

# Bunny

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## Confidential Information for Insurance Adjuster

**Participants:**            **Plaintiff's Attorney, Personal Injury Insurance Claim  
Town of Hamsville, Insurance Adjuster**

You work for the Commonwealth Mutual Insurance Company, which provides insurance for the town of Hamsville.

Bunny Savinsky, age 38, with the help of her lawyer, is suing the town of Hamsville for negligence. They are demanding \$58,000. Ms. Savinsky claims she broke her ankle in the Hamsville town hall at a Benefit Easter Concert sponsored by the town. She claims the floor was very slippery and the town negligently used an unsuitable space for this event.

The story borders on the absurd. It goes like this: Ms. Savinsky was singing in the choir at this concert. At one point in the program the choir was supposed to walk off the bleachers (where they were initially standing) and circle in front of the audience. They had to hop every few steps. It was part of a song about rabbits or some strange thing. While Ms. Savinsky was hopping, she took a bad hop, slipped, and came down on her foot incorrectly.

The next day Ms. Savinsky went in for X-rays and to her surprise, she learned that she had a broken ankle. The doctor immediately put on a cast. Three weeks later she had the cast off and started on crutches. Five months after that she got off the crutches but her foot still bothered her. She has sought many forms of treatment, but her ankle still hurts. To this day, Ms. Savinsky has to wear special orthotics all the time. She can't walk around barefoot for more than five minutes. The only shoes that her orthotics fit into are sneakers. She is a self-employed computer programmer and works out of her house, so the sneakers are not a problem in that regard. Ms. Savinsky also claims that she has to take aspirin for pain about twice a week.

Savinsky's claim is that the wooden floor of town hall was very slippery and unsuitable for this kind of event. In addition, it rained the day of the event and people supposedly had tracked water and mud inside. You believe that Savinsky's case for negligence is relatively weak. For one, you have contacted many people who were part of the concert who are willing to testify that the floor was more than adequate for this event. Savinsky does not claim her accident resulted from any hole or crack in the floor - it was just the general condition of the floor. No one else has ever complained about the floor in this building, and there have been more than 40 years' worth of events held there.

Also, when you called the choir director, he mentioned in passing that he remembers that Ms. Savinsky jumped much higher than she had to during the "hopping" part of the program. You feel she was fooling around and was not as careful as she might have been.

The \$58,000 Savinsky is asking for breaks down as follows: \$6,000 in medical expenses, \$2,000 in lost wages, and \$50,000 in pain and suffering. You offered her \$12,500 before this mediation, but she didn't take it. Your company has authorized you to go as high as \$22,000. But frankly, you don't want to go that high. If this case went to trial, you think there is a possibility that you could prevail completely and get a defense verdict, owing Savinsky nothing. You might raise your offer a bit during the mediation, but not unless there is some good reason to do so, and probably not by much.

The Plaintiff's attorney's son is in the same little league as your son. You don't know the attorney well, but it seems like s/he drives the kid too hard. You have never heard a parent yell at their kid like this attorney does during little league. If you can stick it to this attorney a little bit, you wouldn't mind at all.