

SEPTEMBER 1991

KITSAP COUNTY

Number: 90-2-01430-6

Date of Arbitration: 2/5, 1991

Plff **Atty:** Scott M. Donaldson (Seattle)
Def. **Atty:** Christopher J. Bell (Port Orchard)

Plff Med.: Rich Stocker DC (Chiropractor); Cindy Morris DC
(Chiropractor) both live, both Winslow

Arbitrator: Marilyn Paja

LOST CONTROL

NECK & BACK INJURIES;. EMOTIONAL DISTRESS

11/2/87 Piff and her four-year-old son, Ian, were driving southbound on a rural road on Bainbridge Island; Defs. contended she was traveling substantially over the posted speed limit of 35 m.p.h. Def. NBWC's pickup truck and its driver/employee Angel were stopped in the northbound lane of the road while another employee read water meters. Def. NBWC's driver "waved forward" (despite .double ,yellow no passing lines) Def. Brown into Plff's lane; Piff contended she was startled as she crested the hill, panicked and veered off the road, rolling her car over into the ditch/culvert.

Injuries: Piff Dede: Soft tissue neck and low back injuries; treated with 3 different chiropractors over 3 years with occasional flareups. Plff Ian: Hysterical after accident and complained of neck and back pain. He and his parents sought family counseling over Ian's trauma and unrelated problems.

Specials: Med. Piff Dede \$2,847, Plff Ian \$1,306; Prop. Damage \$6,786 (totaled); Towing/Storage \$250.

Settlement: Demand: \$20,000. Offer: \$2,000.

AWARD: PLAINTIFF AWARD for \$31,133 Less Contributory Negligence_o 50\$ = \$16,067.40 Net. **DEFENSE** AWARD for Def. Brown. (Arbitrator awarded .Plff Dede \$20,000

general damages, \$10,132 specials, Plff Ian \$1,000
and \$1.00 to Piff's husband for loss of consortium.

Def's. NWBC and its driver/employee Angel were found
to be 50% liable. Case settled for \$15,483.54 prior
to deadline for filing request for trial de novo.)