

CASE: CJ-2015-1332, Cleveland County

Barbara Meers, *Plaintiff*

v.

Carl Yousey, Special Administrator of the Estate of Dwight Murray, *Defendant*

JUDGE: Lori Walkley

ATTORNEYS: *For the Plaintiff:* Jerry Foshee and Greg Haubrich
Foshee & Yaffe
Oklahoma City, OK

For the Defendant: Paul Kolker and Brad Roberson
Pignato, Cooper, Kolker & Roberson
Oklahoma City, OK

ISSUES: *Negligence (Motor Vehicle/Motorcycle)*

SUMMARY: Plaintiff alleged that on November 19, 2012, she was stopped on the 4th Street access road at the intersection of the West I-35 Service Road. Plaintiff claimed that the Defendant lost control of his three-wheeler motorcycle and struck her vehicle on the driver's side rear quarter panel. As a result, Plaintiff claimed that she underwent surgeries for a L4-5 laminectomy, decompression, and discectomy; and, a L5-S1 hemi-laminectomy, decompression and discectomy. *(Pursuant to 12 OS 3009.1, the Court reduced the medical bills by \$30,000.00 to \$51,514.70.)* Plaintiff also claimed lost wages in the amount of \$3,447.67.

The Defendant, on behalf of the decedent who died as a result of the collision, admitted liability for causing the accident. However, Defendant denied the nature and extent of Plaintiff's injuries, citing pre-existing conditions. Specifically, Defendant claimed that Plaintiff had been involved in another MVA on October 15, 2012, which caused the injuries which necessitated the need for the surgeries.

EXPERT WITNESSES: *For the Plaintiff:*
Dr. Art Conley, MD
Oklahoma City, OK
Medical opinion

VERDICT: *Jury Trial (Three Days)*

The Jury found in Favor of the Plaintiff and awarded damages in the amount of \$38,551.61 for lost wages and medical bills and No Compensation for pain and suffering.

(The Defendant filed an Offer to Confess Judgment in the amount of \$15,000.00 on November 23, 2015.)