

DISTRICT COURT

Jones v. Hawkins, DV 02-12512, 5/27/03.

VERDICT: \$30,000, pedestrian, auto, admitted liability, whiplash/cervical.

A 9-3 Dillon jury awarded Deborah Jones \$30,000 for injuries sustained in a pedestrian/auto accident with Gerald Hawkins in 4/00 in Dillon.

Hawkins struck Jones in a crosswalk at 9:30 p.m. while making a left turn at 5 mph in his 3/4 ton pickup. He admitted liability but denied nature & extent of injury claimed by Jones.

Jones, 43, was treated and released from the Dillon hospital the night of the accident. She claimed severe whiplash and cervical injury. Hawkins's insurer advance paid \$36,191 medicals through 2/03. Further medical payments were stopped following a report from neurologist Dale Peterson that Jones had suffered from torticollis, a chronic neck condition, for years prior to the accident.

Plaintiff's experts: neurosurgeon Gus Varnavus, Butte; chiropractor Andrew Belice, Dillon; FP Raymond Thomas, Dillon.

Defendant's expert: neurologist Dale Peterson, Billings.

Original demand, \$300,000; original offer, \$65,000 plus \$36,191 advanced for meds. Final demand, \$500,000; final offer, \$20,000 plus \$36,191 advanced for meds. Jury request, \$707,423; jury suggestion, \$14,858.

Jury deliberated 3½ hours 4th day; Judge Tucker.

Bernard Everett (Knight, Dahood, Everett & Sievers), Anaconda, for Jones; Colette Davies & Randall Nelson (Nelson Law Firm), Billings, for Hawkins (Mountain West Farm Bureau Ins.).