

**ARIEL BRANTLEY-DALGLISH v. UNIVERSAL APPLICATORS; 2011 Ore. Jury Verdicts & Sett. LEXIS 83**

1004-05884

May 31, 2011

**Published:** July, 2011

**Topic:** FAILURE TO YIELD RIGHT-OF-WAY (BICYCLE/TRUCK); ARM, HIP, SHOULDER, NECK & BACK INJURIES.

**Result:** PLAINTIFF VERDICT for \$ 93,000 Less Contributory Negligence of 25% = \$ 69,750 net. (The verdict included \$ 23,000 in past and future economic damages and \$ 70,000 in non-economic damages.)

**Specials:** Med. \$ 14,000 (past), \$ 270,000 (futures).

**Award:** \$ 93000

**Injury:** Soft tissue arm, hip, shoulder, neck and back injuries. Plff treated with her physician and naturopath and chiropractic care.

**State:** Oregon

**County:** Multnomah

**Judge:** TRIAL JUDGE: Hon. Stephen K. Bushong

**Plaintiff Counsel**

Michael Colbach, Colbach Law Office (Portland)

**Defendant Counsel**

**Kristin Olson** of Bullivant Houser Bailey (Portland)

**Case Summary**

5/13/08 - Plff was riding her bicycle northbound in the bicycle lane adjacent to SE Milwaukie Boulevard in Portland, Oregon. Plff contended the Def.'s driver was operating a work truck when he failed to yield the right-of-way turning across her lane of travel and striking her. Two (2) months prior to trial, Plff quit her job and became a full time dancer. At trial, the defense played a video of her dancing upside down on a pole.

**Plaintiff Expert(s)**

Paul Miller DO (Family Practice) Lake Oswego

**Defendant Expert(s)**

Thomas Fries (Accident Reconstructionist)

Hal Ballard (Bicycle Safety), both Portland

Paul Tesar MD (Orthopedic Surgeon) St. Helens

**Demand:** \$ 168,000. Plff asked the jury for \$ 14,000 in past medical expenses, \$ 270,000 in future medical expenses and \$ 450,000 in non-economic damages.

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**Offer:** \$ 27,000 (Offer of Judgment).

**Length of Trial:** 4-day trial

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