

MICHAEL HALVORSON SAVES CLIENT FROM A POTENTIALLY SUBSTANTIAL VERDICT

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Pruitt v. Garcia – Partner [Michael Halvorson](#) saved Defendant from a potentially substantial verdict in a personal injury

case.

Defendant was operating a tractor-trailer weighing approximately 75,000 pounds when it impacted the rear of Plaintiff's 1972 pick-up truck, which was stopped at a red light. Because Plaintiff's vehicle lacked a headrest, the back of Plaintiff's head smashed into the glass of his back window. Plaintiff, age 37 and a father of three, claimed this caused him to suffer a concussion, as well as severe head, neck, shoulder and arm injuries for which he treated with conservative care and epidural injections over the next two years. Plaintiff was ultimately diagnosed with a cervical disk herniation, and he subsequently underwent surgery that resulted in a fusion of his cervical spine at a total cost in excess of \$118,000. Plaintiff also claimed to have suffered in excess of \$40,000 in lost wages, as well as damages for future medical care and economic losses. Specifically, although the surgery was deemed a success, Plaintiff continued to have ongoing pain and limitations, and his primary doctor opined that he could expect complications in the future as a result. Consequently, prior to trial, Plaintiff demanded Defendant's insurance policy limit of \$1 million.

The case was filed in Sacramento, California, and Mike was subsequently asked to enter an appearance pro hac vice for purposes of trying the case. Shortly before trial, Defendant admitted fault for the accident and filed a CCP §998 Offer for \$250,000. Mike also filed several motions to limit Plaintiff's damages, which successfully resulted in the withdrawal of Plaintiff's past lost wage and future economic loss claims. During the 8 day trial, Defendant did not dispute that Plaintiff suffered from a herniated disk, or that the surgery was unnecessary or unreasonable. In fact, Mr. Halvorson withdrew Defendant's medical expert in this regard. Instead, through cross-examinations of Plaintiff's orthopedic surgeon and biomechanical engineering/accident reconstruction expert, Defendant argued that the circumstantial evidence more strongly suggested the herniation preexisted the accident, and the accident simply exacerbated Plaintiff's condition for a period of approximately four months. Defendant argued that Plaintiff was entitled to his medical expenses for the conservative care he received during these four months, along with compensation for his pain and suffering, which Mr. Halvorson suggested amounted to a total damage award of \$40,777.19.

Plaintiff, however, asked the jury to award a total of \$1,432,318, which included his medical expenses, scar disfigurement, disability, and chronic pain and suffering. After two days of deliberation, the jury awarded Plaintiff \$40,777.19. Because Defendant filed a CCP §998 Offer for \$250,000, Defendant was able to recoup his \$32,127.68 in costs leaving a net judgment amount of \$8,649.51.

Mike Halvorson's diverse practice focuses on trucking/transportation defense, including commercial cargo and property loss, as well as on product liability, dram shop, motor vehicle, and premises liability defense. In addition, Mike is Chair of the firm's Transportation, Auto, Products & General Liability practice group.