

**STATE COURT OF BIBB COUNTY**  
**CIVIL JURY VERDICT REPORT**

PLAINTIFF: Rodney James Hairston

DEFENDANT: Peter August Sweders

CIVIL ACTION NO.: 82729

JUDGE: William P. Adams

TYPE OF CASE: Motor Vehicle Collision, February 9, 2007

TRIAL DATE: June 13 - 14, 2016

VERDICT: Plaintiff for \$27,221.36

CLAIMED MEDICAL EXPENSES: \$54,442.72

INSURANCE CARRIER: State Farm Mutual Automobile Insurance Company

LAST PRE TRIAL OFFER/DEMAND: \$15,000.00/\$175,000.00

PLAINTIFF'S ATTORNEY: Vincent D. Sowerby

DEFENDANT'S ATTORNEYS: Michael G. Frick and Patrick C. Powell

**OTHER INFORMATION:**

Defendant stopped at the stop sign on River Place Drive attempting to turn left onto Arkwright Road. Plaintiff was traveling on Arkwright Road when Defendant pulled out in front of him and caused a collision. Defendant admitted negligence at the trial. Plaintiff made no report of injury at the scene but did seek medical attention one week after the accident. He was diagnosed with a tear to his right rotator cuff. Plaintiff was having no problems with his right shoulder prior to the collision but he had undergone surgery on his right rotator cuff two times prior to this accident. Five months after the accident, Plaintiff went to work as a conductor for the railroad, where he worked for six years. Although surgery was recommended to repair the torn rotator cuff in the months after the accident, Plaintiff declined to do the surgery because he could not afford to miss six months of work for the rehab period. In February 2014, Plaintiff finally had the repair surgery for his right rotator cuff. The bulk of his medical expenses was for the surgery. At trial, Defendant contested causation as to Plaintiff's delayed surgery and also raised a defense of failure by Plaintiff to mitigate damages. Plaintiff's case consisted of the video deposition testimony of Dr. Lyle Norwood, an orthopedic surgeon from the Hughston Clinic, who had treated Plaintiff before and after the accident in this case, Dr. Patrick Fernicola by medical narrative, and his own testimony. Defendant's case consisted of the reading of a deposition of Dr. Kevin Brooks, and orthopedic surgeon who was called in by Defendant to review the records from Plaintiff's medical history. The jury deliberated about an hour and ten minutes before returning its verdict. The award by the jury was entirely for medical expenses with the jury making an award of no damages as to Plaintiff's claim for pain and suffering.