

Doran et al v. Billings Metropolitan Transit (verdict)

DISTRICT COURT

VERDICT: \$65,554, 3 passengers, City bus/auto MVA, admitted liability . . . \$300,000 settlement by driver with alleged brain injury.

A 12-0 Billings jury awarded Shelly Doran \$22,500, Teisha Hackett \$37,429, and Shanise Doran \$5,625 for injuries sustained when a vehicle in which they were passengers was struck by a Billings MET bus 1/19/07. It awarded 0 consortium to Paul Doran and Christopher Hackett.

The bus failed to yield at the open intersection of 10th & Miles and carried the vehicle, driven by Alex Perezchica, off the road and into a tree.

Perezchica, 17, who alleged a brain injury, settled with the City for \$300,000 in 2011.

Shelly, 50, had a skull fracture with a minor brain bleed evident on MRI. She alleged whole body pain & suffering and a personality change, continuing to treat with naturopath Patricia Cole.

Teisha, 33, claimed a neck fracture and whole body pain & suffering. A CT of the neck 4 days after the MVA showed a well-corticated "old" fracture. She was the sole survivor of a 1996 Phoenix MVA that killed the other 3 occupants. Her doctors testified that they did not know the age of the fracture or if it was an old fracture that could not have been from the bus accident. John Graeve was 100% certain that it was not from the bus accident.

Shanise, 13, claimed neck & back pain and a year of poor school performance following the MVA. Shelly, Teisha, and Shanise had a combined \$50,000 medicals plus \$55,000 in nutrition supplements they claimed from the MVA. Ann Adair testified that economic losses were \$50,000-\$100,000 for Shelly, \$100,000 for Shanise, and \$200,000-\$700,000 for Teisha.

The City contended that the ER and follow-up records showed only generalized achiness or no injury except for Shelly's brain bleed which MRI results showed as fully resolved weeks later. It contended that the nutrition supplement bills were fraudulent and had never been incurred or paid by Plaintiffs despite their claims that they had. The supplement company was in a mobile home on the Kootenai River in Libby.

Judge Watters ordered Plaintiffs' and their providers' depositions because they refused to provide dates.

Plaintiffs' experts: economist Ann Adair, Billings; naturopath Patricia Cole, Billings.

Defendant's experts: diagnostic radiologist John Graeve, Billings; Plaintiffs' treating physicians, approximately 10, all deposed except chiropractors and Cole.

No demand; offer 4/15/13 and open for 10 days, \$70,000 new money after \$22,131 advance-paid. Jury request, \$108,000 specials plus general damages at jury discretion; jury suggestion, ER and follow-up visits, \$1,000 each for pain & suffering, 0 for husbands.

Jury deliberated 4 hours 3rd day.

Shelly Doran, Paul Doran, Shanise Doran, Teisha Hackett, and Christopher Hackett v. Billings Metropolitan Transit, Yellowstone DV 09-363, 10/17/13.

Jack Sands, Billings, for Plaintiffs; Roger Frickle (Edwards, Frickle & Culver), Billings, for Perezchica; Randall Nelson (Nelson & Dahle), Billings, for the City (MMIA).