



Defense Lawyers
Association

April 2015 Verdicts

Submitted By

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Court State Court**County** Bernalillo County**Judge** Honorable Clay Campbell**Defense Counsel** Robert A. Corchine and Dan Akenhead**Plaintiff Counsel** Richard Marquez**Trier** 12 Person Jury**Style** *Amber Eaton and Jason Jenkins v. Antonio Miranda and Safeco Insurance Company*

Statement of Facts The Defendant was backing up in the parking garage at Sandia Casino & Resort when the back of his Nissan Pathfinder bumped the front of Plaintiffs' car. Plaintiff Amber Eaton alleged neck and upper back sprain/strain injuries. Plaintiff Jason Jenkins alleged a low back sprain/strain. Amber Eaton's medical bills totaled \$5,513.18. Jason Jenkins' medical bills totaled \$3,172.21. Both Plaintiffs treated at Victoria Medical Center, LLC. Defendant stipulated to liability before trial. The jury rendered a defense verdict following a two day trial.

Verdict Defense**Comments** This case was on appeal from court-annexed arbitration. The arbitrator awarded the Plaintiffs the total sum of over \$17,100.

Experts Brett Davis, D.C. with Victoria Medical Center, LLC testified for Plaintiffs.
Defendants called biomechanical expert, Joseph Peles, Ph.D. from Tempe, AZ to testify live at trial.



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June 2015 Verdict

Submitted By **Mark Riley**
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Court State Court

County Bernalillo County

Judge Honorable Carl Butkus

Defense Counsel Tiffany Sanchez / Mark Riley

Plaintiff Counsel Fred Jones

Trier 12 Person Jury

Style Cenen Romero, Individually and as Personal Representative of the Estate of Diana Florentino and as next friend of Destiny Florentino, a Minor Child v New Mexico Department of Transportation CV-2012-05165

Statement of Facts Cenen Romero, as mother and grandmother sought wrongful death and consortium damages for estate, granddaughter and herself claiming the lack of a guardrail caused the death of 22 year old Diana Florentino arising from a one car MVA at MP 111 on northbound I-25 between Elephant Butte and San Antonio. The decedent's 2004 Hyundai ran off the roadway, over the shoulder, off the road and down an embankment, rolling over multiple times causing the ejection of the decedent. P's expert Joe Ruiz, as a former NMDOT highway engineer, testified the department owed a duty to conduct a pre-accident study at MP 111 due to the steep slope, and to install a guard rail which, had it been installed, would have deflected the Hyundai back onto the roadway which in turn would have saved her life. P's introduced multiple photographs of Diana with her daughter and mother in a prayer for sympathy. The defense introduced evidence of decedent's intoxication, her loss of control of the vehicle and excessive speed.

Verdict Defense

Experts Plaintiff - Maurice Moya and Joe Ruiz
Defendant - Kurt Nolte MD; Ron Feder PHD, Rong-Jen Hwang PHD
