# CAPTION: McCann v. Durrani

**11-01-23**

APPEAL NOS.: C-220025

 C-220033

TRIAL NO.: A-1506572

KEY WORDS: Damages – Past Medical Costs – Future Medical Care – Law of the Case – Setoff

SUMMARY:

The trial court did not err when it permitted plaintiff to retain the jury’s award of past medical damages, even though a subrogated insurer was not joined in the action, where plaintiff had settled the insurer’s claim outside of litigation.

The jury’s award of future medical damages was supported by sufficient evidence where two expert witnesses testified to the need for and types of future medical care that plaintiff would require and one expert witness testified to the anticipated cost of future medical care.

The trial court erred in reinstating plaintiff’s motion for prejudgment interest and court costs after plaintiff withdrew the motion.

The trial court erred in calculating the amount of setoff to which defendants were entitled because the jury found that plaintiff’s injury was caused in part by defendants’ intentional tort and in part by unintentional torts, and the jury apportioned the percent of fault to each.

JUDGMENT: Affirmed in Part and Reversed in Part in C-220025;
Affirmed as Modified in C-220033

JUDGES: Opinion by Crouse, P.J.; Bergeron and Kinsley, JJ., concur.