

CASE: CJ-2011-347, Canadian County

Derrick Murphy, Individually and as Parent and Next Friend of Brandon Murphy, a
Minor, *Plaintiffs*

v.
Thomas Lively, *Defendant*

JUDGE: Gary E. Miller

ATTORNEYS: *For the Plaintiffs:*
Thomas K. Ventura
Law Offices of Daniel M. Davis
Oklahoma City, OK

For the Defendant:
Brad Roberson
Pignato Cooper Kolker & Roberson
Oklahoma City, OK

ISSUES: *Negligence (Motor Vehicle)*

SUMMARY: Plaintiffs allege that on February 19, 2009, in Union City, OK, the Defendant negligently exited his driveway in reverse and struck the vehicle in which the Defendants were riding. As result of the collision, Plaintiff, Derrick Murphy, claimed that he incurred approximately \$170,000.00 in medical bills and surgery costs for an anterior cervical disc fusion. He subsequently suffered an infection and an additional six day hospitalization was required. Plaintiff, Brandon Murphy, claimed that he incurred approximately \$300.00 in medical bills for soft tissue type injuries.

Defendant denied that the Plaintiff's incurred any injuries associated with the collision and denied the nature and extent of both Plaintiffs' treatment.

**EXPERT
WITNESSES:** *For the Plaintiff:*
Dr. C.L. Soo – by Video Deposition
Oklahoma City, OK
Medical Opinion

For the Defendant:
Oliver Cvitanic, MD – by Video Depo
Oklahoma City, OK
Medical Opinion

Rick D. Beller, MD – by Video Depo
Edmond, OK
Medical Opinion

VERDICT: *Jury Trial (Two Days)*

The Jury (12-0) found in Favor of Plaintiff, Derrick Murphy, and awarded damages in the amount of \$105.00.

The Jury (12-0) found in Favor of Plaintiff, Brandon Murphy, and awarded damages in the amount of \$105.00.

(The Defendant filed an Offer to Confess Judgment on February 29, 2012 in the amount of \$1000.00 for Brandon Murphy and \$5,000.00 for Derrick Murphy.)