

However, the Motleys believed they were entitled to additional compensation. When their UIM carrier, Allstate Property and Casualty Insurance Company, disagreed, the Motleys filed suit to recover damages under their underinsured motorist policy. Allstate defended the case and minimized plaintiffs' claimed damages.

The case was tried in Montgomery. The jury returned a verdict for plaintiffs and awarded damages of \$70,000 to Arthur, \$20,000 to Sashia, and \$10,000 to Madison. The court applied a setoff and entered a judgment of \$50,000 for Arthur, \$7,500 for Sashia, and \$4,500 for Madison, for a total judgment of \$62,000.

**Auto Negligence - Plaintiff claimed new injuries and an aggravation of a pre-existing condition due to a crash that happened when he and another motorist turned left into each other while exiting their respective apartment complexes**

*Paugh v. Rawls*, 14-902092

Plaintiff: Andrew R. Salser, *Lloyd & Hogan, P.C.*, Birmingham

Defense: Amanda G. Kisor and Ronald J. Gault, *Gaines Gault Hendrix, P.C.*, Birmingham

Verdict: Defense verdict

Circuit: **Jefferson**, 6-21-17

Judge: Carole C. Smitherman

On 5-12-14, Arthur Paugh Jr. was pulling left out of his apartment complex onto Valleydale Road near its intersections with Inverness Cliffs and Inverness Lane in Jefferson County. At the same time, Christopher Rawls was pulling out of his apartment complex, Inverness Landing, in the same area.

Although Paugh was trying to turn left, he was driving straight for a few seconds. While he was doing

so, Rawls was engaged in his own left turn. In the next instant, Rawls t-boned Paugh's vehicle.

Paugh claimed to have suffered an aggravation of a pre-existing back injury as a result of the crash. He also claimed new injuries to his left hip, thigh and leg, plus the loss of a tooth and a brain bleed. The record does not reveal the amount of his medical expenses.

Paugh filed suit against Rawls and blamed him for causing the crash. His theories included negligence and wantonness. Paugh also named his underinsured motorist carrier, State Farm Mutual Automobile Insurance Company, as a co-defendant.

State Farm opted out of the case. Rawls defended and questioned Paugh's credibility as to his injuries. In particular, Rawls noted all of the pain complaints and aggravations that Paugh claimed were actually present before the crash. Paugh had voiced some of the complaints to his doctor as recently as four days before the crash.

During the three-day trial in Birmingham, Rawls also pointed to the opinion of the investigating officer, who testified that Paugh was the person most responsible for the crash. In closing, Paugh's attorney asked the jury to return a verdict for Paugh in the amount of \$55,000. After deliberating for 40 minutes, the jury instead returned a verdict for Rawls. The court entered a defense judgment.

**Auto Negligence - Plaintiff claimed to have suffered soft-tissue injuries in a rear-end crash that happened while she waited at a stop light**

*Flowers v. Durham*, 16-900203

Plaintiff: C. Anthony Graffeo, *Shunnarah Injury Lawyers*, Huntsville  
Defense: Shelley Lewis and Lauren White, *Gaines Gault Hendrix, P.C.*, Huntsville

Verdict: Defense verdict

Circuit: **Madison**, 6-27-17

Judge: Donna S. Pate

On 7-18-14, Kathy Flowers was wearing her seatbelt as she drove a 2013 Nissan Murano northbound on Jordan Lane in Huntsville. She stopped for the traffic light at the intersection with University Drive. It was lightly raining.

At the same time, Thomas Durham was driving a 2002 Ford E450 owned by his employer, North Alabama Power Air. He had just finished filling up the Ford with diesel fuel and reentered the road. He pulled up behind Flowers and came to a complete stop.

While the vehicles waited for the traffic light to change, Durham's foot slipped off the brake. His Ford began to roll forward. It bumped into the rear of Flowers's car.

Although there was no visible damage to either vehicle, Flowers claimed she suffered injuries to her neck, back, and shoulders as a result of the crash. The record does not reveal the amount of her medical expenses.

Flowers filed suit against Durham and North Alabama Power Air and blamed Durham for causing the crash. Her theories included negligence and wantonness. A third co-defendant was Flowers's underinsured motorist carrier, USAA Casualty Insurance Company. According to Flowers, she had no neck problems before the crash.