

# CIVIL JURY TRIALS

## FRANKLIN COUNTY COMMON PLEAS COURT

By Belinda S. Barnes and Monica L. Waller

**Verdict: \$80,000. Auto Accident.** On July 10, 2000, Plaintiff Lisa Lowry, then 34-years-old, was driving a Ford Escort for her employer Robert T. Secrest Senior Citizens Center, Inc. and was struck by an uninsured driver of a Winnabago Motor Home as it exited the I-71 ramp near Cambridge, Ohio. Plaintiff was transported from the scene by ambulance. The Escort was totaled. Plaintiff filed suit against the uninsured driver and Grange Mutual Casualty Company for uninsured motorist benefits. The first lawsuit was voluntarily dismissed in 2005 and refiled in 2006. Before the voluntary dismissal, Plaintiff alleged the accident caused permanent injury to her low back and ongoing pain and a disc herniation. Surgery was performed at C4-5 and C5-6 in March of 2006. When the case was refiled, Plaintiff additionally claimed that the accident caused a carpal tunnel injury that required surgery. That surgery was performed in October of 2007. Plaintiff also asserted a wage loss claim until trial but waived presentation of the claim at trial. Her special damages included medical expenses covering a 7-year period from the date of the accident, up to October 2007 before the Feb. 2008 trial. Defendant presented medical testimony to refute Plaintiff's allegation that both surgeries were causally related to the motor vehicle accident. Defendant claimed that \$13,210.82 in medical bills were related to the accident (\$9,981.00 after write-offs). Plaintiff claimed that there were \$65,430 in medical bills that were related to the accident (\$34,241 after write-offs). Lost Wages: None. Plaintiff's Expert: Michael Shannon, M.D. Defendant's Expert: Karl Kumler, M.D. Last Settlement Demand: \$130,000 (morning of trial). Last Settlement Offer: \$110,000 (morning of trial). Length of Trial: 2 ½ days. Plaintiff's Counsel: James Begin and John Gonzales. Defendant's Counsel: James Featherstone. Visiting Judge John Martin. Case Caption: *Lisa Lowry v. Grange Mutual Casualty Company* Case No. 06 CVC 09-11905 (2008). (There was a post-trial settlement of all issues.)

**Verdict: \$25,000. Breach of Contract.** Plaintiff and Defendant were partners by implication, based on a 16-year course of dealing, in financial and tax services businesses. Plaintiff claimed that when Defendant decided to go out on his own Plaintiff was forced "out of business." Plaintiff alleged breach of contract, breach of fiduciary duty, breach of partnership agreement, conversion, misappropriation of trade secrets and negligent misrepresentation. The conversion claim was for a computer and the trade secrets claim was for a customer list. Plaintiff claimed lost profits of \$325,693 and lost business equity of \$311,303 for a total loss of \$636,996. The jury found for the plaintiff on all

counts and awarded compensatory damages of \$25,000. The jury declined to award punitive damages or attorneys fees. Plaintiff's Expert: Stephen Alexander. Defendant's Expert: None. Last Settlement Demand: \$100,000. Last Settlement Offer: \$10,000 over four years. Length of Trial: 3 days. Plaintiff's Counsel: Richard T. Robol and Rachel Chodera. Defendant's Counsel: Thomas J. Conkle. Magistrate Harildstad. Case Caption: *Albert A. Warner v. Paul Curry, et al.* Case No. 07 CV 7390 (2009).

**Verdict: \$11,000. Auto Accident.** On December 5, 2003 on I-70 westbound Defendant rear-ended Plaintiff's vehicle causing \$700 in damage to the back of Plaintiff's vehicle and \$283 in damage to the front of Defendant's vehicle. Plaintiff (age 49) claimed injury to her neck including protruding discs at C4-5, C5-6 and C6-7 and soft tissue injuries and a right shoulder rotator cuff tear which required surgical repair. Medical Bills: \$19,250.27 (reduced to \$10,000 when write-offs were considered per *Robinson v. Bates*). Lost Wages: \$7,565.68. Plaintiff's Counsel: Andrew Cecil. Defendant's Attorney: Belinda Barnes (trial), Karen Rosenberg (pretrial). Last Settlement Demand: \$100,000. Last Settlement Offer: \$15,000. Length of Trial: 4 days. Plaintiff's Experts: Carl Berasi, D.O. and Christopher Cannell, M.D. Defendant's Expert: Karl Kumler, M.D. Judge Hogan. Case Caption: *Denise Robinson v. Janita Jackson.* Case No. 05 CV 12752 (2008).

**Verdict: \$7,641.01. Auto Accident.** Plaintiff Anna Garner and her husband were rear-ended on State Route 61 on November 9, 2004 in a three-car accident. When Plaintiff's vehicle slowed to turn into a restaurant, the vehicle behind it stopped and Defendant Sammy Raouidah, who was in the second vehicle behind Plaintiff, was unable to stop. Defendant hit the back of the vehicle in front of him sending it into the back of Plaintiff's vehicle. It was undisputed that none of the vehicles involved were going more than 20-25 miles per hour at the time. Plaintiff claimed injury to her neck, upper back and left shoulder as a result of the collision. Defendant maintained that Plaintiff had pre-existing injuries and previous chronic pain in the same areas of the body. Medical Bills: \$4,523.86. Lost Wages: None. Plaintiff's Expert: Ron Farabaugh, D.C. Defendant's Expert: Karl Kumler, M.D. Last Settlement Demand: \$3,500. Last Settlement Offer: \$2,690. Length of Trial: 2 days. **Plaintiff's Counsel: Keith Karr.** Defendant's Counsel: Jenifer French. Judge Horton. Case Caption: *Kilbourne Garner, et al. v. Grange Insurance Co., et al.* Case No. 06 CV 14573 (2008).

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