

### FEATURED VERDICT

#### Medical Malpractice

Anesthesiologist  
said infection, not  
extubation, caused death

#### Defense

*Maxwell v. The Good  
Shepherd*

Gregg County District Court,  
188th


**Plaintiff Counsel** David Benford and Edwin P.  
Krieger, Wormington & Bollinger, Dallas

**Defense Counsel** G. Michael Stewart and Robert  
Dry, Stewart Wiegand & Owens, P.C., Dallas; Kay E.  
Ellington, P.C., Dallas; C. Victor Haley, Fairchild, Price,  
Haley & Smith, Nacogdoches; Chad C. Rook, Flowers  
Davis LLP, Tyler

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### CASES of NOTE

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not reach a conclusion on what future treatment Williams would need — there could be no award of future medical expenses, the defense contended.

The orthopedic surgeon testified that, if Williams had injections and the site was still causing pain, it may be that the bulges were not the cause of his pain.

Robledo's counsel further argued that the impact was minor.

**RESULT** The jury found that Robledo was negligent and her negligence was a factual cause of harm to Williams, but Williams was determined to receive zero damages.

**DEMAND** \$30,000

**OFFER** \$5,000

**INSURER(S)** United Automobile Insurance Co.

**TRIAL DETAILS** Trial Length: 2 days  
Trial Deliberations: 20 minutes  
Jury Vote: 6-0

**PLAINTIFF**

**EXPERT(S)** Robert S. Marks, M.D., pain management, Austin, TX (treating doctor)  
Manish Patel, M.D., orthopedic surgery, Austin, TX (treating doctor)

**DEFENSE**

**EXPERT(S)** None reported

**EDITOR'S NOTE** This report is based on information that was provided by plaintiff's and defense counsel.

—Aaron Jenkins

## FEDERAL

### MOTOR VEHICLE

Passenger — Lane Change — Sideswipe — Multiple Vehicle

## Truck driver said plaintiff's driver came into his lane

**VERDICT** Defense

**CASE** Oscar M. Gonzalez v. Inman Trucking Inc. and James Perry Lassiter, No. 3:16-cv-00006-PRM

**COURT** United States District Court, Western District, El Paso, TX

**JUDGE** Philip R. Martinez

**DATE** 9/22/2017

**PLAINTIFF**

**ATTORNEY(S)** Enrique Moreno, Law Offices of Enrique Moreno, El Paso, TX  
Mark D. Pierce, Pierce Sauer, El Paso, TX

**DEFENSE**

**ATTORNEY(S)** M. Mitchell Moss (lead), ScottHulse, P.C., El Paso, TX  
Priscilla Marquez Castillo, ScottHulse, P.C., El Paso, TX

**FACTS & ALLEGATIONS** On March 8, 2015, plaintiff Oscar M. Gonzalez, 42, a schoolteacher, was a passenger in a Mini Cooper on Interstate 10 near mile marker 21 in El Paso, and there were five lanes in that direction. It was about 1:30 a.m. James Perry Lassiter was driving an 18-wheeler in the course and scope of his employment with Inman Trucking Inc. Gonzalez claimed that Lassiter came into the plaintiff's lane and they collided. Gonzalez claimed a head injury.

Gonzalez sued Lassiter and Inman for negligently failing to maintain a single lane, changing lanes unsafely and failing to keep a proper lookout. Lassiter was dismissed at the start of trial.

Gonzalez claimed that the Mini was in the second lane from the right and the truck was in the third lane from the right. He claimed that the front of the truck clipped the Mini, causing the car to spin around the front of the truck and then down the left side of the truck.

The plaintiff's accident reconstruction expert agreed that the accident happened in that manner, based partly on the damage to the vehicles.

The defense designated the Mini's driver as a responsible third party for negligently failing to stay in his lane, changing lanes unsafely and failing to keep a proper lookout.

Lassiter maintained that the Mini was in the far left lane and that he was in the next lane, just to the right of the car. He said the Mini moved to the right, clipped the front of the truck and spun out, striking the truck down its left side.

The investigating officer's report and testimony agreed with the defense that the Mini was in the far left lane and that the truck was in the next lane just to the right.

The investigating officer's report didn't determine who came into whose lane.

Gonzalez called an eyewitness, who was driving behind the parties. However, the eyewitness agreed with the defense that the Mini was in the far left lane and that the truck was in the second lane from the left. The witness did say that the truck came into the far left lane, but he could not say when or where the initial impact occurred.

**INJURIES/DAMAGES** brain damage; brain, internal bleeding; cognition, impairment; craniotomy; memory, impairment; scar and/or disfigurement; subdural hematoma; traumatic brain injury

Gonzalez claimed that the accident caused a subdural hematoma. He refused treatment at the scene. Two days later, he went to his general practitioner and complained

of neck pain and headaches. Head and neck CT scans were unremarkable.

In May, he began experiencing left arm numbness. An MRI later showed a large subdural hematoma. He underwent a right frontal craniotomy, and video of the surgery came into evidence.

After the surgery, he recovered physically, but said he continued to experience mood changes and memory impairment and would sometimes mix up words. He was left with a large scar along his hairline, but it was mostly hidden by his hair.

He sought about \$50,000 for past medical bills. He also claimed past and future disfigurement, physical pain and mental anguish and physical impairment. Plaintiff's counsel asked for a total of about \$1.7 million.

The defense denied that the accident caused the subdural hematoma.

The defense expert, a neurologist, opined that it is unheard-of for someone to sustain a subdural hematoma and not exhibit symptoms for any significant length of time.

**RESULT** The jury found no negligence on Inman or on Gonzalez's driver.

**INSURER(S)** American International Group Inc. for both defendants

**TRIAL DETAILS** Trial Length: 4 days  
Jury Vote: 7-0

**PLAINTIFF EXPERT(S)** Rene Lujan, P.E., accident reconstruction, El Paso, TX

**DEFENSE EXPERT(S)** Craig M. Powell, M.D., Ph.D., neurology, Dallas, TX

**EDITOR'S NOTE** This report is based on information that was provided by defense counsel. Plaintiff's counsel did not respond to the reporter's phone calls.

—John Schneider

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