CV 2013-5990 - LARES (Michael V. Moldoveanu of Zanes Law) v O'BRIEN (J.C. C. Patrascioiu of Curl & Glasson, P.L.C.) - PERSONAL INJURY - LANE CHANGE MISHAP. *Case being tried on Dfnt's appeal of Plntf's \$13,885 arbitration award.* Plntf, male, age 63, a retired Air Force Major, alleged Dfnt

ments, Plntf's counsel asked jury to award Plntf between \$13,473.10 and \$16,167.75. Defense counsel argued Plntf was not injured. Three day trial. By stipulation, ten jurors deliberated. Jury out one-plus hours. FOUND FOR DFNT. 8 - 2.
