

## JSH ATTORNEYS MICHAEL HALVORSON AND DAVID POTTS OBTAIN DEFENSE VERDICT

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*Pulido v. AAA Insurance* – [Michael Halvorson](#) and [David Potts](#), attorneys at Jones,

Skelton & Hochuli, obtained a defense verdict in favor of AAA Members Insurance Company in a two-week trial concerning a pedestrian-vehicle accident near Pinnacle High School in September 2012.

Plaintiff, a 15 year old sophomore at Pinnacle High School, was leaving a high school football game with friends. As the group was lawfully crossing a controlled intersection, Plaintiff's girlfriend told Plaintiff she had dropped her Chapstick within the marked crosswalk. Plaintiff went back to pick up the Chapstick and, as he was returning to his group of friends, was struck by a vehicle driven by a non-party driver. Just before the impact, the solid red "don't walk" pedestrian signal had illuminated. The non-party driver observed his light turn green as he approached the intersection, so he accelerated into the crosswalk, striking Plaintiff.

It was largely undisputed that the accident caused Plaintiff to suffer numerous pelvic and lumbar fractures in the accident, and Plaintiff continues to suffer chronic pain in his groin and sacroiliac (SI) joint. Plaintiff called an orthopedic surgeon and a pain management specialist who both testified that the fractures in and around Plaintiff's SI joint healed as a painful protrusion and would develop significant arthritis within ten years necessitating radiofrequency ablations, steroid injections and eventually a fusion of the joint. These experts also testified that Plaintiff's pubic symphysis healed in an uneven, asymmetrical manner, which is causing further chronic inguinal pain. Both the SI joint and inguinal pain will continue to increase for the remainder of his 60+ year life expectancy. Plaintiff also called an ENT doctor to testify that Plaintiff suffered a broken nose and a deviated septum, and Plaintiff will need surgery to correct those conditions as well.

In addition, Plaintiff suffered a mild traumatic brain injury in the accident. He called a neuropsychologist to testify that Plaintiff currently has trouble with various aspects of executive functioning. Plaintiff also continues to suffer from hypervigilance and anxiety as a result of the accident, which he will need treatment and medication to overcome.

The driver's liability insurance company paid its \$100,000 policy limits to Plaintiff. Plaintiff then sued AAA Members Insurance Company for breach of contract for failing to pay him underinsured motorists benefits under his parents' auto insurance policy. During the litigation, Plaintiff filed an Offer of Judgment for \$500,000 against AAA, and AAA filed an Offer of Judgment for \$51,000.

During trial, Plaintiff called numerous witnesses and police officers to support his argument that the driver was speeding and traveling too fast for conditions given the number of students leaving the football game, and that a reasonably careful driver would have seen and yielded to Plaintiff who was still lawfully in the crosswalk when the don't walk sign illuminated. Plaintiff further alleged that the driver unlawfully veered around and accelerated past several cars that were stopped at the crosswalk yielding to Plaintiff as he was crossing the street. In its defense, AAA alleged that the driver was not at fault as his speed was reasonable and he had a green light. Instead, Plaintiff was solely at fault for remaining in the crosswalk and running against a red "don't walk" pedestrian signal.

The trial lasted seven days. During closing arguments, Plaintiff asked the jury to award him between \$1,035,473.20 and \$1,150,525.80. The jury was out for 3 ½ hours before returning a complete defense verdict for AAA Members Insurance Company.

[Michael Halvorson](#), an AV Preeminent rated attorney on Martindale-Hubbell, has been with JSH for more than 19 years. As part of his practice, Mr. Halvorson has mediated, arbitrated and tried a wide variety of cases largely focused on trucking and transportation, product liability, dram shop, motor vehicle and premises liability defense. In addition, Mike Co-Chairs the firm's Transportation, Auto, Products and General Liability Trial Group, and he is a

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frequent presenter at industry seminars and conferences.

[Dave Potts](#) focuses his practice on employment law, general civil litigation, commercial and business litigation, and wrongful death and personal injury defense.