
Spell and Barfield were also of the opinion that Plntf developed peripheral neuropathy, as a side effect of one of the chemotherapy agents, and became addicted to pain medication, which required detoxification. Plntf called John E. Buehler, Ph.D., an economist, who testified Plntf's past economic loss was \$215,000. Prayer: Just and reasonable compensatory damages; approximately \$194,000 medical expenses; plus approximately \$215,000 lost wages (D). (Carrier: MICA.) During closing arguments, Plntf's counsel asked jury to award Plntf \$1,400,000, with zero percent of fault. Defense counsel argued liability. Seven day trial. Jury out less than one hour. FOUND FOR DFNT. UNANIMOUSLY.

11/10/11 - Judge ARTHUR T. ANDERSON - CV 2009-035885 - LAW OFFICES OF STONE & DAVIS, P.C. (Vincent M. Creta of Hammerman & Hultgren, P.C.) v GRIEGER (J. Robert Walston, a sole practitioner) - BREACH OF CONTRACT. *Prologue: Plntf law firm, specializing in family law, filed suit to recover legal fees allegedly owed by Dfnt, arising from representation in a dissolution proceeding. Suit filed originally in McDowell Mountain Justice Court. Dfnt counterclaimed for breach of contract, removing case to Maricopa County Superior Court. Case being tried on Dfnt's appeal of Plntf's arbitration award.* Plntf alleged the fees owed were for competent and diligent representation, consistent with the written fee agreement. Plntf also alleged the hourly rates charged were reasonable, and that the work performed was necessary and of high quality. Additionally, Plntf argued Dfnt never disputed billing statements. Plntf called Lynda C. Shely, J.D., who was of the opinion that Plntf's hourly rates were reasonable, the work performed was necessary, the time spent was reasonable, and Plntf's attorneys and staff followed the Rules of Professional Conduct. Plntf also called Bryan L. Eastin, J.D., who represented Dfnt's former

spouse in the dissolution. Mr. Eastin testified that Plntf counsel was prepared and effective, but that Dfnt made dissolution difficult and expensive. Dfnt denied liability, advancing the defense that Plntf breached the fee agreement when it failed to achieve a speedy and satisfactory resolution. Dfnt alleged Plntf failed to take Dfnt's medical condition into account and over-charged. Dfnt counterclaimed for fees previously paid. Dfnt called Alan K. Wittig, J.D., who was of the opinion that Plntf's billings were too high. Dfnt also called his treating physician, Matthew Hummel, M.D., a family practitioner, who testified Dfnt suffered from medical conditions that required special accommodation from Plntf. Prayer: \$9,626.66 compensatory damages. Plntf made a pretrial demand of \$14,000 - Dfnt made a pretrial demand of \$80,000 (P). Four day trial. Jury out one-plus hours. FOUND FOR PLNTF ON DFNT'S COUNTERCLAIM, AND AWARDED PLNTF \$21,000 COMPENSATORY DAMAGES. UNANIMOUSLY.

11/10/11 - Judge GEORGE H. FOSTER, JR. - CV 2008-015023 - DUMAS and BALTADONIS (Harry N. Stone and Shawn L. Stone of Stone Law Firm) v ALIMENTATION COUCHE-TARD, INC. (William H. Douglas, a sole practitioner) - WRONGFUL DEATH - UNSAFE WORKPLACE - GASOLINE FUMES. Decedent, male, age 20, a Stage II tester, was survived by his parents, who brought suit for his wrongful death. Plntfs alleged that, while Decedent was in the course and scope of his occupational duties for Dfnt, working in an underground tank area, he was exposed to gasoline fumes and died from the exposure. Plntfs also alleged Dfnt failed to supervise, failed to monitor, and failed to create a safe workplace. Plntf called Dan Napier, M.S., C.I.H., C.S.P., a safety expert and industrial hygienist, who testified Dfnt allowed a hazardous condition to exist when it failed to supervise,