

MOTOR VEHICLE**Rear-ender — Multiple Impact****Trucks collided in traffic,
bumping into compact car****VERDICT (P)** **\$124,500**

CASE Tara Young v. Randall Doggette and Anibal Flores Castro, No. 2001-29044
COURT Harris County District Court, 270th, TX
JUDGE Brent M. Gamble
DATE 7/3/2004

PLAINTIFF
ATTORNEY(S) Dana A. Lejune, Lejune and Singer,
 Houston, TX

DEFENSE
ATTORNEY(S) Lori A. Pritchett, Kilpatrick & White,
 Houston, TX (Anibal Flores Castro)
 Walter F. Trey Williams, Lorance &
 Thompson, Houston, TX (Randall
 Doggette)

FACTS & ALLEGATIONS On June 14, 1999, Tara Young, 28, an administrative assistant, was at a complete stop in her Toyota Corolla waiting to turn left off of 9600 Long Point Rd onto Spring Rock Rd, Houston, when she was struck from behind by Anibal Flores Castro. Castro had moved into the left lane in a 10-wheeler truck abruptly in front of Randall Doggette, who was driving an 18-wheeler truck and was unable to stop his vehicle in time causing him to strike the back end of Castro's vehicle that then was pushed into Young's vehicle.

Young sued Castro and Doggette for negligence alleging that both were driving carelessly - Castro, by changing lanes without allowing enough space between his and Doggette's truck, and Doggette by traveling too fast to prevent his truck from striking Castro's truck.

Both Castro and Doggette blamed each other for causing the accident.

INJURIES/DAMAGES *back and neck*

Young sustained injuries to her neck, upper back and lower back. Her symptoms persisted for more than 15 months during which time she was treated with physical therapy and anti-inflammatory medications, muscle relaxants and oral analgesics

She continued to suffer with pain in her lumbosacral junction for which she received an MRI of the lumbar spine that showed evidence of degenerative discs at L3-4 and L4-5. She also continued to complain of pain in the neck that radiated into her trapezius muscles on both sides. Dr. Kendrick also ordered an MRI of the neck which showed a straightening of the usual cervical lordosis but was otherwise seen as normal. He then ordered a DMX (digital motion X-ray) of her cervical spine that revealed evidence of ligament damage.

Because her pain continued, Dr. Kendrick referred Young to pain management specialist Dr. Judy Dai for epidural steroid injections. Her response to these injections was favorable and as a result, on her final visit on September 11, 2000 to Dr. Kendrick's office her complaints were limited to occasional right trapezius pain.

Her Toyota Corolla sustained \$1836.21 in damages to the right rear trunk and quarter panel.

Young sought damages for physical pain and mental anguish in the past, physical pain and mental anguish in the future, loss of wages in the past, loss of future earning capacity, medical care in the past and medical care in the future.

The defense maintained that even if they were negligent, Young's injuries weren't nearly as bad as she claimed them to be.

RESULT The jury found both defendants negligent and awarded \$124,500 to Young. The jury found defendant Randall Doggett to be 40% responsible and defendant Anibal Flores Castro to be 60% responsible.

Pre-judgement interest totalled \$22,717.26.

The breakdown of the Jury's award was as follows: Physical Pain and Mental Anguish in the past, \$15,000. Physical Pain and Mental Anguish in the future, \$20,000. Loss wages in the past, \$17,500. Loss of future earning capacity, \$20,000. Medical care in the past, \$22,000. Medical care in the future, \$30,000, for a total award of \$124,500.00.

TARA YOUNG \$22,000 past medical costs
 \$30,000 future medical cost
 \$17,500 past lost earnings
 \$20,000 future lost earnings
 \$15,000 past pain and suffering
\$20,000 future pain and suffering
 \$124,500

INSURER(S) Harco Insurance for Doggette
 Liberty Mutual Insurance for Castro

TRIAL DETAILS Trial Length: 2 days
 Trial Deliberations: 4.5 hours

PLAINTIFF
EXPERT(S) Eric D. Randolph, MD, chiropractic,
 Houston, TX
 J. Barton Kendrick, II, M.D., orthopedic
 surgery, Houston, TX

DEFENSE
EXPERT(S) Stephen I. Esses, M.D., orthopedic
 surgery, Houston, TX

—Adam Dratch