
Pima County Superior Court Jury Trials

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3/8/19 - Judge JANET CALKINS BOSTWICK - CV 2017-2166 ANDERSON (P. Michael Drake, a sole practitioner) v DOHERTY (Anna C. Ceder of Lisa A. Duran & Associates) - PERSONAL INJURY - SIDESWIPE MISHAP. Plntf, male, age 26, a retail clerk and student, alleged Dfnt negligently sideswiped Plntf's vehicle. Dfnt, female, age 84, a retired artist, who did not appear at trial due to health concerns, argued causation. Plntf alleged he sustained he sustained a lumbar injury which caused his preexistent herniated lumbar disk to become symptomatic, which resolved two years post-accident, following nerve ablation. Plntf called Scott C. Forrer, M.D., a neurologist, who, before Plntf's nerve ablation, was of the opinion that Plntf's injury was permanent in nature. Dfnt argued that the forces generated in the minor collision were insufficient to cause mJury. Dfnt called Joseph D. Peles, Ph.D., a biomechanical engineer, who was of the opinion that the Delta V forces generated in the collision were less than five miles-per-hour, and the likelihood of a lumbar injury was minimal. Dr. Peles demonstrated how physics dictated the motion of Plntf's body, which was contrary to Plntf's assertion that the accident threw his lower body in one direction and his upper body in another direction. Dfnt also called Joseph A. Christiano, M.D., a neurosurgeon, who was of the opinion that the accident, just like any other of Plntf's daily living activities, including walking, sneezing, and lifting, could cause Plntf to have symptoms. It was also Dr. Christiano's opinion that there was no evidence as to what Plntf was doing during the week following the accident, and his complaints were unrelated. However, on cross, Dr. Christiano conceded that it was not unreasonable for Plntf to seek treatment at the emergency department if he was symptomatic. Prayer: Just and reasonable

compensatory damages. Dfnt made a \$5,000 pretrial offer of judgment (D). (Carrier: State Farm Insurance.) During closing arguments, Plntf's counsel asked jury to award Plntf \$57,500. Defense counsel argued Plntf was not injured, and waited eight days before he sought treatment. In the alternate, defense counsel suggested an award for the emergency department visit, plus a small amount for pain and suffering, was adequate compensation. Three day trial. Jury out two-plus hours. AWARDED PLNTF \$2,663.23 COMPENSATORY DAMAGES. UNANIMOUSLY.

~~3/13/19 - Judge CATHERINE M. WOODS - CV 2018-3220 - RIOS (Charles J. Slack-Mendez, Jr., a sole practitioner) v JASPER'S SERVICE PRO, INC.; and BARAJAS (Stefano D. "Steve" Corradini of Leshner & Corradini, L.L.P.) - PERSONAL INJURY - AUTOMOTIVE MISHAP. Prologue: Plntf was travelling northbound on Interstate 10, near Speedway Boulevard, when he pulled to the side of the freeway, due to tire noise. Although the tire was inflated, rubber was missing from the tire. Due to traffic limited space, and the dangerous location, Plntf activated his emergency lights, and proceeded slowly, to attempt to exit the freeway to a safer location. Case being tried as a FASTAR jury trial. Case also being tried on comparative fault. Plntf, in his mid-fifties, alleged that, after he had passed the Speedway Boulevard entrance ramp, Dfnt Barajas, in his mid-forties, who was in the course and scope of his occupational duties for Dfnt Jasper's Service Pro, entered the freeway from the northbound Speedway Boulevard ramp, and collided with Plntf's vehicle. Dfnts denied liability. Dfnts called Patrick R. DeJonghe, an accident reconstructionist. Plntf alleged he~~