

Omar Al-Memar and Wafaa Jaafar v State Farm Mutual Automobile Insurance

PIP and Uninsured Motorist Claims

Attorneys: Defendant – Kelli Bennett and Amber Cervantez

Plaintiffs – Dewnya Bazzi, Hassan Bazzi and Hassan Hamade

Wayne County Circuit Court: Judge David Allen

Case No: 14-003620-NF

On January 8, 2016 the Jury delivered a No Injury verdict in favor of State Farm.

Omar Al-Memar and Wafaa Jaafar were in a low-speed, sideswipe type motor vehicle accident on March 20, 2013. Both Plaintiffs claimed cervical, lumbar and right shoulder injuries as a result of the accident. Plaintiffs' claims included medical expenses, transportation, replacement services, attendant care and wage loss, along with uninsured motorist benefits.

Throughout the trial, Ms. Bennett brought out several issues to raise doubt in the jurors' minds regarding the veracity of Plaintiffs' testimony. For example, the replacement service forms were inconsistent with both testimony and the surveillance.

Plaintiffs' treating physician, Dr. Radden, testified that he ordered MRIs based on Plaintiffs' subjective complaints, as there were no objective findings during his exam. Dr. Friedman echoed this in his opinion that there were no objective findings to show that an injury arose from the subject accident. Dr. Friedman further explained that the MRI findings of disc bulge and protrusion were degenerative in nature.

Nevertheless, the jury was most compelled by Ms. Bennett's direct examination of experts Donald Parker and William Newberry. Mr. Parker is an accident reconstructionist who opined that the accident, as described by the Plaintiffs, could not have caused the damage claimed. Mr. Newberry is a biomechanical expert who took this analysis one step further. Based on a number of scientific studies, Mr. Newberry concluded that the accident, as described by the Plaintiffs, did not involve enough force to cause the injuries claimed.

After four days of trial and a compelling closing argument, the jury returned a verdict of No Injury for both Plaintiffs' PIP and Uninsured Motorist claims. Furthermore, Defendant received directed verdicts on Mr. Al-Memar's attendant care claim and the issue of whether State Farm owed interest on overdue benefits.

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

OMAR AL-MEMAR and
WAFAA JAAFAR,

Case No. 14-003620-NF

Plaintiffs,

Judge David J. Allen

-vs-

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY,

14-003620-NF

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CATHY M. GARRETT

Defendant.

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**JUDGMENT AS TO STATE FARM MUTUAL
AUTOMOBILE INSURANCE COMPANY WITH PREJUDICE**

At a session of said Court held in the City of
Detroit, County of Wayne, State of Michigan
on January 13, 2016

Present: Hon. David J. Allen
Circuit Court Judge

This action came before the Court for a trial by jury. The issues have been tried
and the jury has rendered its verdict.

IT IS ORDERED AND ADJUDGED that judgment is entered in favor of State Farm Mutual Automobile Insurance Company and the case is **DISMISSED** as to State Farm Mutual Automobile Insurance Company with prejudice.

/s/ David J. Allen

CIRCUIT COURT JUDGE

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

OMAR AL-MEMAR and
WAFAA JAAFAR,

Case No. 14-003620-NF

Plaintiffs,

Judge David J. Allen

-vs-

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY,

Defendant.

14-003620-NF

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CATHY M. GARRETT

JURY VERDICT FORM FOR NO-FAULT BENEFITS FOR OMAR AL-MEMAR

By Roderick Byrd

We, the jury, make the following answers to the questions submitted by the Court:

MOTOR VEHICLE ACCIDENT

QUESTION 1: Was Plaintiff Omar Al-Memar involved in a motor vehicle accident on March 20, 2013?

A. Answer: YES (yes or no)

B. If the answer is "no," do not answer any further questions.

QUESTION 2: Did Plaintiff Omar Al-Memar sustain an accidental bodily injury?

A. Answer: No (yes or no)

B. If the answer is "no," do not answer any further questions.

QUESTION 3: Did Plaintiff Omar Al-Memar's accidental bodily injury arise out of the ownership, operation, maintenance, or use of a motor vehicle as a motor vehicle on March 20, 2013?

A. Answer: _____ (yes or no)

B. If the answer is "no," do not answer any further questions.

ALLOWABLE EXPENSES

QUESTION 4: Were allowable expenses incurred by or on behalf of Plaintiff Omar Al-Memar arising out of the accidental bodily injury referred to in Question No. 3?

(Allowable expenses consist of all reasonable charges for reasonably necessary incurred products, services, and accommodations for the Plaintiff's care, recovery, or rehabilitation.)

A. Answer: _____ (yes or no)

B. If your answer is "yes," what is the amount of allowable expenses owed on behalf of Plaintiff Omar Al-Memar (include only expenses not already paid by the defendant)?

\$ _____

REPLACEMENT SERVICES

QUESTION 5: Were replacement service expenses incurred by or on behalf of Plaintiff Omar Al-Memar arising out of the accidental injury referred to in Question No. 3?

(Replacement service expenses consist of expenses not exceeding \$20 per day reasonably incurred in obtaining ordinary and necessary services in place of those that, if the Plaintiff had not been injured, the Plaintiff would have performed during the first three years after the date of the accident, not for income, but for the benefit of the Plaintiff or his dependent(s). Benefits for replacement service expenses may not exceed \$20 per day nor may they be payable beyond three years after the date of the accidental bodily injury.)

A. Answer: _____ (yes or no)

B. If the answer is "yes," what is the amount of replacement service expenses owed to Plaintiff Omar Al-Memar?

\$ _____

WORK LOSS

QUESTION 6: Did Plaintiff Omar Al-Memar sustain work loss arising out of the accidental injury referred to in Question No. 3?

(Work loss consists of loss of income from work the Plaintiff would have performed during the first three years after the date of accident if the Plaintiff had not been injured. Work-loss benefits are computed at 85 percent of the Plaintiff's loss of gross income, but they may not exceed the sum of \$5,282.00 per 30-day period nor may they be payable beyond three years after the date of the accidental bodily injury.)

A. Answer: _____ (yes or no)

B. If your answer is "yes," what is the amount of work loss owed to the Plaintiff Omar Al-Memar?

\$ _____

Signed,


Foreperson

Date: 1/7/16