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Motor Vehicle

Bobtail truck struck Explorer stopped at red light

Verdict: \$473,104.00

Case Type: Rear-ender, Motor Vehicle - Truck, Motor Vehicle - SUV, Motor Vehicle - Red Light

Case: Monica Pottorff and Rosemary McMahill v. Ennis Mingo Watson and Cort Furniture Rental Corporation, No. GN000046

Venue: Travis County District Court, 201st, TX

Judge: Suzanne Covington|Jeff Jury

Date: 12-04-2003

PLAINTIFF(S)

Attorney: Marc G. Rosenthal; Feazell, Rosenthal & Watson; Austin, TX, for Monica Pottorff, Rosemary McMahill
Lynn Watson; Feazell, Rosenthal & Watson; Austin, TX, for Monica Pottorff, Rosemary McMahill

Expert: Dr. Eduardo Elizondo; Physical Rehabilitation; Austin, TX called by: Marc Rosenthal
Dr. Scott Spann; Orthopedic Surgery; Austin, TX called by: Marc Rosenthal
Dr. Kurt Von Ruden; Orthopedic Surgery; Austin, TX called by: Marc Rosenthal

DEFENDANT(S)

Attorney: Dana Ryan; Law Offices of Larlet Thomas (Kemper Insurance in-house counsel); Dallas, TX, for Ennis Mingo
Watson, Cort Furniture Rental Corp.

Expert: None

INSURER:

Kemper

FACTS:

On Jan. 12, 1998, plaintiffs Monica Pottorff, 29, and Rosemary McMahill, 30, both in telecommunications sales, were riding back to the office after lunch, in a 1994 Ford Explorer driven by a co-worker. The Explorer stopped at a red light at Second Street and Congress Avenue in Austin. A large bobtail truck, owned by Cort Furniture Rental Corp. and driven by Cort employee Ennis Mingo Watson, hit the Explorer from behind.

Pottorff and McMahill sued Watson and Cort Furniture Rental Corp., Fairfax, Va., alleging that the driver was negligent. The defendants did not deny liability, but questioned damages.

INJURY:

Pottorff claimed medical bills totaling \$24,200 for bulging discs at C5-6 and C6-7. She will continue to need physical therapy.

McMahill claimed that the accident injured her elbow, causing cubital tunnel syndrome. She had \$8,904 in medical costs, and her doctor said that she could benefit from surgery.

The defendants responded that it was a low-impact collision which caused only \$2,000 in property damage to the Explorer and could not have injured the plaintiffs to the extent that they claimed.

VERDICT INFORMATION:

The jury found that the defendants were 100 percent liable and awarded Pottorff \$394,200 and McMahill \$78,904 in damages.

Rosemary McMahill

\$8,904 Personal Injury: Past Medical Cost
\$15,000 Personal Injury: Future Medical Cost
\$5,000 Personal Injury: Past Physical Impairment
\$22,500 Personal Injury: Future Physical Impairment
\$5,000 Personal Injury: Past Pain And Suffering
\$22,500 Personal Injury: Future Pain And Suffering

Monica Pottorff

\$24,200 Personal Injury: Past Medical Cost
\$225,000 Personal Injury: Future Medical Cost
\$12,500 Personal Injury: Past Physical Impairment
\$60,000 Personal Injury: Future Physical Impairment
\$12,500 Personal Injury: Past Pain And Suffering
\$60,000 Personal Injury: Future Pain And Suffering