

JANUARY 1992

KING COUNTY

V.

Number: 91-2-01642-8

Date of **Arbitration:** 11/27/91

Piff Atty: Scott M. Donaldson (Seattle)

Def. Atty: Kenneth Hobbs of Stafford, Frey, Cooper, & Stewart for Defs. Cummins; William Fite of Betts, Patterson & Mines and Gustav Kostakos for Defs. Vala (all Seattle)

Piff Med.: Daniel Nelson DC (Chiropractor-by report & live); Stuart M. Weinstein MD (Physical/Rehabilitative Medicine-by records) both Seattle

Def. Med.: Daniel Brzusek DO (Osteopath-by* report) Bellevue

Arbitrator: Laurie Kohli

FAILURE TO YIELD RIGHT OF WAY/REAR END COLLISION

NECK & HAND INJURIES

/12/88 - Plff, 'male age 37, cost analyst at Boeing. Plff contended Def. Cummins turned left into Plff's path. 10/20/89 - Piff contended Def. Vala rear-ended his vehicle at low speed.

Injuries: Cervical strain syndrome with myofascitis; loss of grip strength in right hand. One month after first accident developed symptoms of neck injury; two months later he started treatment with Dr. Nelson. Former UW varsity oarsman; unable to continue club rowing.

Specials: Med. \$7,551.75 (disputed); Lost Wages \$235.35 (2 days); Prop. Damage - \$250 deductible; Parking at doctors \$24.

Settlement: Demand: \$18,000. Offer: \$12,000, \$15,000 day before arbitration.

AWARD: PLAINTIFF AWARD for \$33,021.10. (Arbitrator awarded Plff \$8,021.10 special damages plus \$25,000 for general damages; arbitrator found Def. Cummins 90% at fault, Def. Vala 10% at fault. Trial de novo requested by Def. Cummins.) ,