



WEEKLY SUMMARIES OF COLORADO JURY VERDICTS including verdicts from the district courts in Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, El Paso, Jefferson, Larimer, Mesa, Pueblo and Weld Counties and the U.S. District Court for the District of Colorado.

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ADAMS COUNTY DISTRICT COURT

Julia Moreno v. Linda Goodman and Quality Paving Company

Case No: 02-CV-1713

Judge: Thomas R. Ensor

Trial Dates: May 1 - 4, 2006

Plaintiff's Attorney: Howard Flicker (The Frickey Law Firm, PC)

Defendants' Attorney: Michael L. Adams (Ray Lego and Associates)

Type of Claim: Personal injury - three vehicle rear-end collision. Julia Moreno alleged that she was stopped behind a vehicle driven by Denise Vaughn on July 12, 1999. The plaintiff said she was injured when her vehicle was rear-ended by a dump truck driven by Linda Goodman, and the plaintiff's vehicle was forced into the vehicle in front of her. The defendants admitted that Linda Goodman was within the course and scope of her employment with Quality Paving Company at the time of the incident. Linda Goodman claimed that the Vaughn vehicle started into the intersection and stopped, and was first rear-ended by the plaintiff's vehicle, presenting Linda Goodman with a sudden emergency. The defendants alleged that the plaintiff was consciously magnifying her symptoms and said she lied about the extent of her damages and falsified a police report about a subsequent accident. The defendants said that the plaintiff alleged that she was unable to drive; however, the defendants had a surveillance video that showed the plaintiff driving.

Injuries Alleged: Herniated discs at C3-4, C6-7, L4-5 and L5-S1. Torn medial and lateral menisci of the right knee. The plaintiff had been earning \$19,000 as an

assistant manager of a convenience store, and claimed she was unable to work. Future medical expenses, non-economic damages and permanent impairment.

Note: The plaintiff was previously represented by an attorney whose license to practice was suspended; Judge Ensor froze the evidence as of October 7, 2004.

Final Demand Before Trial: \$1 million when the plaintiff was represented by previous counsel, according to the defendants' attorney.

Final Offer Before Trial: \$60,000 statutory offer of settlement.

Plaintiff's Expert Witnesses:

- Pat McKenna (occupational therapist)
Scott Shaffer, MD (pain management specialist, by videotaped deposition)
Lawrence Varner, MD (orthopedic surgeon)
Greg Reichhardt, MD (physiatrist)
George Rossi, PhD (clinical psychologist)

Defendants' Expert Witnesses:

- Gretchen Brunworth, MD (physiatrist)
Ron Carbaugh, PsyD (treating clinical psychologist)

Verdict: For the plaintiff:

- \$500,000 for non-economic losses
\$675,000 for economic losses
\$100,000 for permanent impairment
Total: \$1,275,000 plus statutory interest from the date of the accident, July 12, 1999.

ARAPAHOE COUNTY DISTRICT COURT

Ryan Reeder v. Steven Stephenson

Case No: 04-CV-4735

Judge: Timothy Fasing

Trial Dates: March 23 - 31, 2006

Plaintiffs' Attorney: Douglas Bragg (Law Office of Douglas E. Bragg)

Defendant's Attorney: Andrew Scott (Walberg Dagner & Tucker)

Type of claim: Personal injury: auto collision. Ryan Reeder had just moved to Colorado from Ohio and was



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going to a training session for his new job at 9:30 a.m. on October 11, 2002. The plaintiff, 21, alleged that the defendant, 17, was driving 80 mph in a 40 mph zone when he collided with the plaintiff's vehicle at the intersection of South Reservoir Road and South Flanders in Aurora. The plaintiff claimed that he sustained personal injuries and developed a severe driving anxiety that resulted in diminished earning capacity. The defendant denied negligence and causation and denied that he was driving 80 mph when the accident occurred. The defendant said that the plaintiff turned left in front of the defendant's oncoming vehicle, and the defendant's car struck the plaintiff's Toyota on the passenger side.

Injuries Alleged: Concussion, soft tissue neck and shoulder injuries and SLAP shoulder tear that required arthroscopic surgery. Post-traumatic stress disorder and significant driving anxiety. The plaintiff said he is only able to drive very limited distances, resulting in a loss of earning capacity of up to \$20,000 per year. The PIP carrier paid \$40,000 in medical expenses.

Final Demand Before Trial: \$111,000 followed by a demand of \$300,000.

Final Offer Before Trial: \$100,000 statutory offer (policy limits) and an indication of \$110,000

Plaintiff's Expert Witnesses:

Bastiaan Cornelissen, PE (accident reconstructionist)
Richard Rewey, MD (psychiatrist)
Richard Good, MD (internist)
Peter Millett, MD (treating orthopedic surgeon, by deposition), Vail
James Gracey, EdD (vocational rehabilitation)

Defendant's Expert Witness: None.

Verdict: For the plaintiff:

\$45,000 for economic losses

\$7,500 for non-economic losses

Total: \$52,500 (gross) plus statutory interest.

95% negligence charged to the defendant

5% negligence charged to the plaintiff.

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