

Lucas County

Court of Common Pleas — Toledo

Jury Only Awards Medicals to Cab Driver with Rotator Cuff Tear

Case Caption:

Eugenio Montonya v. Marsha Weatherspoon

Verdict: \$6,387 for plaintiff's medicals only.

Judge: Stacy L. Cook

Date of Verdict: 5/7/2012

Attorneys:

Plaintiff: John J. Reagan, Fairlawn

Defendant: Glenn E. Wasielewski, Toledo

Facts: A collision on a snowy roadway led to a claim of a torn rotator cuff by a cab driver. Liability and injury causation were both disputed by the defendant. The case was argued before a Lucas County jury, who returned a \$6,387 verdict for the plaintiff. The verdict represented the amount of the plaintiff's medicals.

Plaintiff Eugenio Montonya was driving a taxi cab/van, with four passengers. A vehicle driven by Defendant Marsha Weatherspoon slid into the van. At the time of the accident, defendant was attempting to negotiate a turn on the snow-covered roadway.

Plaintiff alleged defendant failed to maintain control her vehicle and caused this accident. Plaintiff claimed he sustained a torn rotator cuff as a result of the accident. Plaintiff's orthopedic surgeon and treating chiropractor related the rotator cuff tear to the accident. The four passengers also pursued injury claims, but they all

settled before trial.

Defendant disputed liability. She contended that she was driving cautiously and reasonably at the time of the accident. Defendant also disputed whether plaintiff's injury was caused by this accident.

Plaintiff Profile: Plaintiff was a 53-year-old male who worked as a cab driver.

Alleged Injury: Small tear of the right rotator cuff. Plaintiff recovered with injection therapy. He claimed \$6,387 in medicals, as well as damages for pain and suffering.

Settlement Efforts: Last Demand: \$20,000
Last Offer: \$4,500

Insurance Carrier: State Farm (\$100,000 policy limits)

Expert(s):

Plaintiff: Patrice Lee-Seyon, D.C.
Chiropractor – Toledo, OH

Nabil A. Ebraheim, M.D.
Orthopedist – Toledo, OH

Defendant: None

Case Number: C109-7937