

VERDICT DATA COLLECTION FORM

Date of Verdict: 8/6/99

Venue: Hennepin County

Case Title: Eunice Jean Newman and Gary Elmer Newman v. Western National Insurance Group

Court File Number: 98-10912

Judge: Diana S. Eagon

Type of Case: UIM - multiple fractures

Plaintiff Attorney: Robert D. Boedigheimer, McCloud & Boedigheimer, P.A., Bloomington, Minnesota, (612) 820-8382

Defendant Attorney: James Martin

Insurance Carrier: Western National Insurance Group

Insurance Limits: \$100,000

Brief Facts/Issues Disputed: The case involved auto accident with under-insured motor vehicle. Plaintiffs settled with the tortfeasor's auto, insurer for \$75,000 on \$100,000 policy limits. Plaintiff's UIM carrier waived its right of subrogation and Plaintiffs commenced an action for UIM benefits. Defendant denied Plaintiffs' claims and asserted a defense on both liability and damages.

Injuries Alleged: Plaintiff sustained pelvic fractures, sacrum fracture, rib fractures, hemopneumothorax and pulmonary contusion. Plaintiff's injuries caused permanent dyspareunia. She subsequently developed an addiction to the prescription medications and underwent subsequent withdrawal treatment. She also sustained aggravation of a pre-existing diagnosis of depression. Plaintiff's Spouse claimed loss of consortium.

Last Offer: \$15,000

Last Demand: \$80,000

Jury Factual Determinations: Prior to submission to the jury, Defendant withdrew its defense on liability and defended on damages alone.

Gross Damages Awarded (itemized):
Plaintiff Eunice Newman:

Past medical expenses: \$66,000

Past wage loss: \$20,300

Past pain, suffering, emotional distress, disfigurement, and disability: \$100,000

Future medical expense: \$33,500

Future pain, suffering, emotional distress, disfigurement and disability: \$110,000

Future loss of earnings and loss of earning capacity: \$7,600

Plaintiff Gary Newman:

Past loss of services and companionship: \$20,000

Future loss of services and companionship: \$27,500

Deductions (comparative fault, collateral sources, PIP offsets, etc.): The verdict exceeded policy limits available so Defendant has not presented evidence of collateral sources, PIP offsets or other deductions.

Net Verdict: \$384,900 plus taxable costs

Plaintiff Experts: Dr. Jack Bert - Orthopaedic surgeon; Dr. Karen Gosen - Psychiatrist; and Dan Lofgren - Accident Reconstructionist

Defense Experts: None

Sidelights: None

Disposition: Defendant immediately tendered payment of its policy limits but has contested taxation of costs.