

# Nelson & Dahle, P.C.

316 North 26th Street Billings, Montana 59101 p: 406.867.7000

DISTRICT COURT

Roberts v. Ostrum, Yellowstone DV 96-492, 6/11/97 .

VERDICT: Defense, intersection auto, minor impact, minor injury.

A 5-1 Billings jury found that Carl Ostrum was negligent in connection with a collision with Patricia Roberts in 11/93, but not a cause of her damages.

Roberts, 18, claimed that Ostrum, 83, failed to yield at Montana Ave. and N. 21st St. in Billings . Ostrum asserted comparative fault and asserted that he was in the lane when struck by Roberts. How the impact occurred was disputed. Ostrum asserted a minor injury from a minor impact and deposed doctors from a subsequent injury to show that Roberts did not suffer from any symptoms 2 years after the accident.

Plaintiff's Expert: neurologist Dale Peterson, Billings (deposed).

Defendant's Expert: ER physician Kathi Theade, Billings ( St. Vincent Hospital , deposed); neurologist Scott Callaghan, Billings (deposed).

Original demand, \$18,000; original offer, \$10,000 in mediation before Russell Fillner. Final demand, \$15,000; final offer, 0.

Jury request, \$10,000; jury suggestion, \$3,000 (if anything).

Jury deliberated 1½ hours 3rd day; Judge Holmstrom.

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Gary Ryder, Hysham, for Roberts; Randall Nelson (Nelson Law Firm), Billings , for Ostrum (State Farm Ins.).

