
6/3/16 - Judge THOMAS L. FINK - CV 2014-00144 - VALDEZ (Michelle E. Lespron of Pincus & Lespron, P.L.C.) v THOMPSON-GARCIA (Douglas W. Glasson of Curl & Glasson, P.L.C.) - PERSONAL INJURY - REAREND. Plntf mother, age 38, employed as a hair stylist, was operating a 2012 Nissan Altima with passenger, Plntf daughter, age 12, a student. Plntfs alleged that, while in line for the Border Patrol checkpoint on Interstate 19, they were rear-ended by Dfnt, who was operating a 2001 Chevrolet Tahoe, travelling twenty-five miles-per-hour. Dfnt, female, age

35, a member of the Air National Guard and employed in air field management, admitted negligence, but argued causation. Dfnt called Russell L. Anderson, P.E., a biomechanical engineer, who was of the opinion that, even under a worst case scenario, the Delta V forces generated in the collision were less than four miles-per-hour. It was also Mr. Anderson's opinion that the seat back would have protected Plntfs' thoracic and lumbar spines. Additionally, it was Mr. Anderson's opinion that the impact was less than two-thirds of what has been measured in amusement park bumper car collisions, and the forces generated would have been comparable to those that would be experienced during sudden inadvertent braking while backing up at a low speed. Plntf mother alleged she sustained two dislocated/bulging cervical disks; plus lumbar and shoulder soft tissue injuries; with weakness in the arms and sleep disturbances. Plntf mother also alleged her symptoms are ongoing and she has residual pain.

Plntf daughter alleged she sustained cervical, thoracic, and lumbar soft tissue injuries; plus an injury to the shoulder. Plntf daughter also alleged she has intermittent residual cervical and shoulder complaints. Plntfs called their treating physician, Robert Watson, D.C., who was of the opinion that Plntfs' injuries were causally related. Plntfs used the report of Scott C. Forrer, M.D., a neurologist, who was of the opinion that Plntfs' injuries were consistent with his diagnosis. Dfnt argued she was stopped when she accidentally took her foot off the brake pedal and bumped Plntfs' vehicle. Dfnt also argued impact was minor and Plntfs were not injured. Dfnt called Scott A. Krasner, M.D., an occupational medicine specialist, who reviewed Plntfs' medical records. It was Dr. Krasner's opinion that there did not appear to be a sufficient transfer of energy in the accident to produce any significant pathological injury, and that the seat backs of Plntfs' vehicle would have cushioned Plntfs from the impact. It was also Dr. Krasner's opinion that Plntf mother's preexistent degenerative disk disease, along with her body posturing and biomechanics as a hair stylist, were most likely the cause of Plntf mother's cervical and lumbar symptomatology. Additionally, it was Dr. Krasner's opinion that Plntf

mother's prior pain and chiropractic treatment in 2010 and 2011 were similar to her pain and treatment post-accident, and a subsequent fall in 2014 could have caused her to become symptomatic. It was also Dr. Krasner's opinion that the thermographs and surface electromyographies used by Plntfs' expert were not scientifically supported. Plntf mother's Prayer: Just and reasonable compensatory damages; plus \$10,552 medical expenses. Plntf daughter's Prayer: Just and reasonable compensatory damages; plus \$3,235 medical expenses. Plntf mother's spouse made claim for loss of consortium. Plntf mother made a pretrial demand of \$39,000 - Dfnt made a \$1,001 offer of judgment; Plntf daughter made a pretrial demand of \$12,000 - Dfnt made a \$501 offer of judgment; and Plntf mother's spouse made a pretrial demand of \$5,000 - Dfnt refused to make an offer (D). (Carrier: State Farm Insurance.) Three day trial. Jury out two hours. AWARDED PLNTF MOTHER \$4,000 COMPENSATORY DAMAGES; AWARDED PLNTF DAUGHTER \$0 COMPENSATORY DAMAGES; AND AWARDED PLNTF MOTHER'S SPOUSE \$0 FOR LOSS OF CONSORTIUM. UNANIMOUSLY.
