

Defense Verdict in Underinsured Motorist Case

- Style: Odom v. Safeway Insurance Company of Alabama
- County: Butler
- Case Number: CV-2007-51
- Attorneys for plaintiff: A. Patrick Ray
- Attorneys for defendant: Robert C. Ward, Jr.; Beth Bolger; Jessica S. Pitts
- Date of trial: March 8, 2010
- Verdict: Defense
- Verdict amount: \$0

Summary of claims and defenses:

On September 20, 2005, plaintiffs were driving and riding in their vehicle in front of the courthouse in Greenville, Alabama, when they were struck from behind by the tortfeasor, Stephanie Branch. According to the accident report, Ms. Branch was listed as following too closely. Ms. Branch settled with the plaintiffs before a lawsuit was filed.

The Odoms then brought an action against Safeway seeking their underinsured motorist benefits. Ms. Odom claimed neck and back pain along with tingling in her arms. On the day of the accident, she was taken from the scene by ambulance to the local hospital, L.V. Stabler Hospital. She later followed up with a neurosurgeon who performed neck surgery. Ms. Odom underwent physical therapy after the surgery. Her medical bills totaled in the area of \$90,000.

At trial, defense counsel pointed out that Ms. Odom had some pre-existing neck and back injuries. Furthermore, the lack of damage to the Odoms' vehicle was brought to the jury's attention.

With respect to Mr. Odom, he asserted a loss of consortium claim and a claim for lost wages. Mr. Odom testified that he and his wife could no longer go on long drives, Mr. Odom had to do most of the cooking, and his wife could no longer take care of their children. He also stated that he and his wife had not been intimate since the accident. As a result of the loss of companionship, Mr. Odom stated his marriage had fallen apart and he and his wife are now going through a divorce.

As to his lost wages claim, before the accident, Mr. Odom was on disability and not working. He testified that at the time of the accident he was attempting to get off disability and become a truck driver.

After deliberating for 25 minutes, the jury returned a defense verdict as to all claims.