



Car crash caused injuries of spine, shoulder, plaintiff claimed

Type: Verdict-Plaintiff

Amount: \$1,500,000

Actual Award: \$300,000

State: New York

Venue: Richmond County

Court: Richmond Supreme, NY

Injury Type(s):

- *back* - annular tear; herniated disc, lumbar; herniated disc at L1-2; herniated disc, lumbar; herniated disc at L2-3; herniated disc, lumbar; herniated disc at L3-4
- *neck* - annular tear; bulging disc, cervical
- *elbow* - biceps tendon, tear
- *other* - physical therapy; cortisone injections; decreased range of motion
- *shoulder* - rotator cuff, injury (tear); supraspinatus muscle/tendon, tear
- *neurological* - radiculopathy
- *surgeries/treatment* - arthroscopy

Case Type:

- *Motor Vehicle* - Broadside; Stop Sign; Intersection; No-Fault Case; Multiple Vehicle

Case Name: Robert DiBenedetto v. James Abreu and Maribel Abreu, No. 100321/09

Date: March 18, 2014

Plaintiff(s):

- Robert DiBenedetto (Male, 57 Years)

Plaintiff Attorney(s):

- Helen M. Rosenblatt; Chelli & Bush; Staten Island NY for Robert DiBenedetto

- Plaintiff Expert(s):**
- Denny Julewicz D.C.; Chiropractic; Staten Island, NY called by: Helen M. Rosenblatt
 - Kenneth Chapman M.D.; Pain Management; New York, NY called by: Helen M. Rosenblatt
 - Jonathan Gordon M.D.; Orthopedic Surgery; New York, NY called by: Helen M. Rosenblatt
- Defendant(s):**
- James Abreu
 - Maribel Abreu
- Defense Attorney(s):**
- Edward Faranda; (first trial) Kay & Gray; Westbury, NY for James Abreu, Maribel Abreu
 - Rasleen Sahni; (second trial) Kay & Gray; Westbury, NY for James Abreu, Maribel Abreu
- Defendant Expert(s):**
- Ranga C. Krishna M.D.; Neurology; Brooklyn, NY called by: for Edward Faranda, Rasleen Sahni
 - Sheldon P. Feit M.D.; Radiology; Garden City, NY called by: for Edward Faranda, Rasleen Sahni
- Insurers:**
- Government Employees Insurance Co.

Facts:

On May 22, 2008, plaintiff Robert DiBenedetto, 57, an installer of cooling, heating and ventilation systems, was driving on Union Avenue, near its intersection at Continental Place, in the Mariners Park section of Richmond County. While he was proceeding through the intersection, his pickup truck's left side was struck by a vehicle that was being driven by Maribel Abreu, who was traveling on Continental Place. DiBenedetto claimed that he sustained injuries of his back, his neck and a shoulder.

DiBenedetto sued Abreu and her vehicle's owner, James Abreu. DiBenedetto alleged that Maribel Abreu was negligent in the operation of her vehicle. He further alleged that James Abreu was vicariously liable for Maribel Abreu's actions.

DiBenedetto claimed that Maribel Abreu accelerated from a stopped position, entered the intersection and initiated the collision. A stop sign governed Abreu's entrance to the intersection, and DiBenedetto's course was not governed by a traffic-control device. DiBenedetto claimed that he performed an evasive maneuver, but that he could not have avoided the collision.

Abreu claimed that she executed a full stop, but that a building obscured her view of cross traffic. She claimed that she did not see DiBenedetto's vehicle until a moment before the impact.

Injury:

DiBenedetto presented to a hospital. He claimed that he was suffering pain that stemmed from his back, his left, nondominant arm's shoulder and his neck. He underwent minor treatment.

DiBenedetto ultimately claimed that he sustained herniations of his L1-2, L2-3 and L3-4 intervertebral discs, a tear of the annular tissue of his L2-3 disc, trauma that produced bulges of his C3-4 and C4-5 discs, a full-thickness tear of his left shoulder's supraspinatus tendon, which is an element of the rotator cuff, and a 90 percent tear of his left shoulder's biceps tendon. He also claimed that he developed radiculopathy that stemmed from his neck.

DiBenedetto initially underwent conservative treatment that included physical therapy and the administration of a total of nine injections of cortisone. The injections were directed to his back, his left shoulder and his neck. His physical therapy was initially rendered about three times a week, but its frequency gradually decreased to once a week. In January 2009, DiBenedetto underwent arthroscopic surgery that addressed his left shoulder.

DiBenedetto claimed that, as a result of his injuries, he could not work during the four weeks that followed the accident. He briefly resumed work in an in-office capacity, but he quickly resigned, claiming that his injuries' residual effects prevented his performance of the job's duties. He later procured another desk job, but he resigned after some 18 months had passed, claiming that he suffered incessant residual pain that prevented his performance of the job's duties. He has not resumed work, and he claimed that he suffers permanent residual pain that prevents his performance of any type of work. He also claimed that he suffers a residual diminution of his left shoulder's range of motion. He further claimed that his residual effects prevent his performance of household chores, such as lawn care, and that they prevent his resumption of some of his recreational activities, such as playing ball with his adult son.

DiBenedetto's expert orthopedist opined that DiBenedetto may have to undergo replacement of his left shoulder. DiBenedetto's treating physiatrist opined that DiBenedetto may have to undergo surgery that would address his spine's lumbar region.

DiBenedetto sought reimbursement of a workers' compensation lien, though the lien's existence was not disclosed to the jury. DiBenedetto also sought recovery of future medical expenses, past lost earnings, future lost earnings, damages for past pain and suffering, and damages for future pain and suffering.

Defense counsel contended that DiBenedetto did not sustain a serious injury, as defined by the no-fault law, Insurance Law § 5102(d). The defense's expert neurologist and expert radiologist opined that DiBenedetto's injuries were degenerative conditions that predated the accident.

Result: The jury rendered a defense verdict. It found that the defendants were liable for the accident, but it also found that DiBenedetto did not sustain a serious injury.

DiBenedetto's counsel moved to set aside the verdict, and the motion was granted. Justice John Fusco opined that DiBenedetto suffered significant limitation of use of a body function or system and that DiBenedetto sustained a medically determined, nonpermanent injury or impairment that prevented his performance of substantially all of the material acts that would have constituted the usual and customary daily activities of 90 or more of the first 180 days that followed the accident. Thus, Fusco concluded that DiBenedetto sustained a serious injury. Defense counsel appealed, but the appellate division, Second Department, affirmed Fusco's ruling. The matter proceeded to a second trial, which addressed damages. Justice Desmond Green presided.

After a second trial, a jury found that DiBenedetto's damages totaled \$1.5 million. That amount was reduced to a previously stipulated limit: \$300,000, which was the limit of the defendants' insurance coverage. DiBenedetto's counsel claimed that she is pursuing additional recovery via the supplementary-underinsured-motorist provision of DiBenedetto's insurance coverage.

Robert DiBenedetto

\$35,000 Personal Injury: Past Medical Cost

\$45,000 Personal Injury: Future Medical Cost

\$345,000 Personal Injury: Past Lost Earnings Capability

\$265,000 Personal Injury: FutureLostEarningsCapability

\$360,000 Personal Injury: Past Pain And Suffering

\$450,000 Personal Injury: Future Pain And Suffering

Trial Information:

Judge: John A. Fusco, Desmond A. Green

Demand: \$300,000 (prior to first trial; insurance coverage's limit)

Offer: \$125,000 (prior to first trial)

Jury Vote: 6-0 (both trials)

Jury Composition: 3 male, 3 female (first trial); 2 male, 4 female (second trial)

Editor's Comment: This report is based on information that was provided by plaintiff's and defense counsel. Additional information was gleaned from court documents.

Writer Asher Hawkins

Rail station's platform created dangerous gap, rider claimed

Type: Verdict-Plaintiff

Amount: \$1,150,000

State: New York

Venue: New York County

Court: New York Supreme, NY

Injury Type(s):

- *leg*
- *other* - physical therapy; compartment syndrome; fasciotomy/fasciectomy
- *neurological* - reflex sympathetic dystrophy; complex regional pain syndrome

Case Type:

- *Transportation* - Rail
- *Railroad* - Subway Accident
- *Government* - Municipalities
- *Slips, Trips & Falls* - Falldown
- *Premises Liability* - Dangerous Condition of Public Property

Case Name: Cheryl H. Daniels v. New York City Transit Authority, No. 151542/13

Date: June 23, 2017

Plaintiff(s):

- Cheryl H. Daniels (Female, 45 Years)

Plaintiff Attorney(s):

- Brian M. Brown; Zaremba Brown PLLC; New York NY for Cheryl H. Daniels
- Helina Manesis; Zaremba Brown PLLC; New York NY for Cheryl H. Daniels

Plaintiff Expert(s):

- Carl Berkowitz Ph.D.; Transportation; Moriches, NY called by: Brian M. Brown, Helina Manesis
- David Capiola M.D.; Orthopedic Surgery; New York, NY called by: Brian M. Brown, Helina Manesis
- Kenneth B. Chapman M.D.; Pain Management; New York, NY called by: Brian M. Brown, Helina Manesis

Defendant(s):

- New York City Transit Authority

Defense Attorney(s):

- Alexandra Vadoros; New York City Transit Authority; Brooklyn, NY for New York City Transit Authority

Defendant Expert(s):

- Ronald Mann M.D.; Orthopedic Surgery; Yorktown Heights, NY called by: for Alexandra Vadoros

Facts:

On Nov. 29, 2011, plaintiff Cheryl Daniels, 45, a teacher, exited a subway train that was stopped in a station located beneath the intersection of Columbus Circle and West 59th Street, in Manhattan. Her left leg accidentally descended into a gap that separated the train and the station's platform, and she suffered an injury of the leg.

Daniels sued the station's maintainer, the New York City Transit Authority. She alleged that the New York City Transit Authority negligently created a dangerous condition that caused her injury.

Daniels claimed that an unusually large crowd blocked her view of the gap. Daniels' expert engineer contended that the gap's width measured 6 inches. He contended that its size created a hazard, and he claimed that generally accepted standards allow a width of no more than 4 inches. Defense counsel intended to produce New York City Transit Authority employees who would have provided rebuttal testimony, but Judge Arthur Engoron precluded the witnesses, who had not been disclosed prior to the trial.

Defense counsel contended that the gap's width was reasonable, given that the station's platform was curved. She also contended that the accident was a result of Daniels' failure to anticipate and avoid the gap. Evidence indicated that Daniels had frequented the station some 1,200 times prior to the accident.

Injury:

Daniels' left leg descended into a gap that separated the train and the station's platform. She was extricated by emergency responders, placed in an ambulance and transported to St. Luke's-Roosevelt Hospital Center, in Manhattan. She underwent treatment of a large laceration of her chin.

Daniels' left leg developed compartment syndrome, which is a pressurized condition of a muscle or muscles. The condition produces impingement of arteries, nerves and/or veins, and it can threaten an associated limb. Daniels underwent a fasciotomy, which involved surgical division of skin's connective tissue.

Daniels claimed that her left leg subsequently developed complex regional pain syndrome, which is a chronic neurological condition that is typically characterized by severe burning pain, pathological changes of bone and skin, excessive perspiration, swollen tissue, and/or increased sensitivity to physical stimuli. The syndrome is alternately termed "reflex sympathetic dystrophy."

Daniels underwent implantation of a battery-powered device that provides pain-relieving stimulation of spinal nerves. The device's battery was initially left outside of Daniels' torso, but it was implanted after Daniels indicated that the device produces relief. Daniels also underwent years of physical therapy, which was typically rendered three times a week, and she undergoes a pain-management regimen, which includes administration of painkilling injections.

Daniels claimed that, as a result of her injuries, she could not work during the three weeks that followed the accident. She also claimed that she could not work during the three weeks that followed the fasciotomy.

Daniels further claimed that she suffers residual pain that worsens when she negotiates stairways. She also claimed that her pain hinders her interactions with her pupils. Her spinal stimulator's battery requires regular recharging, and the device's life lasts five to seven years, after which it must be replaced.

Daniels sought recovery of future medical expenses, damages for past pain and suffering, and damages for future pain and suffering.

The defense's expert orthopedist opined that Daniels' residual effects are not permanent. Defense counsel did not present her expert neurologist. The jurors were instructed that an adverse inference could be drawn from the expert's absence.

Result:

The jury found that New York City Transit Authority was liable for the accident. It determined that Daniels' damages totaled \$1.15 million.

Cheryl H. Daniels

\$500,000 Personal Injury: Future Medical Cost

\$400,000 Personal Injury: Past Pain And Suffering

\$250,000 Personal Injury: Future Pain And Suffering

Trial Information:

Judge: Arthur F. Engoron

Demand: \$1,000,000

Offer: \$250,000 (withdrawn prior to the trial)

Trial Length: 7 days

Trial Deliberations: 2.5 hours

Jury Composition: 1 male, 5 female

Post Trial: Engoron denied defense counsel's oral motion to set aside the verdict.

Editor's Comment: This report is based on information that was provided by plaintiff's and defense counsel. Additional information was gleaned from court documents.

Writer Alan Burdziak

Bus's passenger claimed accident caused spinal injuries

Type: Arbitration

Amount: \$200,000

Actual Award: \$175,000

State: New York

Venue: Richmond County

Court: Richmond Supreme, NY

Injury Type(s):

- *back* - nerve impingement; bulging disc, lumbar; disc protrusion, lumbar
- *neck* - nerve impingement; bulging disc, cervical
- *other* - physical therapy; decreased range of motion
- *neurological* - radiculopathy; nerve impingement

Case Type:

- *Motor Vehicle* - Passenger; No-Fault Case; Multiple Vehicle

Case Name: Sallyann Cifu and Armond Cifu v. Saban Marisenovic, No. 101708/10

Date: October 25, 2015

Plaintiff(s):

- Armond Cifu
- Sallyann Cifu (Female, 40 Years)

Plaintiff Attorney(s):

- Arthur O. Tisi; Rosenberg, Minc, Falkoff & Wolff, LLP; New York NY for Sallyann Cifu, Armond Cifu

Plaintiff Expert (s):

- Kenneth B. Chapman M.D.; Pain Management; New York, NY called by: Arthur O. Tisi

Defendant(s):

- Saban Marisenovic

**Defense
Attorney(s):**

- Leigh Ann Panek; Kay & Gray; Westbury, NY for Saban Marisenovic

**Defendant
Expert(s):**

- Frank Segreto M.D.; Orthopedic Surgery; Ronkonkoma, NY called by: for Leigh Ann Panek
- Sheldon P. Feit M.D.; Radiology; Garden City, NY called by: for Leigh Ann Panek

Insurers:

- Government Employees Insurance Co.

Facts:

On April 27, 2010, plaintiff Sallyann Cifu, a school bus's matron in her 40s, was a passenger of a small school bus that was traveling on Hylan Boulevard, near its intersection at Buel Avenue, in the Grant City section of Richmond County. When the bus's driver reached the intersection, he began to execute a left turn onto Buel Avenue. The rear portion of the bus's left side was struck by a sport utility vehicle that was being driven by Saban Marisenovic, who was executing a left turn immediately behind the bus. Cifu claimed that she sustained injuries of her back and neck.

Cifu sued Marisenovic. Cifu alleged that Marisenovic was negligent in the operation of his vehicle.

Cifu claimed that Marisenovic failed to exercise due caution.

Marisenovic claimed that he had lost control of his SUV as a result of a tire having broken loose.

Defense counsel conceded liability. The matter proceeded to arbitration. The hearing was conducted at the Garden City office of National Arbitration and Mediation Inc.

Injury:

Cifu was placed in an ambulance, and she was transported to Staten Island University Hospital, in Richmond County. She underwent minor treatment.

Cifu ultimately claimed that she sustained trauma that produced a bulge of her C3-4 intervertebral disc, a bulge of her C5-6 disc, and a bulge and a protrusion of her L4-5 disc. She also claimed that her C3-4 disc produced impingement of the thecal sac, which houses roots of spinal nerves. She further claimed that she developed radiculopathy that stemmed from her spine's L4-5 level.

Cifu quickly commenced a course of physical therapy. The treatment lasted about 10 months, and it was typically rendered three times a week. She also underwent application of heat and electrical stimulation.

Cifu claimed that, as a result of her injuries, she was unable to work during the four months that followed the accident. She resumed work in the fall of 2010 but stopped working in September 2011. She has not resumed work.

Cifu further claimed that she suffers permanent residual pain, that her back and neck have not regained full range of motion, and that her residual effects prevent her resumption of work.

Cifu sought recovery of damages for past and future pain and suffering. Her husband sought recovery of damages for loss of services.

Defense counsel contended that Ms. Cifu did not sustain a serious injury, as defined by the no-fault law, Insurance Law § 5102(d). She suggested that Cifu's injuries may have stemmed from a prior motor-vehicle accident.

The defense's expert radiologist opined that Cifu's injuries were pre-existing conditions that stemmed from laxity of ligaments and/or degeneration. The defense's expert orthopedist opined that Cifu's back and neck exhibit full range of motion. He further opined that Cifu does not experience a disability related to the instant accident.

The parties negotiated a high/low stipulation: Damages could not exceed \$175,000, but they had to equal or exceed \$25,000.

Result:

Arbitrator Joseph Ehrlich found that Cifu sustained a serious injury. He determined that damages totaled \$200,000, but Cifu recovered the stipulated limit: \$175,000. The damages addressed Cifu's past and future pain and suffering.

Trial Information:**Judge:**

Joseph L. Ehrlich

Demand:

\$125,000 (total, for both plaintiffs)

Offer: \$25,000 (total, by both plaintiffs)

**Editor's
Comment:** This report is based on information that was provided by plaintiffs' counsel. Defense counsel did not respond to the reporter's phone calls.

Writer Jacqueline Birzon

Car crash caused injuries of elbow, spine, plaintiff claimed

Type: Verdict-Plaintiff

Amount: \$200,000

State: New York

Venue: Bronx County

Court: Bronx Supreme, NY

Injury Type(s):

- *arm* - fracture, arm; fracture, ulna
- *back* - bulging disc, lumbar
- *neck* - herniated disc, cervical; herniated disc at C2-3; herniated disc, cervical; herniated disc at C3-4; herniated disc, cervical; herniated disc at C5-6
- *elbow* - fracture, elbow
- *other* - acupuncture; chiropractic; physical therapy; epidural injections

Case Type:

- *Motor Vehicle* - Broadside; Red Light; Intersection; No-Fault Case; Multiple Vehicle

Case Name: Jose L. Martinez v. Erika Duran and Jason Polite, No. 309457/09

Date: June 27, 2012

Plaintiff(s):

- Jose L. Martinez (Male, 36 Years)

Plaintiff Attorney(s):

- Zory Shteyman; Law Office of Henry W. Davoli Jr., PLLC; Rockville Centre NY for Jose L. Martinez

Plaintiff Expert(s):

- Harvey R. Manes; Orthopedics; Lindenhurst, NY called by: Zory Shteyman
- Kenneth Chapman M.D.; Pain Management; New York, NY called by: Zory Shteyman

Defendant(s):

- Erika Duran
- Jason Polite

**Defense
Attorney(s):**

- Marie Kastner; Law Office of Karen L. Lawrence; Tarrytown, NY for Erika Duran, Jason Polite

**Defendant
Expert(s):**

- Jessica F. Berkowitz M.D.; Radiology; Middletown, NY called by: for Marie Kastner
- Michael J. Katz M.D.; Orthopedics; Queens, NY called by: for Marie Kastner
- Michael J. Carciente M.D.; Neurology; Great Neck, NY called by: for Marie Kastner

Insurers:

- Allstate Insurance Co.

Facts:

On Jan. 13, 2008, plaintiff Jose Martinez, 36, a livery vehicle's driver, was driving on the westbound side of East 169th Street, in the Mount Eden section of the Bronx. While he was proceeding through an intersection, his vehicle's left side was struck by a vehicle that was being driven by Jason Polite, who was traveling on the cross street. Martinez claimed that he sustained injuries of his back, an elbow and his neck.

Martinez sued Polite and the owner of Polite's vehicle, Erika Duran. Martinez alleged that Polite was negligent in the operation of his vehicle. Martinez further alleged that Duran was vicariously liable for Polite's actions.

Martinez claimed that Polite ignored a red traffic signal that should have prevented his entrance to the intersection.

Defense counsel conceded liability. The matter proceeded to a summary jury trial that addressed damages.

Injury:

Martinez was placed in an ambulance, and he was transported to Lincoln Medical and Mental Health Center, in the Bronx. He underwent X-rays, the application of a bandage that covered his left elbow and the administration of painkillers.

Martinez ultimately claimed that he sustained herniations of his C2-3, C3-4 and C5-6 intervertebral discs; trauma that produced a bulge of the annulus tissue of his L5-S1 disc; and two chip fractures of the proximal region of his left, nondominant arm's ulna, which forms a lower portion of the elbow.

After three days had passed, Martinez commenced a course of conservative treatment that ultimately comprised a total of about 40 sessions of acupuncture, chiropractic manipulation and physical therapy. The treatment lasted until May 23, 2008. In July 2008, Martinez underwent the administration of an epidural injection of a steroid-based painkiller. The injection was directed to his neck. A second such injection was administered on Nov. 24, 2009.

Martinez contended that his bandage was not removed until some four months had passed, and he claimed that he could not work during that time. He claimed that his injuries ultimately necessitated a switch to sedentary work.

Martinez's expert orthopedist submitted a report in which he opined that Martinez suffers a residual 10 percent reduction of his left elbow's range of motion. Martinez also claimed that he suffers residual pain.

Martinez sought recovery of \$100,000 for his past pain and suffering and \$150,000 for his future pain and suffering.

Defense counsel contended that Martinez did not sustain a serious injury, as defined by the no-fault law, Insurance Law § 5102(d). The defense's expert radiologist submitted a report in which she opined that Martinez's spinal injuries stemmed from degenerative conditions that were not related to the accident. The expert suggested that Martinez suffered two minor bulges and two commonly found herniations that could have stemmed from any one of a variety of causes. Defense counsel claimed that Martinez did not immediately report that his back and neck were painful.

Defense counsel also claimed that Martinez achieved a full recovery.

Result:

The jury found that Martinez sustained a serious injury. It determined that his damages totaled \$200,000.

Jose L. Martinez

\$100,000 Personal Injury: Past Pain And Suffering

\$100,000 Personal Injury: Future Pain And Suffering

Trial Information:

Judge: Ben R. Barbato

Demand: None

Offer: \$9,500

Trial Length: 1 days

**Trial
Deliberations:** 1 hours

Jury Vote: 5-1

**Jury
Composition:** 3 male, 3 female

**Editor's
Comment:** This report is based on information that was provided by plaintiff's counsel. Defense counsel did not respond to the reporter's phone calls.

Writer Max Mitchell

Trucker claimed he injured back in motor-vehicle accident

Type: Verdict-Plaintiff

Amount: \$110,000

Actual Award: \$225,000

State: New York

Venue: Nassau County

Court: Nassau Supreme, NY

Injury Type(s):

- *back* - fusion, lumbar; bulging disc, lumbar; herniated disc, lumbar; herniated disc at L4-5
- *other* - acupuncture; chiropractic; physical therapy; epidural injections
- *surgeries/treatment* - laminectomy; laminectomy, lumbar

Case Type:

- *Motor Vehicle* - Rear-ender; No-Fault Case; Driver Fatigue; Multiple Vehicle

Case Name: Janis Suna v. Alexander J. Kim and Young Men Kim, No. 10460/10

Date: October 04, 2013

Plaintiff(s):

- Janis Suna (Male, 30 Years)

Plaintiff Attorney(s):

- Harlan A. Wittenstein; Wittenstein & Associates P.C.; Oceanside NY for Janis Suna
- Aleksandr Vakarev; Law Offices of Aleksandr Vakarev, Esq.; Brooklyn NY for Janis Suna

Plaintiff Expert(s):

- Kenneth Chapman M.D.; Pain Management; Staten Island, NY called by: Harlan A. Wittenstein
- Sebastian Lattuga M.D.; Orthopedic Surgery; North New Hyde Park, NY called by: Harlan A. Wittenstein

Defendant(s):

- Yong Min Kim
- Alexander J. Kim

Defense Attorney(s):

- Scott L. Gumpert; Law Offices of Andrea G. Sawyers; Melville, NY for Alexander J. Kim, Yong Min Kim

Defendant Expert(s):

- A. Robert Tantleff M.D.; Radiology; Roslyn, NY called by: for Scott L. Gumpert
- Erik J. Entin M.D.; Neurology; Plainview, NY called by: for Scott L. Gumpert
- John C. Killian M.D.; Orthopedic Surgery; Hempstead, NY called by: for Scott L. Gumpert

Insurers:

- Travelers Property Casualty Corp.

Facts:

During the early morning hours of May 23, 2009, plaintiff Janis Suna, 30, a self-employed furniture deliveryman, was driving on the eastbound side of the Outerbridge Crossing, which spans New Jersey and Staten Island. While Suna was traveling on an exit ramp at the east end of the bridge, his box truck's rear end was struck by a trailing car that was being driven by Alexander Kim. Suna claimed that he sustained injuries of his back.

Suna sued Kim and the owner of Kim's vehicle, Yong Min Kim. Suna alleged that Alexander Kim was negligent in the operation of his vehicle. Suna further alleged that Yong Min Kim was vicariously liable for Alexander Kim's actions.

Suna estimated that he was maintaining a speed of 40 to 45 mph at the moment of impact. He suggested that the accident may have been a result of Alexander Kim having fallen asleep while driving.

Defense counsel conceded liability. The trial addressed damages.

Injury:

Suna claimed that he sustained a herniation of his L4-5 intervertebral disc and trauma that produced a bulge of his L5-S1 disc. He underwent about six months of conservative treatment that included acupuncture, chiropractic manipulation and physical therapy, but he claimed that the treatment did not resolve his pain. During the first half of 2010, he underwent the administration of a series of epidural injections of steroid-based painkillers. He claimed that the injections did not resolve his pain. In November 2010, he underwent surgery that included a laminectomy, which involved the partial excision of a vertebra, and fusion of his spine's L4-5 and L5-S1 levels.

Suna claimed that he suffers permanent residual pain and stiffness. He also claimed that he has had to hire workers to perform jobs that his injuries will not permit him to perform. He sought recovery of a total of \$2 million for past and future pain and suffering.

Defense counsel contended that Suna did not sustain a serious injury, as defined by the no-fault law, Insurance Law § 5102(d). The defense's expert radiologist opined that Suna's injuries were degenerative conditions that predated the accident. Defense counsel noted that Suna was involved in a motor-vehicle accident in 2002, and he claimed that an MRI scan, performed after the earlier accident, revealed a bulge of Suna's L5-S1 disc. The defense's expert neurologist and expert orthopedic surgeon examined Suna and concluded that Suna exaggerated the extent of his residual effects. They opined that Suna did not exert full effort during their examinations.

The parties negotiated a high/low stipulation: Damages could not exceed \$500,000, but they had to equal or exceed \$225,000. The high amount represented the limit of the defendants' insurance coverage.

Result:

The jury found that Suna's damages totaled \$110,000, but Suna recovered the stipulated minimum: \$225,000.

Janis Suna

\$25,000 Personal Injury: Past Pain And Suffering

\$85,000 Personal Injury: Future Pain And Suffering

Trial Information:

Judge: Jeffrey S. Brown

Trial Length: 5 days

Trial Deliberations: 50 minutes

Jury Vote: 5-1 (past pain and suffering); 6-0 (all other questions)

**Jury
Composition:** 4 male, 2 female

**Editor's
Comment:** This report is based on information that was provided by plaintiff's and defense counsel.

Writer Kirk Maltais

Traffic accident caused spinal injuries, couple claimed

Type: Verdict-Plaintiff

Amount: \$100,000

State: New York

Venue: Kings County

Court: Kings Supreme, NY

Injury Type(s):

- *back* - herniated disc, lumbar; herniated disc at L4-5; herniated disc, lumbar; herniated disc at L5-S1
- *neck* - herniated disc, cervical; herniated disc at C5-6
- *other* - epidural injections; decreased range of motion

Case Type:

- *Motor Vehicle* - Passenger; Rear-ender; Multiple Vehicle

Case Name: Vita M & Manuel Engellis v. Pavel Smirnoff; & Irina Smirnova, No. 17057/10

Date: September 26, 2013

Plaintiff(s):

- Manuel Engellis (Male, 60 Years)
- Vita M. Engellis (Female, 61 Years)

Plaintiff Attorney(s):

- Brian P. Wright; Law Offices of Brian P. Wright & Associates, P.C.; Lake Success NY for Vita M. Engellis, Manuel Engellis

Plaintiff Expert(s):

- Thomas M. Kolb M.D.; Radiology; New York, NY called by: Brian P. Wright
- Kenneth Chapman M.D.; Pain Management; New York, NY called by: Brian P. Wright

Defendant(s):

- Irina Smirnova
- Pavel Smirnoff

Defense Attorney(s):

- Lisa A. Baker; James G. Bilello & Associates; Westbury, NY for Pavel Smirnoff, Irina Smirnova

Defendant Expert(s):

- Alan J. Zimmerman M.D.; Orthopedic Surgery; Lido Beach, NY called by: for Lisa A. Baker
- Dr. Sheldon P. Feit M.D.; Radiology; Forest Hills, NY called by: for Lisa A. Baker
- Naunihal Sachdev Singh M.D.; Neurology; Bronx, NY called by: for Lisa A. Baker

Insurers:

- Government Employees Insurance Co.

Facts:

On April 20, 2010, plaintiff Vita Engellis, a 61-year-old unemployed woman, was driving on Sunrise Highway, near its intersection at Grand Avenue, in Baldwin. Her husband, plaintiff Manuel Engellis, an accounting analyst in his 60s, was a passenger. While their vehicle was stopped in traffic, its rear end was struck by a trailing vehicle that was being driven by Irina Smirnova. Mr. Engellis claimed that he sustained injuries of his back. Ms. Engellis claimed that she sustained injuries of her back and neck.

The Engellises sued Smirnova and her vehicle's owner, Pavel Smirnoff. The Engellises alleged that Smirnova was negligent in the operation of her vehicle. They further alleged that Smirnoff was vicariously liable for Smirnova's actions.

Plaintiffs' counsel moved for summary judgment of liability, and the motion was granted. The matter proceeded to a summary jury trial that addressed damages.

Injury:

Mr. Engellis claimed that he sustained herniations of his L4-5 and L5-S1 intervertebral discs. He underwent the administration of four epidural injections of steroid-based painkillers and three painkilling nerve-block injections, but he claimed that his pain persists. He also claimed that he suffers a residual diminution of his back's range of motion. He sought recovery of damages for past and future pain and suffering.

Ms. Engellis claimed that she sustained herniations of her C5-6, L4-5 and L5-S1 discs. She underwent the administration of three epidural injections of steroid-based painkillers and three painkilling nerve-block injections, but she claimed that her pain persists. She also claimed that she suffers a residual diminution of her range of motion. She sought recovery of damages for past and future pain and suffering.

Defense counsel contended that the accident involved a merely minor collision that could not have caused the injuries that the plaintiffs claimed to have sustained. She claimed that their injuries predated the accident.

The parties negotiated a high/low stipulation: Neither plaintiff's damages could exceed \$75,000, but each plaintiff's recovery had to equal or exceed \$15,000.

Result:

The jury determined that damages totaled \$100,000. Each plaintiff was awarded \$50,000 for pain and suffering.

Trial Information:**Judge:**

Peter Paul Sweeney

Demand: None

Offer: \$15,000 (for each plaintiff)

Trial Length: 1 days

**Trial
Deliberations:** 90 minutes

Jury Vote: 6-0

**Jury
Composition:** 3 male, 3 female

**Editor's
Comment:** This report is based on information that was provided by plaintiffs' counsel. Defense counsel did not respond to the reporter's phone calls.

Writer Jason Pafundi

Motor Vehicle - Bus Passenger Injured

Type: Verdict-Plaintiff

Amount: \$95,000

State: Ohio

Venue: Cuyahoga County

Court: Cuyahoga County, Court of Common Pleas, Cleveland, OH

Injury Type(s):

- *back*

Case Type:

- *Motor Vehicle*

Case Name: Jean Pandoli v. Greater Cleveland Regional Transit Authority (GCRTA) and Milad Abifadel, No. 426972

Date: June 21, 2002

Plaintiff(s):

- Jean Pandoli (Female, 51 Years)

Plaintiff Attorney(s):

- Mark E. Barbour; ; Cleveland OH for Jean Pandoli

Plaintiff Expert (s):

- Kenneth Chapman M.D.; Orthopedics; Lakewood, OH called by:
- Timothy Nice M.D.; Chiropractic; Cleveland, OH called by:

Defendant(s):

- Greater Cleveland Regional Transit Authority (GCRTA) and Milad Abifadel

Defense Attorney(s):

- Ronald Riley; Cleveland, OH for Greater Cleveland Regional Transit Authority (GCRTA) and Milad Abifadel
- Terrence J. Kenneally; Rocky River, OH for Greater Cleveland Regional Transit Authority (GCRTA) and Milad Abifadel

Facts: Defendant Greater Cleveland Regional Transit Authority (GCRTA) was found liable for back injuries which resulted from an incident on one of its buses.

Plaintiff female was a passenger on a GCRTA bus in Cleveland. The bus driver suddenly applied the bus brakes and plaintiff was thrown onto a metal bar. At issue in the case was the extent of liability of the defendants. GCRTA claimed that Defendant Abifadel, who was operating a vehicle on the same roadway, had cut off the bus which caused its driver to slam on the brakes. No contact had occurred between the vehicles.

Plaintiff Jean Pandoli, a 51 year old divorced female, alleged that both GCRTA's driver and Abifadel were negligent in the operation of their vehicles. Pandoli argued that she suffered two transverse process fractures in her lumbar spine and a compression fracture at T-10 as a direct result of the incident.

GCRTA contended that Defendant Abifadel was responsible for causing the incident when Abifadel cut off the bus driver. Defendant Abifadel claimed that he had not been involved in any incident with one of Defendant GCRTA's buses.

Plaintiff was a 51 year old divorced female who was employed as a legal secretary.

Injury: Two transverse process fractures in the lumbar spine and a compression fracture at T-10. Plaintiff claimed \$6,000 in past medical specials and \$1,800 in past wage loss.

Result: \$95,000 against GCRTA and defense verdict as to Abifadel. Breakdown: \$54,000 pain and suffering; \$6,000 past medicals; \$10,000 past wage loss; and \$25,000 other damages.

Trial Information:

Judge: Mary J. Boyle

Editor's Comment: Case is closed.

Writer

Auto Accident - Intersection - Red Traffic Light

Type: Verdict-Plaintiff

Amount: \$75,000

State: Ohio

Venue: Cuyahoga County

Court: Cuyahoga County, Court of Common Pleas, Cleveland, OH

Injury Type(s):

- *knee* - fracture, patella
- *chest* - fracture, sternum

Case Type:

- *Motor Vehicle*

Case Name: Nanci E. Sommer v. Frank J. Berg, No. CV287829

Date: September 09, 1996

Plaintiff(s):

- Nanci E. Sommer (Female, 55 Years)

Plaintiff Attorney(s):

- Debra J. Dixon; ; Cleveland OH for Nanci E. Sommer
- James L. Deese; ; Cleveland OH for Nanci E. Sommer

Plaintiff Expert (s):

- Paul Venizelos M.D.; Internal Medicine; Lakewood, OH called by:
- Kenneth Chapman M.D.; Orthopedics; Lakewood, OH called by:

Defendant(s):

- Frank J. Berg

Defense Attorney(s):

- Jan L. Roller; Cleveland, OH for Frank J. Berg

Insurers:

- Westfield

Facts: Plaintiff and defendant were traveling on intersecting streets. Defendant allegedly ran a red light at the intersection of the two streets and broadsided plaintiff's automobile. Plaintiff admitted that she was driving 5 m.p.h. over the posted speed limit at the time of the accident. The Court granted plaintiff's Motion for Directed Verdict on the issue of liability and the trial proceeded on the issue(s) of proximate cause and/or damages.

Plaintiff alleged that defendant was negligent in disregarding a red light. Plaintiff further alleged that she suffered soft tissue neck and back injuries, a fractured sternum, and a fractured patella as a direct result of the collision.

Defendant contended that plaintiff was contributorily negligent in driving 5 m.p.h. over the posted speed limit.

Injury: Fractured sternum, fractured patella in knee resulting in continuing knee problems and soft tissue neck and back injuries. Plaintiff claimed \$7,400 in medical specials and \$1,408 in lost income.

Result: \$75,000

Trial Information:

Judge: Robert M. Lawther

**Trial
Deliberations:** 3 hours

Writer

Auto Accident - Backing - Liability Admitted

Type: Verdict-Plaintiff

Amount: \$14,000

State: Ohio

Venue: Cuyahoga County

Court: Cuyahoga County, Court of Common Pleas, Cleveland, OH

Injury Type(s):

- *back* - herniated disc, lumbar
- *neck* - herniated disc, lumbar

Case Type:

- *Motor Vehicle*

Case Name: Timothy Rowan v. Harry Lindsay, No. 444330

Date: June 21, 2002

Plaintiff(s):

- Timothy Rowan (Male, 34 Years)

Plaintiff Attorney(s):

- Lester S. Potash; ; Cleveland OH for Timothy Rowan

Plaintiff Expert (s):

- Vernon Patterson M.D.; Orthopedics; , called by:

Defendant(s):

- Harry Lindsay

Defense Attorney(s):

- Kelly N. Grigsby; Cleveland, OH for Harry Lindsay

Defendant Expert(s):

- Kenneth Chapman M.D.; Orthopedics; , called by: for

Facts: Plaintiff was operating her vehicle on a city street. Defendant's vehicle was stopped at an intersection in front of plaintiff's vehicle when he realized that he could not make a right turn from his lane. Defendant then attempted to move and backed into the front of plaintiff's vehicle. After the accident, plaintiff exited his vehicle and noted damage to his front license plate holder. Plaintiff later went to the police station to report the collision. Plaintiff subsequently began to experience back pain.

Plaintiff Timothy Rowan alleged that defendant was negligent in backing into his vehicle and that the collision happened too quickly for him to take any evasive action. Plaintiff, a 34 year old male, claimed that he suffered a herniated disc at L3-L4 as a direct result of the collision. He argued that he suffered right low back pain with radiating pain into his right hip and thigh with numbness.

Defendant Harry Lindsay admitted liability and that plaintiff's herniated disc was proximately related to the collision. However, defendant argued that plaintiff had not complied with his physician's orders and that plaintiff would have to lose weight before surgery would be a treatment option.

After one day of deliberation, the jury returned a verdict of \$14,000 for plaintiff.

Plaintiff was a 34 year old single male who was employed as a cashier.

Injury: Herniated disc at L3-L4 requiring future surgery. Plaintiff claimed \$13,363 in past medical specials.

Result: \$14,000

Trial Information:

Judge: Christopher A. Boyko

**Trial
Deliberations:** 1 days

**Editor's
Comment:** Per defense counsel, the case was impacted by plaintiff's noncompliance with his physician's instructions and the fact that plaintiff's weight exacerbated his back problems. Plaintiff's Motion for New Trial was pending at the time this case was prepared for publication.

Writer

Auto/Pedestrian Accident - Non-Functional Pedestrian Signal

Type: Verdict-Defendant

Amount: \$0

State: Ohio

Venue: Cuyahoga County

Court: Cuyahoga County, Court of Common Pleas, Cleveland, OH

Injury Type(s):

- *leg - fracture, leg*

Case Type:

- *Motor Vehicle*
- *Domestic Relations*
- *Government - Municipalities*

Case Name: Amber Naelitz, a minor by Cynthia Phillips her mother v. Clarence Karlin and City of North Olmsted, No. CV310386

Date: March 19, 1998

Plaintiff(s):

- Amber Naelitz, a minor by Cynthia Phillips her mother (Female, 15 Years)

Plaintiff Attorney(s):

- Paul Grieco; ; Cleveland OH for Amber Naelitz, a minor by Cynthia Phillips her mother

Plaintiff Expert (s):

- Kenneth Chapman M.D.; Orthopedics; Lakewood, OH called by:

Defendant(s):

- Clarence Karlin and City of North Olmsted

Defense Attorney(s):

- Dale E. Markworth; Cleveland, OH for Clarence Karlin and City of North Olmsted
- Marilyn J. Singer; Cleveland, OH for Clarence Karlin and City of North Olmsted

Insurers:

- St. Paul's Insurance Co.

Facts: Plaintiff pedestrian, a 15 year old girl, was crossing Lorain Road in Defendant City of North Olmsted when she was struck by a vehicle operated by Defendant Karlin. The pedestrian crosswalk signal for "Walk" was allegedly non-functional at the time of the accident.

Plaintiff alleged that: (1) defendant driver was negligent in disregarding a red traffic light and in failing to keep a proper lookout; (2) the pedestrian crosswalk signal was mis-timed and non-functional; and (3) Defendant City was negligent in failing to maintain and repair the crosswalk signal.

Defendants contended that plaintiff attempted to cross the street against the traffic light and against the "Don't Walk" signal.

Injury: Fractured tibia in leg with no resulting disability.

Result: Defense verdict for Defendant City and \$40,000 against Karlin, less 90% comparative negligence yielded a net verdict of \$0.

Trial Information:

Judge: Norman A. Fuerst

**Trial
Deliberations:** 1.5 days

Writer

Apartment Complex - Falling Ladder - Windblown

Type: Verdict-Defendant

Amount: \$0

State: Ohio

Venue: Cuyahoga County

Court: Cuyahoga County, Court of Common Pleas, Cleveland, OH

Case Type:

- *Premises Liability*

Case Name: Mary Ann Orenski v. Zaremba Group LLC, No. 356812

Date: October 01, 1999

Plaintiff(s):

- Mary Ann Orenski (Female, 76 Years)

Plaintiff Attorney(s):

- John C. Meros; ; Cleveland OH for Mary Ann Orenski

Plaintiff Expert (s):

- Kenneth Chapman M.D.; Orthopedics; Lakewood, OH called by:

Defendant(s):

- Zaremba Group LLC

Defense Attorney(s):

- James L. Glowacki; Cleveland, OH for Zaremba Group LLC

Defendant Expert(s):

- Malcolm Brahms MD.; Orthopedics; Cleveland, OH called by: for

Insurers:

- CGU/One Beacon

Facts: Plaintiff, a 76 year old female, went to an apartment complex owned by defendant to visit her sick brother. A custodian employed by defendant had left a 10 foot aluminum ladder outside the main entrance to the apartments. As plaintiff was leaving, the wind caught the ladder and blew it into plaintiff, injuring her. The wind was blowing 25 to 35 mph at the time of the accident.

Plaintiff alleged that defendant failed to maintain the premises in a safe condition when the custodian left the ladder unattended by the entrance during the windy conditions. Further, that as a result of this failure, she suffered serious injuries.

Defendant contended that the conditions were not too windy for the custodian to leave the ladder unattended and that plaintiff was contributorily negligent in that she could have avoided the ladder by walking further from it.

Injury: Soft tissue injuries, blood clot in lower right leg which required surgery, fractures of the fibula, discoloration of leg, hospitalization for 1 month, followed by an additional month of in-home care. Plaintiff claimed \$25,000 in medical specials.

Result: Defense verdict. The Court granted plaintiff's Motion for JNOV in the amount of \$40,000. See Editor's Note.

Trial Information:

Judge: William E. Mahon

Writer

Plaintiff not injured in auto accident, defense contended

Type: Verdict-Defendant

Amount: \$0

State: New York

Venue: Bronx County

Court: Bronx Civil, NY

Injury Type(s):

- *back* - annular tear; nerve impingement; herniated disc, lumbar; herniated disc at L4-5
- *head* - headaches
- *neck* - annular tear; nerve impingement; bulging disc, cervical
- *other* - bursitis; effusion; swelling; physical therapy; tendinitis/tendinosis
- *shoulder* - glenoid labrum, tear; shoulder impingement; rotator cuff, injury (tear); rotator cuff, injury (non-tear)
- *neurological* - radiculopathy; nerve impingement
- *surgeries/treatment* - arthroscopy
- *mental/psychological* - insomnia

Case Type:

- *Motor Vehicle* - Speeding; Left Turn; Passenger; Stop Sign; Rear-ender; No-Fault Case; Multiple Vehicle

Case Name: Maribel Y. Vargas Amparo Y. Ventura & Kennedy Collado v. Antonio Mancuso & Madeline Velazquez, No. 300192-BTS-2010

Date: September 12, 2017

Plaintiff(s):

- Kennedy Collado
- Amparo Y. Ventura
- Maribel Y. Vargas (Female, 40 Years)

Plaintiff Attorney(s):

- Seth M. Katz; Law Offices of Eric H. Green and Associates; New York NY for Maribel Y. Vargas
- None reported; Law Offices of Eric H. Green and Associates; New York NY for Amparo Y. Ventura, Kennedy Collado

- Plaintiff Expert(s):**
- Kenneth B. Chapman M.D.; Pain Management; New York, NY called by: Seth M. Katz
 - Stanley Liebowitz M.D.; Orthopedic Surgery; New York, NY called by: Seth M. Katz
- Defendant(s):**
- Antonio Mancuso
 - Madeline Velazquez
- Defense Attorney(s):**
- Thomas B. Hayn; Torino & Bernstein, P.C.; Mineola, NY for Madeline Velazquez
 - Vanessa A. Gomez; Buratti, Rothenberg & Burns; White Plains, NY for Antonio Mancuso
- Defendant Expert(s):**
- Eial Faierman M.D.; Orthopedic Surgery; Bronx, NY called by: for Thomas B. Hayn, Vanessa A. Gomez
 - Rene M. Elkin M.D.; Neurology; Bronx, NY called by: for Thomas B. Hayn, Vanessa A. Gomez
- Insurers:**
- Farmers Insurance Group of Cos.
 - Infinity Property & Casualty Corp.

Facts: On July 29, 2007, plaintiff Maribel Vargas, a 40-year-old unemployed woman, plaintiff Kennedy Collado and plaintiff Amparo Ventura were passengers of a vehicle that was being driven by Madeline Velazquez, who was traveling on East 188th Street, near its intersection at Cambreleng Avenue, in the Belmont section of the Bronx. When Velazquez reached the intersection, she began to execute a left turn onto Cambreleng Avenue. Her vehicle struck the rear end of a vehicle that was being driven by Antonio Mancuso, who was traveling on Cambreleng Avenue, which is a one-way, northbound roadway. Vargas claimed that she suffered injuries of her back, her neck and a shoulder. Collado and Ventura claimed that they also suffered injuries.

Vargas, Collado and Ventura sued Mancuso and Velazquez. The lawsuit alleged that Mancuso and Velazquez were negligent in the operation of their respective vehicles.

The court dismissed the claims of Collado and Ventura, and the matter proceeded to a summary jury trial that addressed Vargas' claims against Mancuso and Velazquez.

Vargas claimed that each motorist was maintaining an excessive speed. She also claimed that Mancuso ignored a stop sign that governed his entrance to the intersection. Velazquez's course was not governed by a traffic-control device.

Velazquez did not appear at the trial. During a deposition, she claimed that she was maintaining a safe speed. She claimed that she did not see Mancuso's vehicle prior to the moment of impact.

Mancuso claimed that he executed a full stop upon reaching the intersection. He claimed that he proceeded through the intersection but stopped to yield to a preceding motorist who was exiting a curbside parking area. Mancuso further claimed that his vehicle was stopped when it was struck by Velazquez's vehicle.

Injury:

Vargas was placed in an ambulance, and she was transported to St. Barnabas Hospital, in the Bronx. She claimed that she was suffering pain that stemmed from her back. She underwent minor treatment.

Vargas ultimately claimed that she suffered a herniation and annular-tissue tear of her L4-5 disc, that she suffered trauma that produced a bulge of her C6-7 disc, and that each disc caused impingement of a spinal nerve and resultant radiculopathy. She further claimed that she suffered residual insomnia and headaches.

Vargas also claimed that her left, nondominant arm's shoulder suffered trauma that led to tendinosis of the supraspinatus tendon, which is a component of the rotator cuff. She also claimed that the shoulder developed effusion: swollenness caused by a buildup of a joint's lubricating fluid. In 2013, some six years after the accident, doctors opined that the shoulder had developed bursitis, a tear of the glenoid labrum, a partial tear of the rotator cuff and impingement. Vargas claimed that those conditions were products of the accident.

In August 2007, Vargas commenced a course of physical therapy. The treatment lasted about 17 weeks. On Oct. 1, 2013, Vargas underwent arthroscopic surgery that addressed her left shoulder.

Vargas claimed that she was bedridden during the month that followed the accident and housebound during the ensuing six months. She further claimed that her back, her left shoulder and her neck remain painful. She claimed that her residual effects hinder her performance of everyday activities, such as cleaning, shopping and lifting objects. She sought recovery of damages for past and future pain and suffering.

Defense counsel contended that Vargas did not suffer a serious injury, as defined by the no-fault law, Insurance Law § 5102(d). Defense counsel contended that the accident involved a merely minor collision that could not have caused the injuries that Vargas claimed to have suffered.

The defense's expert orthopedist submitted a report in which he opined that Vargas suffered pre-existing degeneration of the spine's cervical region; that Vargas suffered a mild bulge of the L4-5 disc, typical of someone of Vargas' age; and that Vargas suffered fraying but not tears of the left shoulder. The defense's expert neurologist examined Vargas, and she submitted a report in which she opined that Vargas does not exhibit a neurological abnormality.

Result:

The jury rendered a defense verdict: It found that Velazquez was entirely liable for the accident, but it also found that the accident was not a substantial cause of Vargas' injuries.

Trial Information:**Judge:**

Brenda Rivera

Demand:

\$100,000 (by Vargas, from Mancuso); none (by Vargas, from Velazquez)

Offer: \$1,500 (for Vargas, from Mancuso); \$25,000 (for Vargas, from Velazquez; insurance coverage's limit)

Trial Length: 2 days

Trial Deliberations: 2 hours

Jury Vote: 5-1 (Mancuso was not negligent); 6-0 (all other questions)

Jury Composition: 2 male, 4 female

Editor's Comment: This report is based on information that was provided by Mancuso's counsel. Vargas' counsel declined to contribute; the remaining plaintiffs' counsel was not asked to contribute; and the remaining defendant's counsel did not respond to the reporter's phone calls.

Writer Melissa Siegel