

Damien Barefield v. City of Houston, No. 2013-52103

Plaintiff(s):

Damien Barefield (Male, 33 Years)

Plaintiff Attorney(s):

Kimberley M. Spurlock; The Spurlock Law Firm; Humble, TX, for Damien Barefield

Defendant(s):

City of Houston

Defense Attorney(s):

David L. Red; City of Houston Legal Department; Houston, TX, for City of Houston

Facts:

On Dec. 30, 2012, plaintiff Damien Barefield, 33, a truck driver, was northbound on Crestmont Street in Houston in a 2006 Cadillac CTS, a sedan. He came to the eastbound feeder road of the 610 Loop and entered the intersection on a green light. A Houston police officer who was eastbound on the feeder road ran a red light and broadsided the driver's side of Barefield's car. The officer was in a patrol car, a 2009 Ford Crown Victoria. He was not using his emergency lights or siren and was not responding to an emergency. Barefield sued the city of Houston for the officer having run a red light. The city stipulated to liability.

Injury:

Barefield claimed neck, back and left (non-dominant) shoulder sprains and strains. He went to a chiropractor four days after the wreck and treated through April 2013. He went to an orthopedic surgeon twice, in September 2013 and May 2014. At the May 2014 visit, he underwent an anti-inflammatory injection in his shoulder. He claimed that his neck, back and shoulder were still hurting at the time of trial. He also claimed limited range of motion in his shoulder. His paid or incurred medical bills were \$9,941.42. He also claimed past and future physical pain and mental anguish and physical impairment. His attorney did not ask the jury for a specific amount but asked it to award "a reasonable amount." Photos of Barefield's vehicle showed significant damage.

The defense emphasized the four-day delay in treatment, the lack of any treatment after May 2014 and the fact that Barefield did not miss any work. The defense did not dispute the reasonableness and necessity of the treatment, but argued that the injuries were self-limiting soft-tissue injuries and aches.

The jury awarded Barefield \$19,941.42, for medical bills and physical pain and mental anguish.