

# Nelson & Dahle, P.C.

316 North 26th Street Billings, Montana 59101 p: 406.867.7000

## DISTRICT COURT

VERDICT: \$13,803, rear-end auto, admitted negligence, chronic myofascial pain/back spasms/whiplash.

A Billings jury found that Madalyn Nelson-Moncure's negligence on 2/6/03 caused injury to Mallory Johnston, and awarded \$10,000 past & future medicals, \$303 wage loss, \$3,500 past & future pain & suffering, and 0 loss of established course of life.

Nelson-Moncure, 47, rear-ended Johnston, 17, at a stop light in Billings. Nelson-Moncure admitted liability but disputed causation, contending that there was insufficient force to produce any serious injury.

Johnston claimed chronic myofascial pain, back spasms, and whiplash injuries. She received 78 chiropractic treatments and 50 other medical treatments in 3 years.

Plaintiff's experts: FP Donald Grewell, Billings (deposed); neurologist Daniel Rodriguez, Billings (deposed).

Defendant's experts: John Jurist, Billings (biomechanical); physiatrist Michael Schabacker, Billings (live & deposed).

Demand, \$33,200; offer, \$23,000. Jury request, \$60,000; jury suggestion, \$8,500. No mediator.

Jury deliberated 3 hours 3rd day; Judge Baugh.

Johnston v. Nelson-Moncure, Yellowstone DV 06-108, 12/21/06.

Patricia Peterman & Scott Green (Patten, Peterman, Bekkedahl & Green), Billings for Johnston; Randall Nelson (Nelson & Dahle), Billings, for Nelson-Moncure (State Farm Mutual Auto Ins.).

