

**SEPTEMBER 2000**

**ARBITRATION - ICING COUNTY**

CONFIDENTIAL V. C P N P T i + I A L

**Number: 99-2-27116-5SEA**

**Date of Arbitration:** 7/19/00

Plff Atty: Scott M. Donaldson (Seattle)

Def. Atty: David L. Hennings of Setts, Patterson & Mines (Seattle)

**Insurance Co.:** State Farm

**Arbitrator:** Thomas R. Merrick

**FAILURE TO YIELD AXGET<sup>e</sup>OI-WAY**

**KNEES, NECS & BACK INJURIES**

**1/28/97 - Plff, female age 36, second grade** school teacher. Plff contended Def. turned in front of Plff striking Piff's vehicle. **Def. contended failure to yield** clear yet comparative fault due to Plff not using headlights in misty weather despite MVA 30 minutes **after sunrise.**

**Injuries:** Neck **and back resolved** within three months. **Chondromalacia** of both **knees** from hitting under dash. Causation disputed. Doctors gave Plff option of arthroscopic surgery for bilateral chondromalacia **patella** and partial meniscetomy with no guarantee it would **resolve** knee pain. Piff a former **triathlete** could no **longer** bike or run at the **competitive** level she had **attained.**

**Specials: Med. \$6,952 (past) \$4,513 (future); Lost Wages \$170; Prop. Damage \$13,000 to both cars; General Damage \$379 unreimbursed car rental; \$689 litigation costs.**

**Settlement: Demand: \$20,000+. Offer: \$15,001.**

**AWARD:** PLAINTIFF AWARD for **\$35,000** maximum **allowed** under M.A.R. (**Award included: Arbitrator** awarded past medicals of **\$6,952.35**, future medicals of \$4,513, rental car of **\$379.30**, wage loss of **\$170.38** for total specials of **\$12,015.03** plus **general damages** of \$30,000. Total award reduced to **arbitration** limits of \$35,000 plus litigation costs of **\$566.** **Arbitrators** award was binding per stipulation.)