



Defense Lawyers
Association

December 2014 Verdicts

Submitted By **Robert A. Corchine**
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Court State Court

County Eddy County

Judge Honorable Jane Shuler-Gray

Defense Counsel Robert A. Corchine

Plaintiff Counsel Max Proctor

Trier 12 Person Jury

Style Elisa J. Parraz vs. Rudolph Woolf and Patricia Woolf; No. D-503-CV-2010-01107.

Statement of Facts Plaintiff tripped and fell while stepping off of a back porch of an apartment she was renting from the Defendants, fracturing her left ankle. She alleged that her shoe got caught in a chip or hole in the tile grout, causing her to lose her balance and fall. The apartment is located in Carlsbad, New Mexico. Plaintiff sued the owners of the apartments, a retired dentist and his wife, for negligent failure to maintain their rental property. Plaintiff's medical bills totaled approximately \$40,000.

Verdict Defense

Comments The jury was out less than 30 minutes deliberating before returning a defense verdict. The trial began on September 15, 2014. The verdict was returned on September 16, 2014.

Experts Plaintiff called orthopedic surgeon, Joseph K. Ford, M.D., to testify by deposition.



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Court State Court**County** Bernalillo County**Judge** Honorable Clay Campbell**Defense Counsel** Robert A. Corchine and Stephen Williams**Plaintiff Counsel** Stephen Lawless**Trier** 12 Person Jury**Style** Thomas Ryan vs. James Harner; No. D-202-CV-2011-05428.**Statement of Facts**

Intersectional collision car accident case. Defendant stipulated to liability before trial. Plaintiff is a 55 year old male who alleged chronic back pain caused by the accident. His medical expenses totaled over \$40,000 and he claimed lost wages in the amount of \$10,600 from his job at the United States Postal Service. Plaintiff demanded \$160,000 to settle before trial. Defendant offered \$18,500 before trial. The jury awarded Plaintiff \$9,356.

Verdict Plaintiff**Experts**

Plaintiff called Timothy Bateman, D.C. to testify at trial. Defendant called Richard T. Radecki, M.D. and Donald Bonney, D.C. to testify at trial.



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Court State Court**County** Bernalillo County**Judge** Honorable Valerie Huling**Defense Counsel** Stephen Williams and Dan Akenhead**Plaintiff Counsel** Les Sandoval**Trier** 12 Person Jury**Style** Audrey Carter v. Basil Wilson; No. D-202-CV-2009-10627.**Statement of Facts**

Car accident case. Plaintiff pulled out onto Indian School Road NE from an alley located just east of a gas station located at the southeast corner of the intersection of Indian School Road NE and Juan Tabo NE in Albuquerque, New Mexico, as Defendant was proceeding west on Indian School approaching Juan Tabo. The two vehicles collided just west of the intersection. Plaintiff alleged soft tissue neck and back injuries. She treated at Victoria Medical LLC. She sought to recover her medical bills and lost wages from her job as a home health aide. The jury rendered a defense verdict, finding that the Defendant was not negligent.

Verdict Defense**Comments** Bill Rehm did an excellent job at trial. The case was tried on September 15-17, 2014.**Experts**

Plaintiff called Brett Davis, D.C. to testify at trial.
Defendant called Donald Bonney, D.C. and accident reconstruction expert, Bill Rehm, to testify at trial.



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Submitted By **Robert A. Corchine**
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Court State Court

County Dona Ana County

Judge Honorable James T. Martin

Defense Counsel Robert A. Corchine

Plaintiff Counsel Lawrence Pickett and Mark Pickett

Trier 12 Person Jury

Style Silvia Portillo Koch vs. Las Cruces Garden Hotel, LLC, et al; No. D-307-CV-2012-01786.

Statement of Facts Plaintiff was a guest at the Hilton Garden Inn located in Las Cruces, New Mexico. She alleges that she woke up covered with ants and that she suffered multiple ant bites, mostly on her upper chest. She developed an allergic reaction to some of the ant bites and also alleged psychological injury (PTSD). Plaintiff sued both the franchisor, Hilton Hotel Corporation, and the franchisee for negligence. Plaintiff abandoned her claims for past and future medical expenses and past and future lost wages prior to trial. Her husband also withdrew his loss of consortium claim before trial. Plaintiff demanded \$1 million to settle prior to trial. The jury returned a defense verdict. The case was tried on December 1-3, 2014.

Verdict Defense

Comments Judge Martin fairly presided over the case. Plaintiff's counsel were very professional. The housekeeping staff found an open ice cream container between the bed sheets in Plaintiff's hotel room after she was bitten by ants.

Experts Plaintiff called forensic psychologist, David A. Sachs, Ph.D., as a witness at trial.
Defendants called forensic psychologist, Anne Rose, Ph.D, to testify at trial. Defendants also called hotel standard of care expert, Skip Stearns, to testify by videotaped deposition.



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Submitted By **Tiffany L. Sanchez and Mark J. Riley**
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Court State Court

County Dona Aña County

Judge Honorable James T. Martin

Defense Counsel Tiffany L. Sanchez and Mark J. Riley

Plaintiff Counsel Mark Pickett and Lawrence Pickett

Trier 12 Person Jury

Style Salvatore Lentini v. JCV Trucking, Inc. and Noe Jimenez

Statement of Facts Plaintiff claimed herniated cervical disks and rotator cuff injury resulting from a truck loading accident involving the attempt to load Plaintiff's classic 1950 Ford Coupe onto a transport trailer in Las Cruces. Plaintiff alleged that while loading his Coupe that he drove onto he transport trailer the negligence and recklessness of the truck driver caused damage to the undercarriage brake booster on his Coupe resulting in the Coupe rolling back off the rear of the trailer from the height of 14 feet. Plaintiff also alleged violations of the Federal Motor Carrier Safety Regulations against the truck transport company involving failure to hire and train competent drivers. Plaintiff sought \$500,000 from the jury. The Court entered directed verdict on the claims for punitive damages against both Defendants, and the unanimous jury found no negligence by either Defendant.

Verdict Defense

Comments The Plaintiff's claim was noteworthy in employing "reptilian" tactics, abandoning the claim for medical expenses, calling all of the Defendants' witnesses in Plaintiff's case, and focusing on the Defendant trucking company and the Defendant driver as threats to community safety.

Experts Defendants' experts were:(1) accident reconstruction expert, J.T. Hayes and (2) orthopedic expert, John Allen.
Plaintiff's experts were: (1) trucking/auto mechanic expert, Tom Truss and (2) medical expert/treating physician, Brian Delahoussaye.



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December 2014 Verdicts Continued

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Court State Court

County Bernalillo County

Judge Honorable Clay Campbell

Defense Counsel Gregory Biehler and Jill Collins

Plaintiff Counsel Francis Martin

Trier 12 Person Jury

Style Carlos Sanjurjo v. Gus Newport,D-202-CV-2013-03111

Statement of Facts Plaintiff Sanjurjo was stopped at a stop light on a motorcycle in Albuquerque when his motorcycle was struck from behind by a car driven by Defendant. The parties disputed whether Plaintiff was thrown from his motorcycle and the extent of damage to the motorcycle. The repairs for the damage to the motorcycle were \$3,600. Mr. Sanjurjo drove his motorcycle to a repair shop where he was taken by ambulance to a hospital complaining of neck pain. He thereafter received medical treatment from Dr. Reeve (physiatrist) and Dr. Hadady (chiropractor). His medical bills were \$11,721.00. Plaintiff asserted he had severe neck pain for 1 1/2 years after the accident and requested \$50,000 in pain and suffering above his medical bills.

Verdict Plaintiff

Comments The jury awarded Plaintiff his medical bills of \$11,721.00, and nothing else. An offer of judgment was filed with the answer to the complaint in the amount of \$23,000. Plaintiff's last demand before trial was \$40,000.

Experts Plaintiff called the treating physicians by video.