

(99 Ap/4) DEFT TURNING--ACROSS RURAL ROAD AFTER MAIL RUN--RETRIAL NETS MORE (1B)

Tito A. Sibert v James B. Stanley 95L-276 Tried Mar. 22-25, 1999

VERDICT: \$150,000 after 50% off \$300,000 (\$100,000 past and future pain & suffering; \$70,805 past and future medical/dental expense; \$100,000 loss of normal life; \$14,999 disfigurement; \$14,196 LT)

JUDGE: Robert L. Carter (La Salle Co.--Ottawa)

PLTF ATTY: Sheldon J. Aberman of Goodman & Witanen (Park Ridge) DEMAND: \$200,000 ASKED: \$500,000+

DEFT ATTY: Daniel P. Slayden of Hinshaw & Culbertson (Joliet) (FARMER'S) OFFER: \$55,000

PLTF MEDL: Dr. Patrick Tracy (Neurosurgeon); Dr. Rachel Kurniadi (Physiatrist); Dr. Edward Posuniak (Rehab/Physical Medicine); Dr. Robert E. Eilers (Rehab/Physical Medicine); Thomas Miller, D.D.S.

FACTS: July 26, 1995, pltf was travelling northbound on 12th Rd. in Earlville, IL, when deft facing northbound pulled from southbound lane and made right turn to cut across 12th Rd. to pull into his private driveway on east side of road after retrieving mail from his rural mailbox on west side of road. Pltf took evasive measures to avoid colliding with deft's vehicle, but swerved off the roadway and crashed. Pltf M-22 sustained L-2 burst fracture with neurologic compromise, open reduction and internal fixation with bone graft, retropulsed bone within spinal canal, rods removed in subsequent surgery, loss of 4 front teeth, chipped bottom tooth, and scars on hip, back, tricep and below lip (\$70,805 past and future medical and dental expense, \$14,196 LT one year as machine operator). Deft M-41 contended he was stopped, never cut across road or blocked northbound lane, and pltf was speeding. Case originally tried in 1998 with \$34,005 verdict after 50% reduction for pltf negligence (see 98 Jn/10).