

Moving to damages, he took his medicals as claimed plus \$23,370 for future care. While impairment was rejected, suffering was valued at \$7,500. The verdict totaled \$38,318. A consistent judgment less PIP followed.

Auto Negligence - Soft-tissue symptoms followed a disputed turning crash; suffering valued in Jackson at \$7,500

Turner v. Noble, 02-0026

Plaintiff: Frank Allen Fletcher, Jackson

Defense: John W. Walters, *Golden & Walters*, Lexington

Verdict: \$38,318 for plaintiff

Circuit: *Breathitt, J. Miller, 10-3-03*

On 5-31-01, Robert Turner, age 35, traveled on Hwy 15 in Jackson. He slowed to turn right into a private drive. Just as Turner made his turn, he was broadsided by Edward Noble. The collision resulted in moderate damage.

Turner did not seek care at the scene, but did follow two days later with his family doctor. He has since treated with a chiropractor for soft-tissue symptoms. The incurred medicals were \$7,848 and he sought \$100,000 for future care. While working again as a plumber, impairment was capped at \$95,000. The instructions limited pain and suffering to \$100,000.

In this lawsuit he blamed Noble for crashing into him. Noble defended and raised fact disputes. Namely, just before the crash, Turner moved to left as if making a left turn. Then when Noble attempted to pass on the left, Turner began the right turn.

Buttressing Noble's version was an accident reconstructionist, Brent Slone, Frankfort, who concluded it was more likely. Turner responded and denied ever moving to the left, blaming Noble for trying to pass him on the gravel shoulder. He also noted his turn signal was illuminated.

The crash aside, Noble also defended on damages with an IME, Dr. Daniel Primm, Orthopedics, Lexington. The expert identified only a temporary strain; he found no evidence of residual symptoms, concluding Turner was doing well.

Fault was resolved for Turner, the panel finding Noble 100% at fault.