DEBORAH MONSANTO : NUMBER: 539,737, “B”

VERSUS : FIRST JUDICIAL DISTRICT COURT

ALLSTATE INSURANCE CO. : CADDO PARISH, LOUISIANA

**REASONS FOR JUDGMENT**

Trial was held on January 18, 2011. Liability for the November 5, 2009 accident was stipulated. The Court heard testimony from Deborah Monsanto and received into evidence various items, notably the records for Chiropractic Thomas Johnson. Counsel for plaintiff characterized this case as a 5 ½ month injury while counsel for Allstate Insurance Company[[1]](#footnote-1) noted that this should be deemed, at most, a 2 ½ month soft tissue injury with damages assessed accordingly. For reasons which follow, the Court concludes the accident of November 5, 2009 to be a 3 month injury. Special damages in connection with chiropractic treatment are set at $4,712.00 (not the $5,267.00 invoiced) and general damages are set in the amount of $8,000.00.

As stated at the conclusion of trial, the Court finds credible and accepts the testimony of Deborah Monsanto. She is employed as a facilitator with Volunteers for Youth Justice and previously worked for Shreveport Job Corp. The Court believes that she was in significant pain and discomfort for several months following the rear-end automobile accident. However, there is a lack of causation on her claims for the dental work done by Dr. Scott Taylor, the replacement of a dental bridge or any other dental procedure. Ms. Monsanto’s testimony was that the “partial” broke 2 to 3 days after the November 5 accident; however, the first visit to Dr. Taylor was more than two weeks later, on November 25, 2009. Ms. Monsanto has not proved legal connexity between the accident and any dental work; therefore, her claim for special damages of $3,794.50 invoiced by Dr. Taylor are denied. Further, for reasons assigned in Court, Ms. Monsanto’s claim for the T.E.N.S. unit purchased from the chiropractor on November 9, 2009 (a total of $555.00) is denied.

Accordingly, Counsel shall submit a formal Judgment in favor of Deborah Monsanto and against Allstate in the amount of $12,712.00, plus all court costs.

Signed this \_\_\_\_ day of January, 2011 in Shreveport, Caddo Parish, Louisiana.

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SCOTT J. CRICHTON

DISTRICT JUDGE

1. The adverse driver and party defendant, Mallory Mitchell Carter; was served with the lawsuit; however, there was no Answer filed; and although she was present in Court, she is not subject to Judgment in the trial held January 18, 2011. [↑](#footnote-ref-1)