

(65) TERRI KNEIBLHER vs. ANGELA ARNOLD & MICHAEL ARNOLD, husband and wife

COUNTY/DOCKET #/JUDGE: Pinellas / 03-634-C1 / Mark I. Shames

PLAINTIFF(S) ATTORNEY(S): Pro Se

DEFENDANT(S) ATTORNEY(S): J. Gregory Giannuzzi of Rissman, Barrett, et al., Tampa

AGE/SEX/OCCUPATION OF PLAINTIFF: 46 / F / Litigation Paralegal

CAUSE OF INJURY: *Motor Vehicle Accident/Collision.* On January 26, 1999, Plaintiff's vehicle was behind Defendant's vehicle at a stop light in St. Petersburg, and both vehicles made a right turn. After turning, Plaintiff was in the far left lane, and Defendant was in the center lane. Defendant, seeing a parking spot, abruptly moved to the left and allegedly allowed the front of Plaintiff's vehicle to strike the driver's side of Defendant's vehicle.

NATURE OF INJURY: Neck and back injuries. Plaintiff alleged that her injuries rendered her unable to work and claimed that she made roughly \$60,000 per year as a paralegal. Plaintiff further claimed approximately \$222,000 in future medical expenses. Dr. Greenberg and Dr. Marcus were Plaintiff's treating physicians.

EXPERT WITNESSES:

PLAINTIFF'S: William R. Greenberg, M.D., Neurology, Pinellas Park
Martin P. Marcus, D.C., Chiropractic, St. Petersburg

DEFENDANT'S: Charles A. Finn, M.D., Orthopedic Surgery, St. Petersburg

VERDICT: \$1,176 for Plaintiff on June 20, 2007 (\$454 - past medical expenses; \$722 - other economic losses).

PINELLAS COUNTY (Continued)

KNEIBLHER (Continued)

EDITOR'S NOTE: Defendants offered \$7,000; Plaintiff demanded \$100,000. Post-trial motions are pending.

DEFENDANT'S ATTORNEY'S COMMENTS: Plaintiff initially had an attorney who withdrew months before trial. About one month before trial, without an attorney, Plaintiff made numerous requests for a continuance, advising the court that an attorney would be agreeable to taking this case should a continuance be granted. The trial judge noted that Plaintiff had approximately eight months to locate an attorney, and even at the time the first request was made for a continuance there still was about five weeks before trial. Thus, the judge denied the request.

This was a damages case. At the end of the trial, the judge noted that Plaintiff had done an exceptional job. She was noticeably nervous to start, but did well in discussing her injuries with the jury. Plaintiff offered testimony from two friends, who came across quite credible (one an attorney and another a Washington lobbyist); they testified that before the accident Plaintiff was able to function well on her own, but afterward was in a lot of pain and had to have assistance in various tasks such as housekeeping and mowing the lawn. However, Plaintiff's case had a lot of holes. First, there was no objective evidence of any structural damage to Plaintiff's anatomy caused by this accident. The record showed little pre-existing problems, and Plaintiff had a wealth of treatment after the accident. Her treating neurologist had to concede no objective findings, and that his initial thinking was that this was nothing more than a soft tissue injury case which would resolve in a few months. In searching for something to link Plaintiff's problems to the accident, he came up with an opinion that Plaintiff ultimately developed a scarring of her nerves, but that appeared nowhere in the records, and first emerged at trial. Additionally, Defendants very delicately brought up the fact that Plaintiff was dismissed from her employment after this event because of drinking issues. That was brought to the jury's attention by way of one record, with Plaintiff not being asked any such questions while she was on the stand, nor did Defendant bring it up during closing. The same held true for other issues such as another physician indicating that Plaintiff's back problems were due to her large breasts. Additionally, Plaintiff was significantly overweight. Another item was that Plaintiff's employment records clearly showed that she did not handle stress well. That was used to establish that, because there were no objective findings, if Plaintiff was having problems, it was due to stress. It also did not help Plaintiff that since the accident she had been on numerous vacations, including taking trips to Las Vegas, Ireland, the Dominican Republic, New Jersey, Nicaragua, and Washington, DC.

Plaintiff made a request for "economic damages," separate and apart from wages and medical expenses. The standard verdict form only contains lines for wages and medical expenses. The judge permitted a jury instruction on the same, and an extra line on the verdict form for those damages. Prior to the jury rendering its verdict, Defendant requested that Plaintiff drop her case in exchange for Defendant not seeking attorney's fees and costs should the verdict permit that; Plaintiff declined. A Proposal for Settlement was filed; Defendant will seek fees and costs from Plaintiff.