Lexis® Context Report

Angel Eduardo Macagno M.D.,F.A.A.O.S.

Orthopedic Surgery, Spinal Surgery

User Name:

Jasen Abrahamsen

Date and Time:

Tuesday, January 14, 2025 1:30:00 PM EST

Job Number:

242711731

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Jose Feliciano v John Komorowski

63470/2022

Party Names

Plaintiff(s):

Feliciano, Jose

Defendant(s):

Komorowski, John

Practice Area: Unknown

State: New York

Court: New York County Court, Westchester County

Plaintiff Counsel

Plaintiff Name: Jose Feliciano

Robert Dallas

Firm Name: Dallas Law

Address: 58 S. Service Road Melville New York 11747

Defendant Counsel

Defendant Name: John Komorowski

Howard Jay Kaplan

Firm Name: Carman Callahan & Ingham, LLP

Address: 266 Main St Farmingdale New York 11735-2618

Case Summary
Neck and back

Plaintiff Expert(s)

Angel Eduardo Macagno

Address: 761 Merrick Avenue Westbury New York 11590

Phone: (516) 357-8777

Website: *http://www.nyspine.com/angel-macagno-m-d/*

Specialty: Orthopedic Surgery, Spinal Surgery

Affiliation: NY Spine Institute

Virany Huynh Hillard

Address: 122 Maple Ave., 8th floor White Plains New York 10601

Phone: (914) 849-7593

Website: *https://www.wphphysicianassociates.org/provider-directory/providers/virany-hillard-md/*

Specialty: Neurological Surgery

Affiliation: White Plains Hospital's Center for Advanced Medicine and Surgery

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David Brown v Michael J Cronin Incorporated

CV-22-2103

May 30, 2024

years prior

Party Names

Plaintiff(s):

Brown, David

Defendant(s):

Michael J Cronin Incorporated

Practice Area: Workers' Compensation and SSDI

Method of Resolution: Other

Case Resolution: For Plaintiff

State: New York

Court: New York Supreme Court, Appellate Division, 3rd Department

Plaintiff Counsel

Plaintiff Name: David Brown

Addison O'Donnell

Firm Name: Lois Law Firm LLC

Address: 140 Broadway Suite 2240 New York New York 10005

Phone: (201) 880-7213

Defendant Counsel

Defendant Name: Michael J Cronin Incorporated

John D Dunne

Firm Name: Ryan, Roach & Ryan LLP

Address: 115 Green St Kingston New York 12401

Phone: (845) 331-2525

Judge: Eddie J McShan

Case Summary

Employer's request for review of Workers' Compensation Board's decision to amend truck driver's claim to include injuries to neck, back, and right wrist suffered when truck driver's leg went through the floor of the truck, and employer's allegation that truck driver failed to disclose three automotive accidents in the

Insurer

Van Liner Insurance Company for Michael J Cronin Incorporated

Plaintiff Expert(s)

Angel Eduardo Macagno

Address: 761 Merrick Avenue Westbury New York 11590

Phone: (516) 357-8777

Website: *http://www.nyspine.com/angel-macagno-m-d/*

Specialty: Orthopedic Surgery, Spinal Surgery

Affiliation: NY Spine Institute

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Ebony Barber v Beverly Hills Limo et al

30681/2018E

May 24, 2024

Party Names

Plaintiff(s):

Barber, Ebony

Defendant(s):

Beverly Hills Limo

Practice Area: Unknown

Method of Resolution: Trial

Case Resolution: For Defendant

State: New York

County: Bronx

Court: Supreme Court of New York, Twelfth Judicial District

Plaintiff Counsel

Plaintiff Name: Ebony Barber

Kent B Dolan

Firm Name: Wingate Russotti & Shapiro LLP

Address: 420 Lexington Avenue, Suite 2750 New York New York 10170

Phone: (212) 986-7353

Stephen D Wagner

Firm Name: Wingate Russotti & Shapiro LLP

Address: 420 Lexington Avenue, Suite 2750 New York New York 10170

Phone: (212) 986-7353

Defendant Counsel

Defendant Name: Beverly Hills Limo

Kent B Dolan

Firm Name: Lifflander & Reich LLP

Address: 425 Madison Ave Room 505 New York New York 10017

Phone: (212) 332-8820

Judge: Bianka Perez

Case Summary

Limo service bus struck the side of a vehicle parked on the road, and passenger in vehicle alleged neck and shoulder injuries.

Plaintiff Expert(s)

Angel Eduardo Macagno

Address: 761 Merrick Avenue Westbury New York 11590

Phone: (516) 357-8777

Website: *http://www.nyspine.com/angel-macagno-m-d/*

Specialty: Orthopedic Surgery, Spinal Surgery

Affiliation: NY Spine Institute

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Ebony Barber v. Beverly Hills Limo & Corporate Coach, Inc., Raul Perez, and Michelle R. Moncion; 2024 Jury Verdicts LEXIS 438193

30681/2018

May 24, 2024

Headline: Parties disputed whether SUV was double-parked before accident

Published Date: September 14, 2024

Topic: Motor Vehicle - Bus - Motor Vehicle - Passenger - Motor Vehicle - Sideswipe - Motor Vehicle - Parked Car - Motor Vehicle - Right Turn

Injury: back, herniated disc, neck, fusion, cervical, herniated disc, cervical, herniated disc at C3-4, herniated disc at C4-5, fusion, cervical, two-level, other, lysis, adhesions, synovitis, acupuncture, arthrodesis, synovectomy, chiropractic, labrum, tear, labrum, torn, massage therapy, physical therapy, shoulder, glenoid labrum, tear, shoulder impingement, rotator cuff, injury (tear), supraspinatus muscle/tendon, tear, surgeries/treatment, discectomy, arthroscopy, debridement, decompression surgery

Practice Area: Transportation Law

State: New York

Court: Bronx Supreme

Plaintiff Counsel

Plaintiff Name: (Ebony Barber)

Stephen D. Wagner III

Firm Name: Wingate, Russotti, Shapiro, Moses & Halperin, LLP

Address: New York, NY

Defendant Counsel

Kent B. Dolan

Firm Name: Lifflander & Reich LLP

Address: New York, NY

Dana Charlene Barretta

Firm Name: Law Office of Dennis C. Bartling

Address: Melville, NY

Judge: Bianka Perez

Case Summary

On July 10, 2018, plaintiff Ebony Barber, 39, a closet organizer, was a passenger in Michelle Moncion's SUV, which was parked on the Pelham Parkway South Service Road near Lurting Avenue in the Bronx. Raul Perez was driving a Beverly Hills Limo & Corporate Coach bus on the service road. As he attempted a right turn, his bus scraped the side of the SUV. Barber claimed neck and shoulder injuries. Barber sued Perez, Moncion and Beverly Hills Limo & Corporate Coach. The lawsuit alleged that Perez and Moncion were negligent in the operation of their vehicles and that Beverly Hills Limo & Corporate Coach was vicariously liable for Perez's actions. Plaintiff's counsel claimed that Perez should have seen and avoided the parked vehicle. Perez's counsel claimed that Moncion illegally double-parked the SUV. Plaintiff's counsel argued that if this version of events was accurate, then Moncion was liable for parking her vehicle outside of a designated parking lane. According to court documents, Perez admitted that he destroyed five photos of the crash scene approximately one to two years after the incident. Moncion claimed that she parked in a legal parking space and that Perez was fully liable for the accident. Her counsel noted that Moncion was not ticketed for illegal parking.

Injury Text: Barber did not go to the hospital from the scene. She presented to a chiropractor the day after the accident. Barber alleged C3-4 and C4-5 herniations. She also claimed adhesions, synovitis, impingement, a labrum tear and a supraspinatus tear in her right shoulder. Barber initially underwent conservative treatment that included physical therapy, massages, chiropractic care and acupuncture. She also had arthroscopic shoulder surgery in September 2018. The procedure included debridements, a lysis of adhesions, a synovectomy and a subacromial decompression. Barber subsequently had a two-level cervical discectomy and fusion in April 2019. Barber received additional physical therapy after the neck surgery. Barber said she experiences pain every day. She claimed that the pain makes it hard for her to sleep. She also stated that she no longer hikes and that she

cannot participate in dance competitions as she did before the accident. The defense contended that the subject incident was minor and could not have caused Barber's injuries. Perez's counsel noted that there was minimal property damage and that Barber did not complain of pain at the accident scene. The defense further noted that, during Barber's deposition, she failed to disclose a 2005 highway collision. Barber also failed to disclose the treatment, imaging studies and lawsuit that stemmed from that crash. The defense specifically claimed that Barber's 2005 MRI showed the C3-4 and C4-5 herniations. The defense concluded that the 2005 collision necessitated Barber's spinal fusion. Plaintiff's treating physician testified that the prior motor vehicle accident made Barber susceptible to new neck trauma and aggravated a degenerative spinal condition. Barber further claimed that she initially did not mention the 2005 accident because it had occurred during a traumatic period in her life that she had blocked from her memory. The parties negotiated a high/low stipulation: Damages could not exceed $3.6 million, but they had to equal or exceed $500,000.

Trial Length 10 days

Jury Deliberation 0

Insurer: Government Employees Insurance Co.

Plaintiff Amounts: (Ebony Barber)

Plaintiff Expert(s)

L. Sean Thompson, M.D.

Address: Jamaica, NY

Specialty: Orthopedic Surgery

Angel E. Macagno, M.D.

Address: Westbury, NY

Specialty: Orthopedic Surgery

Defendant Expert(s)

John H. Buckner, M.D.

Address: Ossining, NY

Specialty: Orthopedic Surgery

Daniel Chernoff, M.D.

Address: Lake Success, NY

Specialty: Radiology

Jeffrey M. Spivak, M.D.

Address: New York, NY

Specialty: Orthopedic Surgery

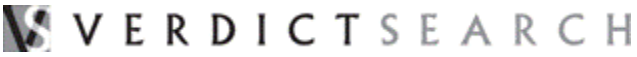
Richard Hermance

Address: Tillson, NY

Specialty: Accident Reconstruction

Award: $ 0

Award Details: The jury returned a defense verdict. It determined that Perez not negligent. The jury did conclude that Moncion was negligent but determined that Barber did not sustain a serious injury. Pursuant to the high-low agreement, Barber recovered $500,000. Barber specifically received $400,000 from Perez/Beverly Hills and $100,000 from Moncion.



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Adis Alvarez Miranda v. Dennis M. Curry and Town of Hempstead

610566/2021

May 14, 2024

Headline: Collision with dump truck necessitated two surgeries: plaintiff

Published Date: December 04, 2024

Topic: Motor Vehicle - Truck - Motor Vehicle - Broadside - Motor Vehicle - Right Turn - Government - Municipalities - Motor Vehicle - No-Fault Case - Motor Vehicle - Multiple Vehicle

Injury: back, stenosis, lower back, bulging disc, herniated disc, bulging disc, lumbar, herniated disc, lumbar, herniated disc at L4-5, herniated disc at L5-S1, neck, fusion, cervical, bulging disc, cervical, herniated disc, cervical, herniated disc at C4-5, herniated disc at C5-6, herniated disc at C6-7, fusion, cervical, two-level, other, corpectomy, arthrodesis, facetectomy, chiropractic, physical therapy, steroid injection, hardware implanted, epidural injections, foraminectomy/foraminotomy, neurological, radiculopathy, surgeries/treatment, discectomy, laminectomy, laminectomy, lumbar, decompression surgery

Practice Area: Civil Procedure; Governments; Torts

State: New York

Court: Nassau Supreme

Plaintiff Counsel

Plaintiff Name: (Adis Alvarez Miranda)

Peter S. Thomas

Firm Name: Peter S. Thomas, P.C. Forest Hills, NY, trial counsel, Gene Duenas, J.D., P.C.

Address: Hempstead, NY

Defendant Counsel

Brian S. Sokoloff

Firm Name: Sokoloff Stern LLP

Address: Carle Place, NY

Stuart Diamond

Firm Name: Sokoloff Stern LLP

Address: Carle Place, NY

Judge: Dawn Jimenez

Case Summary

On March 4, 2021, plaintiff Adis Alvarez Miranda, 46, a medical assistant, was driving an SUV on northbound Jerusalem Avenue, in Levittown. When she was near the intersection with East Village Green, the passenger side of her vehicle was struck by a dump truck operated by Dennis Curry, a town of Hempstead employee, who was attempting to make a right turn out of a nearby parking lot onto Jerusalem Avenue. Miranda claimed neck and back injuries. Miranda sued Curry and the town of Hempstead. Miranda claimed that Curry was negligent in his operation of the truck and that the town was vicariously liable for Curry's actions. Plaintiff's counsel specifically contended that Curry failed to yield to oncoming traffic. Miranda's counsel moved for partial summary judgment of liability, and the motion was granted. However, the jury was asked to decide whether Miranda was comparatively liable for the crash. Defense counsel argued that Miranda was partially at fault because she was admittedly looking down at her speedometer just prior to the impact. Miranda therefore failed to pay attention to the roadway in front of her, the defense contended. Plaintiff's counsel countered that drivers frequently glance down at their speedometers while driving and that doing so is not negligent.

Injury Text: Miranda drove home following the accident. Her then-fiancé then took her to Nassau University Medical Center later that day. She was treated and released. Miranda claimed herniated cervical and lumbar discs at the C4-5, C5-6, C6-7, L4-5 and L5-S1 levels. She also claimed bulging cervical and lumbar discs at the C3-4, L2-3 and L3-4 levels. Miranda alleged cervical and lumbar stenosis and radiculopathy, as well. Miranda initially underwent conservative treatment that included chiropractic care, physical therapy and at least three epidural steroid injections. Miranda ultimately had neck surgery in September 2021. The procedure included an anterior cervical discectomy with arthrodesis at C4-5 and C5-6. Miranda then underwent back surgery in February 2022. The surgery included a partial corpectomy and discectomy at L4-5 and L5-S1. The procedure also included an

arthrodesis, a laminectomy with nerve root decompression, a foraminotomy and a facetectomy. She continued receiving physical therapy through February 2023. Plaintiff's counsel presented a life care plan that included future medications, imaging studies, physical therapy, follow-up appointments and adjacent-level neck and back surgeries. Miranda continued working through September 2021. She returned to her job for three days in January 2022 but never went back to work after that. She said that she can no longer exercise and that she cannot do regular housework. Because of her physical condition, Miranda is also afraid to live on her own. Her now-husband works long hours and is rarely home. Miranda thus moved to North Carolina to live with her daughter so she would not have to be alone in her house for extended periods of time. Miranda's husband remained in New York. Miranda sought recovery of past lost earnings and damages for her past and future pain and suffering. She also sought approximately $1 million in future medical expenses and approximately $1 million in future lost earnings and benefits. Plaintiff's counsel asked the jury to award $4 million to $6 million in past damages and $12 million to $15 million in future damages. Defense counsel argued that Miranda did not suffer a serious injury, as defined by the no-fault law, Insurance Law § 5102(d). The defense specifically contended that the forces involved in the collision could not have caused all of Miranda's claimed herniations. The defense's orthopedic surgery expert opined that Miranda at most had a small herniation in her lower back and no herniations in her neck. The defense's radiology and orthopedic experts agreed that Miranda's surgeries were unnecessary. To dispute the future lost earnings claim, the defense noted that Miranda had not applied for any jobs since February 2022. Defense counsel concluded that Miranda was unlikely to seek additional employment in the future. Meanwhile, the defense's economics expert disagreed with the calculations made by the plaintiff's economist. The defense's economist determined that Miranda's future lost earnings and benefits totaled just $594,065.

Trial Length 3 weeks

Jury Deliberation 1.5 hours

Jury Poll 5-1

Insurer:

Plaintiff Amounts: (Adis Miranda)

$ 44,620 Past Lost Earnings

$ 1,000,000 Past Pain Suffering

$ 36,000 future diagnostic studies for 32 years

$ 100,000 future therapies for 32 years

$ 8,000,000 future pain and suffering for 32 years

$ 5,000 future medications for 32 years

$ 5,000 future medical equipment for 32 years

$ 100,000 future surgeries for 32 years

$ 28,000 future medical care for 32 years

$ 9,318,620 Plaintiff's Total Award

Plaintiff Expert(s)

Angel Macagno, M.D.

Address: Westbury, NY

Specialty: Orthopedic Surgery

Debra S. Dwyer, Ph.D.

Address: Centereach, NY

Specialty: Economics

James Pugh, Ph.D., P.E.

Address: New York, NY

Specialty: Injury Biomechanics

Joseph Carfi, M.D.

Address: New Hyde Park, NY

Specialty: Life Care Planning

Defendant Expert(s)

Marc B. Chernoff, M.D.

Address: Stony Brook, NY

Specialty: Orthopedic Surgery

Peter Capotosto, C.R.C.

Address: Rochester, NY

Specialty: Vocational Rehabilitation

Jessica F. Berkowitz, M.D.

Address: Suffern, NY

Specialty: Radiology

Leonard R. Freifelder, Ph.D.

Address: New York, NY

Specialty: Economics

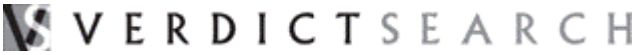
Jacqueline Lewis Devine, Ph.D.

Address: Penns Park, PA

Specialty: Biomechanics

Award: $ 9,318,620

Award Details: The jury determined that Miranda was negligent, but concluded that her negligence was not a substantial factor in causing the accident. The jury also determined that Miranda sustained a significant limitation of use of a body function or system, and a permanent consequential limitation of use of a body organ or member. The jury determined that Miranda's damages totaled $9,318,620.



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Patricia Becerra v. Karen Astorina, Joseph Astorina, Talita Josefa Telles-Colombini and Kathleen Charla; 2024 Jury Verdicts LEXIS 297525

58477/2019

March 26, 2024

Headline: Crash did not cause permanent injury, defense argued

Published Date: July 29, 2024

Topic: Motor Vehicle - Rear-ender - Motor Vehicle - No-Fault Case - Motor Vehicle - Multiple Impact - Motor Vehicle - Multiple Vehicle

Injury: back, lower back, herniated disc, herniated disc, lumbar, herniated disc at L5-S1, neck, fusion, cervical, herniated disc, cervical, herniated disc at C4-5, elbow, other, arthrodesis, soft tissue, chiropractic, physical therapy, steroid injection, hardware implanted, epidural injections, strains and sprains, shoulder, neurological, radiculopathy, surgeries/treatment, discectomy

Practice Area: Civil Procedure; Torts

State: New York

Court: Westchester Supreme

Plaintiff Counsel

Plaintiff Name: (Patricia Becerra)

James L. Forde

Firm Name: The Law Offices of Omrani & Taub, P.C.

Address: New York, NY

Defendant Counsel

John C. Couzens Jr.

Firm Name: Wilson, Bave, Conboy, Cozza & Couzens, P.C.

Address: White Plains, NY

James T. Whalen

Firm Name: Lewis Brisbois Bisgaard & Smith LLP

Address: New York, NY

Andrea M. Maestas

Firm Name: Lewis Brisbois Bisgaard & Smith LLP

Address: New York, NY

Judge: Charles Wood

Case Summary

On April 24, 2017, plaintiff Patricia Becerra, 50, a housekeeper, was involved in a rear-end accident with a vehicle operated by Karen Astorina at the intersection of Weaver Street and Harmon Drive in Larchmont. A week later, on May 1, 2017, Becerra was involved in a rear-end accident with a vehicle operated by Talita Telles-Colombini at the intersection of Mamaroneck Avenue and Union Avenue in Harrison. Becerra sued Astorina and Telles-Colombini. Becerra also sued the owners of the vehicles, Joseph Astorina and Kathleen Charla. Becerra claimed that the drivers were negligent in the operation of their vehicles and that the owners were vicariously liable for the drivers' actions. Plaintiff's counsel moved for summary judgment of liability, and the motion was granted as to both accidents. The matter proceeded to damages.

Injury Text: Becerra presented to the emergency room hours after the April 24 accident. She also went to the hospital a few hours after the May 1 crash. Becerra claimed C4-5 and L5-S1 herniations with cervical radiculopathy. She also alleged right, dominant, shoulder pain and a right elbow strain. Becerra underwent chiropractic treatment and physical therapy. She received multiple spinal injections, including epidural steroid injections, medial branch blocks, facet blocks and sacroiliac joint injections. She received an elbow injection, as well. She then had an anterior cervical discectomy and fusion in August 2019. Becerra claimed she will need future surgeries. She sought recovery of $900,000 in future medical expenses and $1.5 million in damages for her past and future pain and suffering. The Astorinas were let out of the lawsuit on directed verdict after the close of the plaintiff's case. Counsel for Telles-Colombini and Charla argued that Becerra did not suffer a serious injury, as defined by the no-fault law, Insurance Law §5102(d). The defense specifically claimed that Becerra's injuries were neither permanent nor related to the May 2017 accident. The parties negotiated a confidential high/low stipulation.

Trial Length 1 weeks

Jury Deliberation 3 hours

Jury Poll 5-1

Insurer:

Plaintiff Amounts: (Patricia Becerra)

Plaintiff Expert(s)

Tany Sutera, D.C.

Address: White Plains, NY

Specialty: Chiropractic

Angel E. Macagno, M.D.

Address: Westbury, NY

Specialty: Orthopedic Surgery

Debra S. Dwyer, Ph.D.

Address: Centereach, NY

Specialty: Economics

Stanley B. Holstein, M.D.

Address: New Rochelle, NY

Specialty: Neurology

Defendant Expert(s)

Rene Elkin, M.D.

Address: Bronx, NY

Specialty: Neurology

Amish H. Doshi, M.D.

Address: New York, NY

Specialty: Radiology

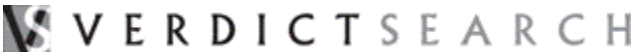
Saran S. Rosner, M.D.

Address: Hawthorne, NY

Specialty: Neurosurgery

Award: $ 0

Award Details: The jury returned a defense verdict. It concluded that Becerra did not sustain a significant limitation of use of a body function or system, or a permanent consequential limitation of use of a body organ or member. According to the defense, the jury said Becerra did not provide enough testimony about her post-accident limitations. The jury's finding precluded an award of damages, but Becerra recovered the stipulated minimum pursuant to the high/low agreement.



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Leididiana De Davila v Andrea Lyon; Hambone Management Corporation; 2024 Jury Verdicts LEXIS 106336

0032010/2020

Party Names

Plaintiff(s):

De Davila, Leididiana

Defendant(s):

Lyon, Andrea

Hambone Management Corporation

Practice Area: Unknown

State: New York

Court: Supreme Court of New York, Twelfth Judicial District

Judge: Ben Barbato

Case Summary
Sideswipe accident injured back seat passenger causing shoulder injury.

Plaintiff Expert(s)

Angel Eduardo Macagno

Address: 761 Merrick Avenue Westbury New York 11590

Phone: (516) 357-8777

Website: *http://www.nyspine.com/angel-macagno-m-d/*

Specialty: Orthopedic Surgery, Spinal Surgery

Affiliation: NY Spine Institute

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David Santiago and Michelle Santiago v. Hanley Group, Inc., Serrano Construction, Inc., Dan Cohn-Sfetcu and Joanna Gressin; 2023 Jury Verdicts LEXIS 60382

67948/2018

October 24, 2023

Headline: Construction worker sustained multiple fractures in fall from roof

Published Date: April 19, 2024

Topic: Construction - Accidents - Construction - Labor Law - Slips, Trips & Falls - Fall from Height - Worker/Workplace Negligence - Labor Law

Injury: back, lower back, upper back, bulging disc, fracture, back, fracture, L1, fracture, T1, fracture, T2, fracture, T3, fusion, lumbar, herniated disc, fusion, thoracic, fracture, vertebra, bulging disc, lumbar, head, headaches, concussion, neck, fusion, cervical, herniated disc, cervical, herniated disc at C5-6, herniated disc at C6-7, fusion, cervical, two-level, chest, fracture, rib, other, fracture, chiropractic, hypervigilance, unconsciousness, physical therapy, hardware implanted, compression fracture, surgeries/treatment, discectomy, mental/psychological, insomnia, flashbacks, emotional distress, cognition, impairment, post-concussion syndrome, post-traumatic stress disorder

Practice Area: Civil Procedure; Torts; Workers' Compensation and SSDI

State: New York

Court: Westchester Supreme

Plaintiff Counsel

Plaintiff Name: (David Santiago, Michelle Santiago)

Sophia Soraya

Firm Name: Varcadipane & Pinnisi, P.C.

Address: New York, NY

Plaintiff Name: (David Santiago, Michelle Santiago)

Michael LoGiudice

Firm Name: Michael LoGiudice, LLP

Address: Brewster, NY

Defendant Counsel

Francis B. Mann

Firm Name: Malapero Prisco & Klauber, LLP

Address: New York, NY

Chikodi E. Emerenini

Firm Name: Correia, Conway & Stiefeld

Address: White Plains, NY

None reported

Judge: Mark Bass

Case Summary

On June 16, 2018, plaintiff David Santiago, 38, a construction worker, was working on the roof of a newly constructed home in Rye. During the course of his work, Santiago would lie on his stomach and lean over the edge of the roof so he could hold window framing in place. However, as he attempted to climb off the roof, he slipped and fell 25 feet to the ground. Santiago alleged injuries to his neck, back, ribs and head. Santiago sued the general contractor for the project, Hanley Group Inc., and the company Hanley subcontracted to perform exterior carpentry work, Serrano Construction Inc. (Serrano hired Santiago's direct employer.) The lawsuit alleged that the defendants failed to provide a safe workplace and that their failure constituted a violation of the New York State Labor Law. The lawsuit also initially included a claim against the homeowners, Dan Cohn-Sfetcu and Joanna Gressin, but they did not appear in the action. Hanley filed a cross-claim against Serrano, seeking indemnification. Hanley's counsel then moved for summary judgment against Serrano, and the motion was granted. Plaintiff's counsel contended that the accident stemmed from an elevation-related hazard, as defined by Labor Law §240(1), and that Santiago was not provided the proper, safe equipment that is a requirement of the statute. Counsel also contended that the defendants failed to provide or ensure reasonable and adequate protection, as required by Labor Law §241(6). Plaintiff's counsel further contended that the defendants violated Labor Law §200, which defines general workplace-safety requirements. Plaintiff's

counsel specifically argued that Santiago was not provided with nor told about any available harnesses, scaffolds or other safety equipment. Plaintiff's counsel moved for summary judgment on the issue of liability against Hanley on the claims regarding Labor Law §§ 240(1) and 241(6). The motion was granted. Hanley's counsel appealed the decision, asserting that Santiago was the sole cause of his injuries. Hanley's counsel argued that Santiago knew there was safety equipment available yet opted not to use it. Counsel further argued that Santiago was told not to go on the roof without safety equipment. In response, Santiago's counsel maintained that the safety equipment was in Hanley's locked trailer. Santiago claimed that since he didn't work directly for Hanley, he had no way of knowing the equipment was there. He further claimed that none of Hanley's employees told him about this equipment either. The appellate court upheld the summary judgment ruling. Serrano's counsel, meanwhile, moved for summary judgment on Santiago's direct claim against the subcontractor, Serrano. Counsel argued that Serrano provided Santiago with workers' compensation benefits after the fall and, therefore, Santiago was Serrano's employee. The motion was granted, and the matter proceeded to damages against Hanley only.

Injury Text: Santiago sustained blunt force trauma to his head and lost consciousness at the scene. He was the transported to a hospital, where he was diagnosed with an L1 burst fracture; compression fractures at T1, T2 and T3; and fractured ribs. He was also determined to have sustained a concussion. Santiago claimed he also sustained bulging lumbar discs at the L2-3, L4-5 and L5-S1 levels, along with herniated cervical discs at the C5-6 and C6-7 levels. Santiago alleged that as a result of his head injury, he developed post-concussion syndrome. Santiago underwent an immediate T12-L2 fusion with instrumentation. He later underwent chiropractic care and physical therapy. He also saw numerous doctors, including an orthopedist, a pain management specialist and a neurologist. In March 2023, Santiago underwent an anterior cervical discectomy and fusion at C5-6 and C6-7. He claimed he will eventually need adjacent-level surgeries to his neck and back. Santiago alleged that he developed post-traumatic stress disorder and major depressive disorder as a result of the fall. He saw a psychotherapist and a psychiatrist for these conditions. He alleged that his head injury additionally caused auditory hallucinations, cognitive deficits, insomnia, hypervigilance, flashbacks, paranoia, lethargy, mood disturbances, panic attacks and emotional distress. Santiago never returned to work, and he claimed he is fully disabled from employment. He alleged that he continues to suffer from daily pain and migraines. He alleged that as a result, he could no longer bend, lift heavy objects or walk long distances. Santiago sought recovery of past and future medical expenses, past and future lost earnings, and damages for his past and future pain and suffering. His wife at the time of the accident, Michelle Santiago, filed a derivative claim, but she later dropped her claim when the couple got divorced. Serrano's orthopedic surgery expert opined that David Santiago's neck injuries were not related to the fall. While the expert admitted the fall caused the lumbar burst fracture and the rib fractures, the expert opined that those injuries had resolved. The defendants' vocational rehabilitation expert opined that Santiago is still able to perform sedentary, light-duty or medium-duty jobs.

Trial Length 0

Jury Deliberation 0

Insurer: State Farm Insurance Cos. Liberty Mutual Insurance Co.

Plaintiff Amounts: (Michelle Santiago) (David Santiago)

Plaintiff Expert(s)

Angel E. Macagno, M.D.

Address: Westbury, NY

Specialty: Orthopedic Surgery

Defendant Expert(s)

Andrew N. Bazos, M.D.

Address: New York, NY

Specialty: Orthopedic Surgery

Connie Kane Standhart, M.S., C.R.C.

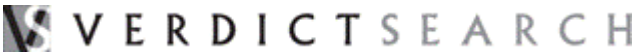
Address: Middleburgh, NY

Specialty: Vocational Rehabilitation

Award: $ 1,500,000

Award Details: The parties negotiated a pretrial settlement, which was established via the guidance of mediator Mark Bass. Serrano's insurer, Liberty Mutual Insurance Co., tendered its primary policy, which provided $1 million of coverage. Hanley's insurer, State

Farm Insurance Cos., agreed to pay an additional $500,000 from a policy that provided $2 million of coverage. Thus, the settlement totaled $1.5 million.



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Douglas Welch v. Roberto Ayala; The Trustees of Columbia University; The Trustees of Columbia University in the City of New York; 2023 Jury Verdicts LEXIS 2860

1:19cv3455; 1:19-cv-03455-NRB

August 22, 2023

Party Names

Plaintiff(s):

Welch, Douglas, Male

Defendant(s):

Ayala, Roberto

The Trustees of Columbia University

The Trustees of Columbia University in the City of New York

Practice Area: Unknown

Method of Resolution: Other

Case Resolution: For Defendant

State: New York

Court: US District Court for the Southern District of New York

Plaintiff Counsel

Plaintiff Name: Douglas Welch

E David Woycik, Jr.

Firm Name: Sanders, Sanders, Block, Woycik, Viener & Grossman, P.C.

Address: 100 Herricks Rd Mineola New York 11501

Phone: (516) 741-5252

Attorney's Updated Firm Affiliation: The Sanders Firm

Address: 100 Herricks Road Mineola New York 11501

Phone: (516) 526-6670

Website: *www.ssbwlaw.com*

Kathleen Elizabeth Beatty

Firm Name: Kathleen Law PC

Address: 1 Rockefeller Plaza 11th Floor 10020 New York New York

Defendant Counsel

Defendant Name: Roberto Ayala

David Matthew Kittrell

Firm Name: Sanders Law Firm LLC

Address: 219 W Colorado Ave, Ste 110 Colorado Springs Colorado 80903

Phone: (719) 630-1556

Website: *www.perrysanderslaw.com*

Joseph P. Wodarski, IIi

Firm Name: Wilson, Elser, Moskowitz, Et Al

Address: 3 Gannett Drive White Plains New York 10604

Phone: (914) 323-7000

Website: *www.wilsonelser.com*

Judge: Naomi Reice Buchwald

Case Summary

Automobile collision resulted in lumbar spine disc herniations L5-S1 spondylolisthesis and radiculopathy.

Plaintiff Expert(s)

Michael Christopher Gerling

Address: 740 Park Ave New York New York 10021

Phone: (212) 882-1110

Website: *https://gerlinginstitute.com/michael-gerling-md/*

Specialty: Orthopedic Surgery, Spinal Surgery

Affiliation: Gerling Institute

Affiliation: CitiMed

Affiliation: Spine Care NYC

Affiliation: New York University School of Medicine

Affiliation: Brooklyn Hospital

Affiliation: New York University Langone Medical Center

Affiliation: NY Lutheran Health Care

Affiliation: Lenox Hill Hospital

Affiliation: Nyu Hospital For Joint Disease

Affiliation: SUNY Downstate Medical Center/Orthopaedic Surgery & Rehabilitation Medicine

Angel Eduardo Macagno

Address: 761 Merrick Avenue Westbury New York 11590

Phone: (516) 357-8777

Website: *http://www.nyspine.com/angel-macagno-m-d/*

Specialty: Orthopedic Surgery, Spinal Surgery

Affiliation: NY Spine Institute

Boleslav Kosharskyy

Address: 1976 Crotona Parkway Suite 2a Bronx New York 10460

Phone: (718) 307-5700

Website: *https://crotonasurgery.com/boleslav-kosharskyy-md/*

Specialty: Anesthesiology, Hospice & Palliative Medicine, Pain Medicine

Affiliation: Crotona Surgery Ctr

Affiliation: Albert Einstein Medical College

Affiliation: Montefiore Medical Center

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Joseph Loring v Fifth Avenue Provisions Inc; 2023 Jury Verdicts LEXIS 60198

612530/2019

August 01, 2023

Party Names

Plaintiff(s):

Loring, Joseph

Defendant(s):

Fifth Avenue Provisions Inc

Practice Area: Unknown

Method of Resolution: Settlement

Case Resolution: Mixed

State: New York

County: Suffolk

Court: Supreme Court of New York, Tenth Judicial District

Plaintiff Counsel

Plaintiff Name: Joseph Loring

Lisa Fallah

Firm Name: Kaplan Lawyers

Address: 6901 Jericho Turnpike Ste 100 Syosset New York 11791

Phone: (516) 399-2364

Judge: George Nolan

Case Summary
Automobile collision resulted in cervical spine and right shoulder injuries.

Plaintiff Expert(s)

Angel Eduardo Macagno

Address: 761 Merrick Avenue Westbury New York 11590

Phone: (516) 357-8777

Website: *http://www.nyspine.com/angel-macagno-m-d/*

Specialty: Orthopedic Surgery, Spinal Surgery

Affiliation: NY Spine Institute

Award: $200,000

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Sandra Rivera v Christopher Neary; 2023 Jury Verdicts LEXIS 60174

504106/2019

February 17, 2023

Party Names

Plaintiff(s):

Rivera, Sandra

Defendant(s):

Neary, Christopher

Practice Area: Unknown

Method of Resolution: Settlement

Case Resolution: Mixed

State: New York

County: Kings

Court: Supreme Court of New York, Second Judicial District

Plaintiff Counsel

Plaintiff Name: Sandra Rivera

Angelicque Moreno

Firm Name: Avanzino & Moreno PC

Address: 26 Court St Ste 2015 Brooklyn New York 11242

Phone: (718) 802-1616

Defendant Counsel

Defendant Name: Christopher Neary

John Simon

Firm Name: James B. Bilello & Associates

Address: 1400 Old Country Road Westbury New York 11590

Phone: (516) 861-1800

Judge: Pamela Fisher

Case Summary

Automobile accident caused left knee injury requiring surgery.

Plaintiff Expert(s)

Angel Eduardo Macagno

Address: 761 Merrick Avenue Westbury New York 11590

Phone: (516) 357-8777

Website: *http://www.nyspine.com/angel-macagno-m-d/*

Specialty: Orthopedic Surgery, Spinal Surgery

Affiliation: NY Spine Institute

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Patricia Young v Stephanie Foods Corporation; 2022 Jury Verdicts LEXIS 26962

510995/2018

December 01, 2022

Party Names

Plaintiff(s):

Young, Patricia

Defendant(s):

Stephanie Foods Corporation

Practice Area: Unknown

Method of Resolution: Settlement

Case Resolution: Mixed

State: New York

County: Kings

Court: Supreme Court of New York, Second Judicial District

Plaintiff Counsel

Plaintiff Name: Patricia Young

Carey Bernstein

Firm Name: Carey S. Bernstein, Esq., P.C.

Address: 26 Court St Ste 2102 Brooklyn New York 11242

Phone: (718) 852-8800

Case Summary

Fall through trap door resulted in fracture left tibial plateau, sprained left foot, L2-3 disc bulge,13-4 and L4-5 disc herniations.

Plaintiff Expert(s)

Angel Eduardo Macagno

Affiliation: NY Spine Institute

Address: 761 Merrick Avenue Westbury New York 11590

Phone: (516) 357-8777

Website: *http://www.nyspine.com/angel-macagno-m-d/*

Specialty: Orthopedic Surgery, Spinal Surgery

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Anthony Ayala v. Fleetwood Park Corporation; Benchmark LM Management Services, LLC; 2022 Jury Verdicts LEXIS 12203

53229/2018

November 30, 2022

Party Names

Plaintiff(s):

Ayala, Anthony, Male

Defendant(s):

Fleetwood Park Corporation

Benchmark LM Management Services, LLC

Practice Area: Education Law

Method of Resolution: Settlement

Case Resolution: Mixed

State: New York

County: Westchester

Court: Supreme Court of New York, Ninth Judicial District

Plaintiff Counsel

Plaintiff Name: Anthony Ayala

Steven Krentsel

Firm Name: Krentsel & Guzman Llp

Address: 17 Battery Place Suite 604 New York New York 10004

Phone: (212) 227-2900

Website: *http://www.kglawteam.com/index.html*

Jason Todd Herbert

Firm Name: Krentsel & Guzman

Jonathan Joseph Panarella

Firm Name: Krentsel & Guzman Llp

Address: 17 Battery Place Suite 604 New York New York 10004

Phone: (212) 227-2900

Website: *http://www.kglawteam.com/index.html*

Defendant Counsel

Defendant Name: Fleetwood Park Corporation

Carol A Morell

Firm Name: Margaret G Klein & Associates

Address: 200 Madison Ave, 2nd Fl Elmsford New York 10016

Phone: (646) 392-9250

Lawrence J Buchman

Firm Name: Pillinger Miller Tarallo, LLP

Address: 570 Taxter Rd Ste 275 Elmsford New York 10523

Phone: (914) 703-6300

Website: *http://www.pmtlawfirm.com*

Thomas Mark Bona

Firm Name: Pillinger Miller Tarallo

Defendant Name: Benchmark LM Management Services, LLC

Carol A Morell

Firm Name: Margaret G Klein & Associates

Address: 200 Madison Ave, 2nd Fl Elmsford New York 10016

Phone: (646) 392-9250

Lawrence J Buchman

Firm Name: Pillinger Miller Tarallo, LLP

Address: 570 Taxter Rd Ste 275 Elmsford New York 10523

Phone: (914) 703-6300

Website: *http://www.pmtlawfirm.com*

Thomas Mark Bona

Firm Name: Pillinger Miller Tarallo

Judge: Sam D. Walker

Case Summary

Ceiling fell on apartment tenant while taking a shower, injuring his neck, back, right shoulder, and bilateral knees.

Plaintiff Expert(s)

Angel Eduardo Macagno

Address: 761 Merrick Avenue Westbury New York 11590

Phone: (516) 357-8777

Website: *http://www.nyspine.com/angel-macagno-m-d/*

Specialty: Orthopedic Surgery, Spinal Surgery

Affiliation: NY Spine Institute

Defendant Expert(s)

Jerry Arthur Lubliner

Address: 210 E 73rd St New York New York 10021

Phone: (212) 249-8200

Website: *http://nyorthosports.com*

Specialty: Orthopedic Surgery, Orthopedic Sports Medicine

Affiliation: New York Orthopaedics & Sports Medicine, PC

Affiliation: Beth Israel Medical Center

Affiliation: Hospital for Joint Diseases Orthopaedic Institute

Affiliation: New York University School of Medicine

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Anthony Ayala v. Fleetwood Park Corporation and Benchmark LM Management Services, LLC; 2022 Jury Verdicts LEXIS 7644

53229-2018

August 24, 2022

Headline: Tenant claimed injuries from ceiling collapse

Published Date: September 23, 2022

Topic: Premises Liability - Apartment - Premises Liability - Ceiling Collapse - Premises Liability - Dangerous Condition - Premises Liability - Negligent Repair and/or Maintenance

Injury: back, herniated disc, lumbar, knee, medial meniscus, tear, neck, fusion, cervical, herniated disc, cervical, herniated disc at C5-6, other, synovectomy, labrum, tear, bilateral knee injury, decreased range of motion, shoulder, rotator cuff, injury (tear), surgeries/treatment, discectomy, arthroscopy, knee surgery, meniscectomy

Practice Area: Civil Procedure; Torts

State: New York

Court: Westchester Supreme

Plaintiff Counsel

Plaintiff Name: (Anthony Ayala)

Jonathan J. Panarella

Firm Name: Krentsel Guzman Herbert LLP

Address: New York, NY

Defendant Counsel

Lawrence J. Buchman

Firm Name: Pillinger Miller Tarallo, LLP

Address: Elmsford, NY

Judge: Sam D. Walker

Case Summary

On Dec. 13, 2017, plaintiff Anthony Ayala, 43, a laborer who worked painting jobs, was in the shower at his apartment located at 796 Bronx River Road, in Bronxville, when the ceiling collapsed on him. Ayala claimed injuries to his neck, back, right shoulder and both knees. Ayala sued the owner of the apartment building, Fleetwood Park Corp., and the manager of the apartment building, Benchmark LM Management Services, LLC. Ayala alleged that the defendants were negligent in the repair and/or maintenance of the apartment building, creating a dangerous condition. Ayala claimed the defendants failed to maintain or repair the ceiling, causing it to collapse on him.
Fleetwood and Benchmark accepted liability, and the matter proceeded to a trial on damages only.

Injury Text: Ayala fell forward when the ceiling collapsed on him. Later that evening, he presented to NewYork-Presbyterian Lawrence Hospital, in Bronxville, where he was treated and discharged without being admitted. He claimed he sustained multilevel lumbar herniations, medial meniscal tears to both knees, and a torn rotator cuff and torn labrum to the right shoulder. He also claimed the accident aggravated a prior neck injury, resulting in a herniated cervical disc at the C5-6 level. Ayala first attempted conservative treatment, but he ultimately underwent an arthroscopy and synovectomy on his right shoulder on April 5, 2018. He also underwent a right knee meniscectomy on July 16, 2019, and a left knee meniscectomy on Oct. 14, 2019. In addition, he underwent an anterior cervical discectomy and fusion with instrumentation on Feb. 12, 2020. Ayala also continued to treat his back with pain management. Ayala, who picked up painting jobs as a laborer, claimed that his injuries have affected his ability to work, but he did not seek recovery for any alleged loss of earnings. He also claimed that he is limited in his ability to exercise, lift, pull and run. The plaintiff's treating physician, an expert orthopedic surgeon, opined that Ayala will likely need future surgical intervention, specifically another cervical fusion. Ayala sought recovery for his past and future medical costs, and past and future pain and suffering. Defense counsel noted that in October 2015, Ayala was involved in a motor vehicle accident where he claimed injuries to his neck, back and legs, and that in March 2017, Ayala was recommended to have a cervical discectomy at the same level. Accordingly, defense counsel argued that Ayala's condition was a combination of injuries that were pre-existing and degenerative in nature. Thus, counsel contended that

Ayala's injuries were not caused by the subject accident. The defense's expert orthopedic surgeon testified that he found no objective findings of injury. The defense's expert radiologist testified that she found all conditions in Ayala's MRI to be degenerative.

Trial Length 6 days

Jury Deliberation 0

Insurer:

Plaintiff Amounts: (Anthony Ayala)

$ 1,650,000 Future Pain Suffering

$ 500,000 Past Pain Suffering ($ 2,150,000 Plaintiff's Total Award) ( )

Plaintiff Expert(s)

Angel E. Macagno, M.D.

Address: Westbury, NY

Specialty: Orthopedic Surgery

Defendant Expert(s)

Jerry A. Lubliner, M.D.

Address: New York, NY

Specialty: Orthopedic Surgery

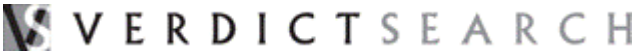
Melissa R. Sapan Cohn, M.D.

Address: West Islip, NY

Specialty: Radiology

Award: $ 2,150,000

Award Details: The jury determined that Ayala's damages totaled $2.15 million.



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Luz Pelaez-Moronta v. Mavis Tire Supply, LLC.; Christopher Littleton; 2022 Jury Verdicts LEXIS 14548

52610/2017

May 16, 2022

Party Names

Plaintiff(s):

Pelaez-Moronta, Luz, Female

Defendant(s):

Mavis Tire Supply, LLC.

Littleton, Christopher

Practice Area: Unknown

Method of Resolution: Trial

Case Resolution: For Plaintiff

State: New York

County: Westchester

Court: Supreme Court of New York, Ninth Judicial District

Defendant Counsel

Defendant Name: Mavis Tire Supply, LLC.

David A Glazer

Firm Name: Shafer Glazer, LLP

Address: 125 Maiden Ln #16a New York New York 10038

Phone: (212) 267-0011

Attorney's Updated Firm Affiliation: Smith Mazure Director Wilkins Young & Yagerman

Address: 111 John St, 20th Floor New York New York 10038

Phone: (212) 964-7400

Website: *www.smithmazure.com*

Judge: Charles David Wood

Case Summary

Motor vehicle accident resulting in back, neck and a shoulder injuries.

Plaintiff Expert(s)

Angel Eduardo Macagno

Address: 761 Merrick Avenue Westbury New York 11590

Phone: (516) 357-8777

Website: *http://www.nyspine.com/angel-macagno-m-d/*

Specialty: Orthopedic Surgery, Spinal Surgery

Affiliation: NY Spine Institute

Defendant Expert(s)

Kevin K Toosi

Address: 14 Ruthfred Dr Pittsburgh Pennsylvania 15241

Phone: (412) 221-1671

Specialty: Bioengineering, Biomechanics, Injury Causation, Medical Research, Biomechanical Engineering, Injury Biomechanics, Accident Analysis

Affiliation: BioEx Consulting, LLC

Affiliation: Pittsburgh Biomechanics, LLC

Affiliation: University of Pittsburgh, Dept of Biogengineering

Affiliation: University of Pittsburgh School of Medicine

Affiliation: Exponent Failure Analysis Associates

Award: $2,877,241

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Luz Pelaez-Moronta v. Mavis Tire Supply, LLC. Christopher Littleton; 2022 Jury Verdicts LEXIS 5831

52610/17

May 16, 2022

Headline: Auto accident led to spinal surgery, plaintiff claimed

Published Date: July 31, 2022

Topic: Motor Vehicle - Passenger - Motor Vehicle - Rear-ender - Motor Vehicle - No-Fault Case - Motor Vehicle - Multiple Vehicle

Injury: back, nerve impingement, herniated disc, lumbar, herniated disc at L1-2, herniated disc at L5-S1, neck, fusion, cervical, herniated disc, cervical, herniated disc at C4-5, herniated disc at C5-6, herniated disc at C6-7, fusion, cervical, two-level, other, bone graft, chiropractic, physical therapy, hardware implanted, shoulder, shoulder impingement, neurological, radiculopathy, surgeries/treatment, discectomy

Practice Area: Civil Procedure; Public Health and Welfare Law

State: New York

Court: Westchester Supreme

Plaintiff Counsel

Plaintiff Name: (Luzmery Pelaez)

James L. Forde

Firm Name: Omrani & Taub, P.C.

Address: New York, NY

Plaintiff Name: (Luzmery Pelaez)

Michael A. Taub

Firm Name: Omrani & Taub, P.C.

Address: New York, NY

Defendant Counsel

Howard Shafer

Firm Name: Shafer Partners, LLP

Address: New York, NY

Judge: Charles Wood

Case Summary

On Nov. 16, 2015, plaintiff Luzmery Pelaez, then Luzmery Pelaez-Moronta, 51, a dental assistant, was a passenger of a car that was traveling on Saw Mill River Road, near its intersections at Sylvia Avenue, in Ardsley. While the car was stopped, behind a vehicle whose driver was preparing to execute a left turn, its rear end was struck by a trailing minivan that was being driven by Christopher Littleton. Pelaez claimed that she suffered injuries of her back, her neck and a shoulder. Pelaez sued Littleton and Littleton's employer, Mavis Tire Supply LLC. The lawsuit alleged that Littleton was negligent in the operation of his vehicle. The lawsuit further alleged that Mavis Tire Supply was liable because the accident occurred during Littleton's performance of his job's duties. Pelaez's counsel moved for summary judgment of liability, and the motion was granted. The trial addressed damages.

Injury Text: Pelaez was retrieved by an ambulance, and she was transported to St. John's Riverside Hospital, in the village of Dobbs Ferry. She underwent X-rays and minor treatment. Pelaez ultimately claimed that she suffered herniations of her C4-5, C5-6, C6-7, L1-2 and L5-S1 intervertebral discs. She claimed that she developed residual impingement of spinal nerves and resultant radiculopathy that stemmed from her cervical and lumbar regions. She also claimed that she suffered trauma that produced impingement of her right, dominant arm's shoulder. Pelaez immediately commenced a course of chiropractic treatment, and she soon commenced a pain-management regimen, which included administration of three rounds of medial branch block injections. She later undertook a course of physical therapy, which is ongoing. On April 1, 2019, Pelaez underwent surgery that included a discectomy -- which involved excision of her C4-5 and C5-6 discs -- fusion of the corresponding levels of her spine, implantation of stabilizing hardware and application of a stabilizing graft of bony matter. Pelaez claimed that she was physically unable to resume work after having undergone surgery. She claimed that her employment was resultantly terminated. Pelaez further claimed that she suffers residual pain and limitations. A doctor has

recommended surgical fusion of a portion of the lumbar region of Pelaez's spine. Pelaez sought recovery of past and future medical expenses, damages for past and future loss of earnings, damages for loss of Social Security benefits, and damages for past and future pain and suffering. Defense counsel contended that Pelaez did not suffer a serious injury, as defined by the no-fault law, Insurance Law § 5102(d). Defense counsel contended that Pelaez's herniated discs were degenerative conditions that predated the accident. The parties negotiated a high/low stipulation. Terms were not disclosed.

Trial Length 6 days

Jury Deliberation 2 days

Jury Poll 6-0

Insurer: Sentry Insurance

Plaintiff Amounts: (Luzmery Pelaez $ 95,000 Past Medical Cost $ 142,241 Past Lost Earnings $ 500,000 Past Pain Suffering $ 860,000 future medical cost (12 years) $ 215,000 future lost earnings (nine years) $ 65,000 future loss of Social Security benefits $ 1,000,000 future pain and suffering (20 years) $ 2,877,241 Plaintiff's Total Award)

Plaintiff Expert(s)

Al Vangura, Jr., M.S.

Address: McMurray, PA

Specialty: Injury Biomechanics

Alan Leiken, Ph.D.

Address: Palm Beach Gardens, FL

Specialty: Economics

Tany Sutera, M.D.

Address: White Plains, NY

Specialty: Chiropractic

Angel E. Macagno, M.D.

Address: Westbury, NY

Specialty: Orthopedic Surgery

David R. Payne, M.D.

Address: Garden City, NY

Specialty: Radiology

Debra S. Dwyer, Ph.D.

Address: Stony Brook, NY

Specialty: Economics

Irfan A. Alladin, M.D.

Address: Parsippany, NJ

Specialty: Pain Management

Defendant Expert(s)

Kevin K. Toosi, M.D., Ph.D.

Address: Pittsburgh, PA

Specialty: Injury Biomechanics

Ronald L. Mann, M.D.

Address: Yorktown Heights, NY

Specialty: Orthopedic Surgery

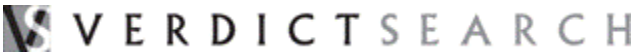
Jonathan Lerner, M.D.

Address: Bethpage, NY

Specialty: Radiology

Award: $ 2,877,241

Award Details: The jury found that Pelaez suffered a serious injury. It determined that she suffers permanent consequential limitation of use of a body organ or member, and it also determined that she suffered significant limitation of use of a body function or system. The jury found that Pelaez's damages totaled $2,877,241.



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Reggie Gibbs v Dermetric Drye; 2022 Jury Verdicts LEXIS 26975

0025752/2018

April 27, 2022

Party Names

Plaintiff(s):

Gibbs, Reggie - 47 years old, Male

Defendant(s):

Drye, Dermetric

Practice Area: Unknown

Method of Resolution: Dismissed

Case Resolution: Mixed

State: New York

County: Bronx

Court: Supreme Court of New York, Twelfth Judicial District

Plaintiff Counsel

Plaintiff Name: Reggie Gibbs

Joshua Olmstead

Firm Name: Celino & Barnes

Address: 420 Lexington Ave Ste 2140 New York New York 10170

Phone: (800) 888-8888

Defendant Counsel

Defendant Name: Dermetric Drye

Robert McCarthy

Firm Name: Lippman & McCarthy

Address: 565 Taxter Rd Ste 220 Elmsford New York 10523

Phone: (914) 347-5522

Judge: John Higgitt

Case Summary

Automobile collision resulted in neck pain, lower back pain and numbness in fingers.

Plaintiff Expert(s)

Angel Eduardo Macagno

Address: 761 Merrick Avenue Westbury New York 11590

Phone: (516) 357-8777

Website: *http://www.nyspine.com/angel-macagno-m-d/*

Specialty: Orthopedic Surgery, Spinal Surgery

Affiliation: NY Spine Institute

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Ayala v. Fleetwood Park Corp., et al; What's It Worth? § 18.02 (2023 ed.)

53229-2018

2022

CHAPTER 18. Knee Injuries > SECTION 18.02. Adequate

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What's It Worth? 2023 Edition

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Topic: Knee Injuries. While the plaintiff was taking a shower, the bathroom ceiling in his apartment fell on him

Award: $ 2,150,000

Injury: Neck, back, right shoulder and knee injuries

Practice Area: Unknown

State: New York

County: Westchester Co.

Judge: Sam Walker

Plaintiff Profile

43 year old male laborer

Plaintiff Counsel

Krentsel Guzman Herbert LLP, New York, NY

Defendant Counsel

Pillinger Miller Tarallo, LLP, Elmsford, NY

Case Summary

The defendants accepted liability and the matter proceeded to a trial on damages only. The award included $ 1,650,000 for future pain and suffering and $ 500,000 for past pain and suffering

Reference: *2022 Jury Verdicts LEXIS 7644 (August 24, 2022)*

Plaintiff Expert(s)

Dr. Angel Macagno, orthopedic surgery, Westbury, NY for the plaintiff

Defendant Expert(s)

Dr. Jerry Lubliner, orthopedic surgery, New York, NY,
Dr. Melissa R. Sapan Cohn, radiology, West Islip, NY for the defendant

Ayala v. Fleetwood Park Corp., et al; What's It Worth? § 18.02 (2024 ed.)

53229-2018

2022

CHAPTER 18. Knee Injuries > SECTION 18.02. Adequate

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Topic: Knee Injuries. While the plaintiff was taking a shower, the bathroom ceiling in his apartment fell on him

Award: $ 2,150,000

Injury: Neck, back, right shoulder and knee injuries

Practice Area: Unknown

State: New York

County: Westchester Co.

Judge: Sam Walker

Plaintiff Profile

43 year old male laborer

Plaintiff Counsel

Krentsel Guzman Herbert LLP, New York, NY

Defendant Counsel

Pillinger Miller Tarallo, LLP, Elmsford, NY

Case Summary

The defendants accepted liability and the matter proceeded to a trial on damages only. The award included $ 1,650,000 for future pain and suffering and $ 500,000 for past pain and suffering

Reference: *2022 Jury Verdicts LEXIS 7644 (August 24, 2022)*

Plaintiff Expert(s)

Dr. Angel Macagno, orthopedic surgery, Westbury, NY for the plaintiff

Defendant Expert(s)

Dr. Jerry Lubliner, orthopedic surgery, New York, NY,
Dr. Melissa R. Sapan Cohn, radiology, West Islip, NY for the defendant

Ayala v. Fleetwood Park Corp., et al; What's It Worth? § 4.02 (2023 ed.)

53229-2018

2022

CHAPTER 4. Back Injuries > SECTION 4.02. Adequate

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Topic: Back Injuries. While the plaintiff was taking a shower, the bathroom ceiling in his apartment fell on him

Award: $ 2,150,000

Injury: Neck, back, right shoulder and knee injuries

Practice Area: Unknown

State: New York

County: Westchester Co.

Judge: Sam Walker

Plaintiff Profile

43 year old male laborer

Plaintiff Counsel

Krentsel Guzman Herbert LLP, New York, NY

Defendant Counsel

Pillinger Miller Tarallo, LLP, Elmsford, NY

Case Summary

The defendants accepted liability and the matter proceeded to a trial on damages only. The award included $ 1,650,000 for future pain suffering and $ 500,000 for past pain suffering

Reference: *2022 Jury Verdicts LEXIS 7644 (August 24, 2022)*

Plaintiff Expert(s)

Dr. Angel Macagno, orthopedic surgery, Westbury, NY for the plaintiff

Defendant Expert(s)

Dr. Jerry Lubliner, orthopedic surgery, New York, NY,
Dr. Melissa R. Sapan Cohn, radiology, West Islip, NY for the defendant

Ayala v. Fleetwood Park Corp., et al; What's It Worth? § 4.02 (2024 ed.)

53229-2018

2022

CHAPTER 4. Back Injuries > SECTION 4.02. Adequate

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Topic: Back Injuries. While the plaintiff was taking a shower, the bathroom ceiling in his apartment fell on him

Award: $ 2,150,000

Injury: Neck, back, right shoulder and knee injuries

Practice Area: Unknown

State: New York

County: Westchester Co.

Judge: Sam Walker

Plaintiff Profile

43 year old male laborer

Plaintiff Counsel

Krentsel Guzman Herbert LLP, New York, NY

Defendant Counsel

Pillinger Miller Tarallo, LLP, Elmsford, NY

Case Summary

The defendants accepted liability and the matter proceeded to a trial on damages only. The award included $ 1,650,000 for future pain suffering and $ 500,000 for past pain suffering

Reference: *2022 Jury Verdicts LEXIS 7644 (August 24, 2022)*

Plaintiff Expert(s)

Dr. Angel Macagno, orthopedic surgery, Westbury, NY for the plaintiff

Defendant Expert(s)

Dr. Jerry Lubliner, orthopedic surgery, New York, NY,
Dr. Melissa R. Sapan Cohn, radiology, West Islip, NY for the defendant

Eric Jones v. Gaurang B. Parikh; 2021 Jury Verdicts LEXIS 10055

522983/2017; 522983/17

July 27, 2021

Party Names

Plaintiff(s):

Jones, Eric, Male

Defendant(s):

Parikh, Gaurang B.

Practice Area: Criminal Law and Procedure; Transportation Law

Method of Resolution: Settlement

Case Resolution: Mixed

State: New York

County: Kings

Court: Supreme Court of New York, Second Judicial District

Plaintiff Counsel

Plaintiff Name: Eric Jones

Jeffrey A Block

Firm Name: Block, O'Toole & Murphy

Address: One Penn Plaza, Ste 5315 New York New York 10119

Phone: (212) 736-5300

Website: *www.blockotoole.com*

Defendant Counsel

Defendant Name: Gaurang B. Parikh

Howard J. Kaplan

Firm Name: Carmen Callahan & Ingham, LLP

Address: 266 Main St New York

Attorney's Updated Firm Affiliation: Carman, Callahan & Ingham Llp

Address: 266 Main St Farmingdale New York 11735

Phone: (516) 249-3450

Judge: Devin P. Cohen

Case Summary
Driver ignored red traffic signal resulting in collision

Plaintiff Expert(s)

Debra Sabatini Dwyer

Address: 101 Nicolls Rd Health Sciences Center Level 2 Rm 400 Stony Brook New York 11794

Phone: (631) 444-2252

Website: *https://www.debdwyeranalytics.com/*

Specialty: Economics, Labor Economics, Loss Analysis, Health Care Policies

Affiliation: Deb Dwyer Analytics

Affiliation: Stony Brook University School of Health Professions

Affiliation: SUNY Stony Brook, Health Care Policy and Management

Angel Eduardo Macagno

Address: 761 Merrick Avenue Westbury New York 11590

Phone: (516) 357-8777

Website: *http://www.nyspine.com/angel-macagno-m-d/*

Specialty: Orthopedic Surgery, Spinal Surgery

Affiliation: NY Spine Institute

Other Expert(s)

Dr. Barry Clifford Root

Address: 1 Expressway Plaza, Suite 100 Roslyn Heights New York 11577

Phone: (516) 463-7516

Website: *https://faculty.medicine.hofstra.edu/5570-barry-root*

Specialty: Physical Medicine & Rehabilitation, Spinal Cord Injuries

Affiliation: Donald & Barbara Zucker School of Medicine

at Hofstra/Northwell

Affiliation: North Shore PM&R Services, PC/Northwell Health

Affiliation: Glen Cove Hospital

Affiliation: North Shore University Hospital

Affiliation: Cornell University College of Medicine

Affiliation: St Francis Hospital

Award: $2,000,000

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Eric Jones v. Gaurang B Parikh; 2021 Jury Verdicts LEXIS 8199

522983/17

July 23, 2021

Headline: Auto accident's parties disputed right of way

Published Date: September 24, 2021

Topic: Motor Vehicle - Broadside - Motor Vehicle - Intersection - Motor Vehicle - Multiple Vehicle - Motor Vehicle - Question of Lights

Injury: back, fusion, lumbar, nerve impingement, spondylolisthesis, bulging disc, lumbar, herniated disc, lumbar, herniated disc at L5-S1, neck, bulging disc, cervical, herniated disc, cervical, herniated disc at C3-4, herniated disc at C4-5, herniated disc at C5-6, herniated disc at C7-T1, other, corpectomy, facetectomy, physical therapy, hardware implanted, epidural injections, bone graft, iliac crest, percutaneous discectomy, foraminotomy/foraminectomy, aggravation of pre-existing condition, neurological, radiculopathy, surgeries/treatment, discectomy, laminectomy, laminectomy, lumbar

Practice Area: Civil Procedure; Transportation Law

State: New York

Court: Kings Supreme

Plaintiff Counsel

Plaintiff Name: (Eric Jones,)

Jeffrey A. Block

Firm Name: Block O'Toole & Murphy, LLP

Address: New York, NY

Plaintiff Name: (Eric Jones,)

S. Joseph Donahue

Firm Name: Block O'Toole & Murphy, LLP

Address: New York, NY

Defendant Counsel

Howard J. Kaplan

Firm Name: Carman Callahan & Ingham, LLP

Address: Farmingdale, NY

Judge: Richard Byrne

Case Summary

On Aug. 24, 2017, plaintiff Eric Jones, 52, a sewage-treatment worker, was driving on the southbound side of Bushwick Avenue, near its intersection at Metropolitan Avenue, in the Williamsburg section of Brooklyn. While he was proceeding through the intersection, his vehicle's right side was struck by a vehicle that was being driven by Gaurang Parikh, who was traveling on the eastbound side of Metropolitan Avenue. Jones claimed that he suffered injuries of his back and neck. Jones sued Parikh. The lawsuit alleged that Parikh was negligent in the operation of his vehicle. Jones claimed that, upon reaching the intersection, he stopped at a red traffic signal. He claimed that, when the signal turned green, he proceeded into the intersection. He contended that Parikh ignored a red signal. A witness, who was driving immediately behind Jones' vehicle at the time of the accident, agreed that a green signal permitted Jones' entrance to the intersection. Parikh claimed that, upon reaching the intersection, he stopped at a red signal. He claimed that, when the signal turned green, he proceeded into the intersection. He contended that Jones ignored a red signal. Parikh further claimed that Jones' vehicle was obscured by a transit bus that was also traveling on the southbound side of Bushwick Avenue, in the right lane and to the immediate right of Jones' vehicle. A witness agreed that the traffic signals favored Parikh, though the witness also claimed that Jones' vehicle occupied Bushwick Avenue's right southbound lane, not the left southbound lane, as Parikh had claimed.

Injury Text: Jones' vehicle was totaled. It was removed from the scene of the accident, and Jones returned to his home. During the day that followed the accident, Jones visited his primary doctor. He claimed that he was suffering pain that radiated to a leg, from his back. He was provided a painkiller. Jones ultimately claimed that he suffered a herniation of his L5-S1 intervertebral disc. He claimed that he developed residual impingement of a spinal nerve and resultant radiculopathy. Jones further claimed that the accident aggravated preexisting conditions that included herniations of his C3-4, C4-5, C5-6 and C7-T1 discs; bulges of his C2-3, C6-7 and L4-5 discs; and

spondylolisthesis, which involved displacement of his L4 vertebra. Jones underwent physical therapy and the administration of two epidural injections of steroid-based painkillers, but he claimed that he suffered ongoing pain related to the accident. In July 2018, Jones underwent a percutaneous discectomy: a minimally invasive procedure that involved excision of a portion of his L5-S1 disc. On Feb. 22, 2019, he underwent surgery that included a discectomy, which involved replacement of his L4-5 and L5-S1 discs; a laminectomy, which involved excision of portions of his L4, L5 and S1 vertebrae; a corpectomy, which also involved excision of portions of vertebrae; a facetectomy, which involved decompression of a spinal nerve's root; a foraminotomy, which involved enlargement of a passage that housed a spinal nerve; fusion of his spine's L4-5 and L5-S1 levels; implantation of stabilizing hardware; and application of a stabilizing graft of bony matter that had been harvested from his pelvis's iliac crest. Jones claimed that he suffers residual pain and limitations that hinder his performance of his job's duties. He also claimed that he would require further treatment. He sought recovery of damages for past and future pain and suffering. Defense counsel contended that Jones' injuries were preexisting conditions and were not aggravated by the accident.

Trial Length 0

Jury Deliberation 0

Insurer: Liberty Mutual Insurance Co. Chubb Group of Insurance Cos.

Plaintiff Amounts: (Eric Jones)

Plaintiff Expert(s)

Alan Leiken, Ph.D.

Address: Stony Brook, NY

Specialty: Economics

Angel Macagno, M.D.

Address: Westbury, NY

Specialty: Orthopedic Surgery

Barry C. Root, M.D.

Address: Roslyn Heights, NY

Specialty: Life Care Planning

Debra S. Dwyer, Ph.D.

Address: Stony Brook, NY

Specialty: Economics

Defendant Expert(s)

David A. Essig

Address: Great Neck, NY

Specialty: Orthopedic Surgery

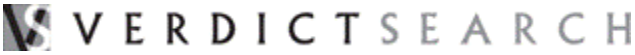
Scott B. Berger, M.D.

Address: Mount Kisco, NY

Specialty: Radiology

Award: $ 2,000,000

Award Details: The parties negotiated a pretrial settlement. Parikh's primary insurer tendered its policy, which provided $250,000 of coverage, and Parikh's excess insurer tendered its policy, which provided $1.75 million of coverage. Thus, the settlement totaled $2 million. The settlement's negotiations were mediated by Richard Byrne, of National Arbitration and Mediation Inc.



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Yarina Moya v. Carey Hall and Alpha Mission Inc; 2021 Jury Verdicts LEXIS 3035

1:18-cv-05337-KHP

April 14, 2021

Headline: Motorist's hasty merge caused accident, defense argued

Published Date: April 30, 2021

Topic: Motor Vehicle - Sideswipe - Motor Vehicle - Work Zone - Motor Vehicle - Multiple Vehicle

Injury: back, fusion, lumbar, herniated disc, lumbar, herniated disc at L4-5, other, acupuncture, chiropractic, physical therapy, epidural injections, surgeries/treatment, discectomy

Practice Area: Civil Procedure; Governments; Torts

State: New York

Court: U.S. District Court, Southern District

Plaintiff Counsel

Plaintiff Name: (Yarina Moya,)

Jason Herbert

Firm Name: Krentsel Guzman Herbert LLP

Address: New York, NY

Defendant Counsel

James T. Whalen

Firm Name: Lewis Brisbois Bisgaard & Smith LLP

Address: New York, NY

Kevin Zimmerman

Firm Name: Lewis Brisbois Bisgaard & Smith LLP

Address: New York, NY

Judge: Katharine Parker

Case Summary

On Nov. 28, 2017, plaintiff Yarina Moya, 37, a hairdresser, was driving on the Sheridan Expressway, near its interchange with the Cross Bronx Expressway, in the West Farms section of the Bronx. When Moya reached the interchange, she exited onto a ramp leading to the westbound side of the Cross Bronx Expressway. As she neared the end of the ramp, she encountered roadwork that was blocking the ramp and the rightmost of the Cross Bronx Expressway's three westbound lanes. Thus, Moya had to quickly merge into the Cross Bronx Expressway's middle westbound lane. Her sport utility vehicle's front left corner struck, or was struck by, the front right corner of a tractor-trailer that was being driven by Carey Hall, who was traveling in the middle lane. The SUV's front left tire resultantly deflated. Moya claimed that she suffered an injury of her back. Moya sued Hall and the owner of Hall's vehicle, Alpha Mission Inc. The lawsuit alleged that Hall was negligent in the operation of his vehicle. The lawsuit further alleged that Alpha Mission was vicariously liable for Hall's actions. Moya claimed that she began to enter the middle lane but quickly stopped because traffic was stopped immediately ahead of her. She claimed that her SUV's front left corner was in the middle lane and that the remainder of her vehicle was in the right lane. She estimated that some 30 seconds passed before the collision occurred, and she contended that the collision occurred because Hall was speeding. Moya's expert engineer noted that the SUV's front left tire was angled inward when observed during the moments that followed the accident. The expert opined that the tire had been struck and turned inward by the tractor-trailer's front right tire. However, the defense's accident-reconstruction expert opined that the SUV's front left tire was positioned as it was because Moya had executed an abrupt maneuver to avoid the collision. The expert contended that the collision occurred while Moya's SUV was in motion and merging into the middle lane, and he suggested that the SUV's front left tire deflated because it dislodged one of the lug nuts of the tractor-trailer's right front tire. The defense contended that the collision occurred in bumper-to-bumper traffic and, therefore, that a merging motorist could not have remained stopped for 30 seconds before encountering another vehicle. The defense argued that the accident was a result of Moya having attempted to merge ahead of the moving tractor-trailer. The defense noted that photographs, created during the minutes that followed the accident, depicted all but the front left corner of Moya's SUV in the middle lane.

Injury Text: Moya was retrieved by an

ambulance, and she was transported to a nearby hospital. She underwent minor treatment. Moya ultimately claimed that she suffered a herniation of her L4-5 intervertebral disc. She underwent two surgeries during the 18 months that followed the accident. The first surgery was a discectomy, which involved excision of a portion of her L4-5 disc. The second surgery included another discectomy -- which involved excision of the remainder of her L4-5 disc -- and fusion of the corresponding level of her spine. Moya also underwent conservative treatment, which included acupuncture, chiropractic manipulation, physical therapy and the administration of an epidural injection of a steroid-based painkiller. Moya claimed that she suffers residual pain and limitations that prevent her performance of her job's duties. She has not worked since the accident. Moya claimed that she requires further fusion of her spine's lumbar region, and she also claimed that she requires further physical therapy. She sought recovery of future medical expenses, damages for past pain and suffering, and damages for future pain and suffering. Defense counsel contended that Moya's herniated disc predated the accident. The defense's expert orthopedist reviewed the results of pre- and post-accident MRI scans of Moya's lumbar region, and he opined that the tests' results were not significantly different.

Trial Length 6 days

Jury Deliberation 2 days

Jury Poll 8-0

Insurer: Falls Lake National Insurance Co.

Plaintiff Amounts: ()

Plaintiff Expert(s)

Angel Macagno, M.D.

Address: Westbury, NY

Specialty: Orthopedic Surgery

Harold Krongelb, P.E.

Address: Commack, NY

Specialty: Engineering

Defendant Expert(s)

Jared F. Brandoff, M.D.

Address: West Harrison, NY

Specialty: Orthopedic Surgery

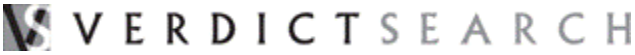
Stephen N. Emolo

Address: Oakland, NJ

Specialty: Accident Reconstruction

Award: $ 0

Award Details: The jury rendered a defense verdict. It found that the defendants were not liable for the accident.



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Yarina Moya v. Carey Hall; Alpha Mission, Inc; 2021 Jury Verdicts LEXIS 9571

1:18cv5337; 1:18-cv-05337

April 14, 2021

Party Names

Plaintiff(s):

Moya, Yarina

Defendant(s):

Hall, Carey

Alpha Mission, Inc.

Practice Area: Unknown

Method of Resolution: Trial

Case Resolution: For Defendant

State: New York

Court: US District Court for the Southern District of New York

Plaintiff Counsel

Plaintiff Name: Yarina Moya

Jason Herbert

Firm Name: Krentsel & Guzman Llp

Address: 17 Battery Place Suite 604 New York New York 10004

Phone: (212) 227-2900

Website: *http://www.kglawteam.com/index.html*

Jason T Herbert

Firm Name: Krentsel & Guzman Llp

Address: 17 Battery Place Suite 604 New York New York 10004

Phone: (212) 227-2900

Website: *http://www.kglawteam.com/index.html*

Defendant Counsel

Defendant Name: Carey Hall

James T Whalen, Jr.

Firm Name: Lewis Brisbois Bisgaard & Lewis LLP

Attorney's Updated Firm Affiliation: Wilson, Elser, Moskowitz, Et Al

Address: 3 Gannett Drive White Plains New York 10604

Phone: (914) 323-7000

Website: *www.wilsonelser.com*

Kevin Zimmerman

Firm Name: Lewis Brisbois Bisgaard

Address: One PPG Place, 28th Floor Pittsburgh Pennsylvania

Phone: (412) 567-5596

Attorney's Updated Firm Affiliation: Roetzel & Andress

Address: National City Plaza, 12th Fl 155 East Broad Street Columbus Ohio 43215

Phone: (614) 463-9770

Website: *www.ralaw.com*

Howard K Fishman

Firm Name: Smith Mazure, P.C.

Attorney's Updated Firm Affiliation: French & Casey Llp

Address: 29 Broadway 27th Fl New York New York 10006

Phone: (212) 797-3544

Website: *http://www.frenchcasey.com/*

Defendant Name: Alpha Mission, Inc.

James T Whalen, Jr.

Firm Name: Lewis Brisbois Bisgaard

Address: One PPG Place, 28th Floor Pittsburgh Pennsylvania

Phone: (412) 567-5596

Attorney's Updated Firm Affiliation: Wilson, Elser, Moskowitz, Et Al

Address: 3 Gannett Drive White Plains New York 10604

Phone: (914) 323-7000

Website: *www.wilsonelser.com*

Kevin Zimmerman

Firm Name: Lewis Brisbois Bisgaard

Address: One PPG Place, 28th Floor Pittsburgh Pennsylvania

Phone: (412) 567-5596

Attorney's Updated Firm Affiliation: Roetzel & Andress

Address: National City Plaza, 12th Fl 155 East Broad Street Columbus Ohio 43215

Phone: (614) 463-9770

Website: *www.ralaw.com*

Howard K Fishman

Firm Name: Smith Mazure, P.C.

Attorney's Updated Firm Affiliation: French & Casey Llp

Address: 29 Broadway 27th Fl New York New York 10006

Phone: (212) 797-3544

Website: *http://www.frenchcasey.com/*

Judge: Katharine H. Parker

Case Summary
Sideswipe motor vehicle accident.

Plaintiff Expert(s)

Angel Eduardo Macagno

Address: 761 Merrick Avenue Westbury New York 11590

Phone: (516) 357-8777

Website: *http://www.nyspine.com/angel-macagno-m-d/*

Specialty: Orthopedic Surgery, Spinal Surgery

Affiliation: NY Spine Institute

Defendant Expert(s)

Jared Frank Brandoff

Address: 122 Maple Ave Fl 8 White Plains New York 10601

Phone: (914) 849-7789

Website: *https://www.wphphysicianassociates.org/doctors/dr-jared-brandoff-md/*

Specialty: Orthopedic Surgery, Spinal Surgery

Affiliation: White Plains Hospital Physician Associates

Affiliation: Orthopaedic Spine Center- Cushing Institute Of Neuroscience

Affiliation: Long Island Jewish Medical Center

Affiliation: North Shore University Hospital

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Raheem Fulton v. Marlon M. McLaughlin; American United Transportation, Inc; 2019 Jury Verdicts LEXIS 145085

0030962/2017; 30962/2017E

March 16, 2021

Party Names

Plaintiff(s):

Fulton, Raheem, Male

Defendant(s):

McLaughlin, Marlon M.

American United Transportation, Inc.

Practice Area: Unknown

Method of Resolution: Settlement

Case Resolution: Mixed

State: New York

County: Bronx

Court: Supreme Court of New York, Twelfth Judicial District

Plaintiff Counsel

Plaintiff Name: Raheem Fulton

Anthony J Licatesi

Firm Name: Licatesi Law Group, LLP

Address: 423 RXR Plaza Uniondale New York 11556

Defendant Counsel

Defendant Name: Marlon M. McLaughlin

Adrianne Joy Leven

Firm Name: Baker, McEvoy, Morrissey, & Moskowits, PC

Address: 1 Metrotech Ctr 8th Fl Brooklyn New York 11201-3949

Phone: (212) 857-8230

Judge: Doris M. Gonzalez

Case Summary

Motor vehicle accident with a parked car, allegedly suffered serious injuries.

Plaintiff Expert(s)

Angel Eduardo Macagno

Address: 761 Merrick Avenue Westbury New York 11590

Phone: (516) 357-8777

Website: *http://www.nyspine.com/angel-macagno-m-d/*

Specialty: Orthopedic Surgery, Spinal Surgery

Affiliation: NY Spine Institute

Defendant Expert(s)

Dr. Warren Elliott Cohen

Address: 302 Carvel Ave Cedarhurst New York 11516

Phone: (516) 295-3321

Specialty: Clinical Genetics, Neurology, Child Neurology, Pediatrics

Affiliation: Warren E. Cohen, MD

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Nyeshia Skipwith v Doris Batt; St. Joseph Convent Sisters of St. Joseph; 2020 Jury Verdicts LEXIS 450287

605989/2019

May 09, 2020

Party Names

Plaintiff(s):

Skipwith, Nyeshia

Defendant(s):

Batt, Doris, St. Joseph Convent Sisters of St. Joseph

Practice Area: Unknown

Method of Resolution: Settlement

Case Resolution: Mixed

State: New York

County: Suffolk

Court: Supreme Court of New York, Tenth Judicial District

Plaintiff Counsel

Plaintiff Name: Nyeshia Skipwith

Stephen Murphy

Firm Name: Block O'Toole & Murphy, LLP

Address: One Penn Plaza, #5315 New York New York 10119

Phone: (212) 736-5300

Defendant Counsel

Defendant Name: Doris BattDefendant Name: St. Joseph Convent Sisters of St. Joseph

Adam Dolan

Firm Name: Goldberg Segalla

Address: 50 Main St #425 White Plains New York 10606

Phone: (914) 798-5400

Judge: William Ford

Case Summary

Driver failed to yield to right-of-way resulting in collision causing herniations of C3-4, C5-6 and C6-7 intervertebral discs.

Plaintiff Expert(s)

Angel Eduardo Macagno

Address: 761 Merrick Avenue Westbury New York 11590

Phone: (516) 357-8777

Website: http://www.nyspine.com/angel-macagno-m-d/

Specialty: Orthopedic Surgery, Spinal Surgery

Affiliation: NY Spine Institute

Award: $1,600,000

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Nyeshia Lydell Skipwith v. Doris M. Batt St. Joseph Convent Sisters of St. Joseph; 2021 Jury Verdicts LEXIS 4599

605989/19

March 05, 2020

Headline: Motorist's hasty turn caused accident, plaintiff claimed

Published Date: June 04, 2021

Topic: Motor Vehicle - Broadside - Motor Vehicle - Left Turn - Motor Vehicle - Multiple Vehicle

Injury: back, nerve impingement, bulging disc, lumbar, neck, fusion, cervical, bulging disc, cervical, herniated disc, cervical, herniated disc at C3-4, herniated disc at C5-6, herniated disc at C6-7, other, physical therapy, hardware implanted, bone graft, iliac crest, neurological, radiculopathy, surgeries/treatment, discectomy

Practice Area: Civil Procedure

State: New York

Court: Suffolk Supreme

Plaintiff Counsel

Plaintiff Name: (Nyeshia Lydell Skipwith,)

Stephen J. Murphy

Firm Name: Block O'Toole & Murphy, LLP

Address: New York, NY

Plaintiff Name: (Nyeshia Lydell Skipwith,)

David L. Scher

Firm Name: Block O'Toole & Murphy, LLP

Address: New York, NY

Defendant Counsel

Adam Dolan

Firm Name: Goldberg Segalla

Address: White Plains, NY

Judge:

Case Summary

On May 26, 2018, plaintiff Nyeshia Skipwith, 31, a nurse, was driving on Fifth Avenue, near its intersection at West Main Street, in the hamlet of Bay Shore. Her car's left side was struck by a vehicle that was being driven by Doris Batt, who was executing a left turn onto Fifth Avenue, from a parking lot. Skipwith claimed that she suffered injuries of her back and neck. Skipwith sued Batt; the owner of Batt's vehicle, Sisters of St. Joseph; and an entity that was believed to be another owner of Batt's vehicle, St. Joseph Convent. The lawsuit alleged that Batt was negligent in the operation of her vehicle. The lawsuit further alleged that the remaining defendants were vicariously liable for Batt's actions. Skipwith's counsel contended that the accident was a result of Batt having failed to yield the right of way. Defense counsel contended that Skipwith should have noticed Batt's vehicle and was better positioned to avoid the collision.

Injury Text: After five days had passed, Skipwith sought medical attention. She claimed that she was suffering pain related to the accident. She underwent minor treatment. Skipwith ultimately claimed that she suffered herniations of her C3-4, C5-6 and C6-7 intervertebral discs. She claimed that her C5-6 herniation caused impingement of the spinal cord and resultant radiculopathy. She also claimed that she suffered trauma that produced bulges of her C4-5, C7-T1, L4-5 and L5-S1 discs. Skipwith underwent nearly eight months of physical therapy, but she claimed that she suffered ongoing pain related to the accident. On Jan. 21, 2019, she underwent surgery that included a discectomy -- which involved excision of her C5-6 disc -- fusion of the corresponding level of her spine, implantation of a stabilizing cage and application of a stabilizing graft of bone that had been harvested from her pelvis's iliac crest. The surgery was followed by about six months of physical therapy. Skipwith claimed that her back and neck remain painful. Skipwith's expert physiatrist submitted a report in which he opined that Skipwith can work another 15 years before her injuries progress to an extent that will necessitate a switch to a less-rigorous job. The expert also opined that Skipwith requires further physical therapy, that she would require further fusion of her spine's cervical region, and that she would require a discectomy that would address her spine's lumbar region. Skipwith sought recovery of future medical expenses, damages for future loss of

earnings, and damages for past and future pain and suffering. The defense contended that Skipwith achieved a good recovery and maintains the everyday life that she maintained prior to the accident.

Trial Length 0

Jury Deliberation 0

Insurer: Lexington Insurance Co. Starr Cos.

Plaintiff Amounts: ()

Plaintiff Expert(s)

Alan Leiken, Ph.D.

Address: Stony Brook, NY

Specialty: Economics

Angel Macagno, M.D.

Address: Westbury, NY

Specialty: Orthopedic Surgery

Debra S. Dwyer

Address: Stony Brook, NY

Specialty: Economics

Edwin F. Richter, III, M.D.

Address: Stamford, CT

Specialty: Physical Medicine

Award: $ 1,600,000

Award Details: The parties negotiated a pretrial settlement. The defendants' primary insurer tendered its policy, which provided $1 million of coverage, and the defendants' excess insurer agreed to pay $600,000, from a policy that provided $10 million of coverage. Thus, the settlement totaled $1.6 million. The settlement's negotiations were mediated by Robert Adams, of National Arbitration and Mediation Inc.

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v39

Doo Y. Park v. Maurizio Vivona; and Gianclaudio Vivona; 2020 Jury Verdicts LEXIS 424768

710899/2017

February 03, 2020

Headline: Injured Motorist, Driver, And Vehicle Owner Stipulate To Discontinue New York State Vehicular Negligence Action Filed By Motorist Based On Driver's Alleged Negligence In Operating Vehicle And Causing Car Accident

Party Names

Plaintiff(s):

Park, Doo Y., Male

Defendant(s):

Vivona, Maurizio

Vivona, Gianclaudio

Practice Area: Transportation Law

Method of Resolution: Other

Case Resolution: Mixed

All Dates: 03/03/2017 Collision

08/08/2017 Complaint

08/22/2017 Answer

02/03/2020 Stipulation of Discontinuance

State: New York

County: Queens

Court: Supreme Court of New York, Eleventh Judicial District

Plaintiff Counsel

Plaintiff Name: Doo Y. Park

Gary S. Park

Firm Name: Law Offices of Gary S. Park, P.C.

Address: Flushing New York

Defendant Counsel

Defendant Name: Maurizio Vivona

Ryan J. Hendricks

Firm Name: Law Offices of Karen L. Lawrence

Address: Garden City New York

Beth Goldklang

Firm Name: Law Offices of Karen L. Lawrence

Address: Garden City New York

Defendant Name: Gianclaudio Vivona

Ryan J. Hendricks

Firm Name: Law Offices of Karen L. Lawrence

Address: Garden City New York

Beth Goldklang

Firm Name: Law Offices of Karen L. Lawrence

Address: Garden City New York

Judge: Darrell L. Gavrin

Case Summary

Maurizio Vivona allegedly operated Gianclaudio Vivona's 1999 Pontiac motor vehicle negligently thereby causing collision with the 2015 Acura motor vehicle operated by Doo Y. Park. As a result, Park allegedly sustained severe and permanent personal injuries and incurred economic loss.

Park filed a vehicular negligence suit against Maurizio and Gianclaudio in the Supreme Court of the State of New York, County of Queens. Park sought judgment against Maurizio and Gianclaudio together with costs and disbursements of the action. The case was assigned to Judge Darrell L. Gavrin. Maurizio and Gianclaudio filed an answer denying the allegations and interposed affirmative defenses of assumption of risk, failure to use seat belt, and collateral source offset pursuant to CPLR 4545.

A stipulation of discontinuance of action was executed and filed by the parties with prejudice and without cost to any party as against the other.

Plaintiff Expert(s)

Angel Eduardo Macagno

Address: 761 Merrick Avenue Westbury New York 11590

Phone: (516) 357-8777

Website: http://www.nyspine.com/angel-macagno-m-d/

Specialty: Orthopedic Surgery, Spinal Surgery

Affiliation: NY Spine Institute

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Willie Ramos; Maria Torres-Ramos; v. Stephen Vite; Verizon New York; 2019 Jury Verdicts LEXIS 139048

500321/2015

May 31, 2019

Party Names

Plaintiff(s):

Ramos, Willie

Torres-Ramos, Maria

Defendant(s):

Vite, Stephen, Verizon New York

Practice Area: Unknown

Method of Resolution: Settlement

Case Resolution: For Plaintiff

State: New York

Court: New York County Court, Kings County

Defendant Counsel

Defendant Name: Stephen ViteDefendant Name: Verizon New York

David S Aronowitz

Firm Name: Shapiro Beilly & Aronowitz

Address: 225 Broadway, 13th Fl New York New York 10007

Phone: (212) 267-9020

Case Summary

Rear-end motor vehicle accident while stopped at red light; back, knee and neck injuries

Plaintiff Expert(s)

Angel Eduardo Macagno

Address: 761 Merrick Avenue Westbury New York 11590

Phone: (516) 357-8777

Website: *http://www.nyspine.com/angel-macagno-m-d/*

Specialty: Orthopedic Surgery, Spinal Surgery

Affiliation: NY Spine Institute

Defendant Expert(s)

Dr. Patrick A Gaughan

Address: 44 Wall Street 13th Floor New York New York 10005

Phone: (212) 361-2600

Website: *http://www.drpatrickgaughan.com/*

Specialty: Economics, Macroeconomics, Business Valuation Consulting

Affiliation: Econamatrix Research Associates

Affiliation: Fairleigh Dickinson University

Saran Saul Rosner

Address: 245 Saw Mill River Rd Hawthorne New York 10532

Phone: (914) 741-2666

Website: *https://www.northwell.edu/find-care/find-a-doctor/spine-surgery/dr-saran-s-rosner-md-11375870*

Specialty: Neurological Surgery

Affiliation: Saran Rosner, MD, P.C.

Affiliation: Northern Westchester Hospital

Affiliation: Phelps Memorial Hospital Center

Affiliation: Hudson Valley Hospital Center

Dr. Dorothy F Scarpinato

Address: 1800 Walt Whitman Rd Suite 120 Melville New York 11747

Phone: (631) 293-9540

Website: *https://www.orlincohen.com/orthopedic-doctors/dorothy-scarpinato-m-d/*

Specialty: Orthopedic Surgery, Sports Medicine

Affiliation: Premier Orthopedic Surgery And Sports Medicine

Affiliation: Glen Cove Hospital

Affiliation: North Shore University Hospital

Affiliation: Plainview Hospital

Affiliation: Syosset Hospital

Affiliation: Long Island Jewish Medical Center

Affiliation: North Shore Hospital

Marc Joshua Katzman

Address: 177 Ft. Washington Avenue New York New York 10032

Website: *https://www.columbiaradiology.org/profile/marc-j-katzman-md*

Specialty: Diagnostic Radiology, Neuroradiology

Affiliation: CUIMC/Milstein Hospital Building

Affiliation: NYC Health and Hospitals/Coney Island

Affiliation: ProHealth Radiology

Affiliation: Damadian MRI in Canarsie PC

Alexander Eliot Merkler

Address: 520 East 70th Street Starr Pavilion 607 New York New York 10021

Phone: (212) 746-2596

Website: *https://weillcornell.org/alexander-merkler-md*

Specialty: Neurology, Neurological Critical Care, Hospital Medicine

Affiliation: Weill Cornell Medical College, Cornell University

Affiliation: Weill Cornell Medicine Neurology

Affiliation: New York-Presbyterian Hospital

Award: $3,500,000

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Willie Ramos, Individually, Maria Torres-Ramos and David Ramos, an Infant, by His Father and Natural Guardian, David Ramos v. Stephen Vite and Verizon New York, Inc; 2019 Jury Verdicts LEXIS 13029

500321/15

May 31, 2019

Headline: Couple Claimed Auto Accident Caused Injuries of Spine, Knee

Published Date: July 01, 2019

Topic: Motor Vehicle - Rear-ender - Motor Vehicle - Multiple Vehicle - Motor Vehicle - Passenger

Injury: Lateral Meniscus, Tear, Fracture, Rib, Lateral Meniscus, Tear, Medial Meniscus, Tear, Head, Bruise, Medial Meniscus, Tear, Cartilage/chondral (knee), Tear, Bulging Disc, Lumbar, Herniated Disc at C2-3, Herniated Disc at L5-s1, Physical Therapy, Herniated Disc at C4-5, Herniated Disc at C5-6, Bulging Disc, Cervical, Bulging Disc, Lumbar, Herniated Disc at T4-5, Lordosis, Herniated Disc at T5-6, Herniated Disc at T9-10, Nerve Impingement, Bulging Disc, Lumbar, Radiculopathy, Effusion, Nerve Impingement, Radiculopathy, Swelling, Carpal Tunnel Syndrome, Synovitis, Physical Therapy, Synovitis, Physical Therapy, Arthroscopy, Arthroscopy, Knee Surgery, Debridement, Knee Surgery, Debridement, Discectomy, Fusion, Cervical, Hardware Implanted, Plate, Pins/rods/screws, Fusion, Lumbar, Corpectomy, Facetectomy, Decompression Surgery, Laminectomy, Laminectomy, Lumbar, Bone Graft

Practice Area: Torts; Transportation Law

State: New York

Court: Kings Supreme

Plaintiff Counsel

Plaintiff Name: (David Ramos, Maria Torres-Ramos, Willie Ramos)

Gil Zohar

Firm Name: trial counsel, Law Office of Yuriy Prakhin, P.C.

Address: Brooklyn, NY

Defendant Counsel

Defendant Name: (1, Verizon New York Inc.)

David S. Aronowitz

Firm Name: Shapiro, Beilly & Aronowitz, LLP

Address: New York, NY

Case Summary

On Dec. 17, 2014, plaintiff Willie Ramos, a 58-year-old unemployed man, was driving on Eastern Parkway, near its intersection at Howard Avenue, in Brooklyn. His wife, plaintiff Maria Torres-Ramos, 52, an administrative worker, and their grandson, plaintiff David Ramos, 6, were passengers. When Willie Ramos reached the intersection, he stopped at a red traffic signal. Before he could resume travel, his vehicle's rear end was struck by a trailing vehicle that was being driven by Stephen Vite. Ramos claimed that he suffered injuries of his back, a knee and his neck. Torres-Ramos claimed that she suffered injuries of her back, a knee, her neck and a wrist. David's father claimed that David suffered injuries of his back, his head and a rib.

Ramos, Torres-Ramos and David's father, who was acting as David's parent and natural guardian, sued Vite and the owner of Vite's vehicle, Verizon New York Inc. The lawsuit alleged that Vite was negligent in the operation of his vehicle. The lawsuit further alleged that Verizon New York was vicariously liable for Vite's actions.

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

Injury Text:

After some seven days had passed, David was evaluated by his primary doctor. He was referred for further evaluation.

David's father ultimately claimed that David suffered a fracture of a rib, a bruise of his head, and trauma that produced bulges of his L3-4 and L4-5 intervertebral discs.

David underwent about five weeks of physical therapy, and his injuries resolved. David's father sought recovery of damages for David's past pain and suffering.

After some seven days had passed, Ramos presented to his primary doctor. He claimed that his back, his left knee and his neck were painful. He was referred for further evaluation.

Ramos ultimately claimed that he suffered a tear of his left knee's lateral meniscus, a tear of the same knee's medial meniscus, a tear of the same knee's cartilage, a herniation of his L5-S1 disc, trauma that produced bulges of his C3-4, C5-6, C6-7 and L4-5 discs, and trauma that disrupted the lumbar lordosis, which is the normal curvature of the spine's lumbar region. He claimed that he developed residual impingement of spinal nerves and resultant radiculopathy that stemmed from his spine's cervical and lumbar regions. He also claimed that his left knee developed effusion, which involves swollenness caused by a buildup of a joint's lubricating fluid, and synovitis, which involves inflammation of joint-lining membrane.

Ramos quickly commenced a course of physical therapy. The treatment lasted about 12 months.

On Feb. 5, 2015, Ramos underwent arthroscopic surgery that addressed his left knee. The procedure included debridement of the knee's menisci.

Ramos claimed that he suffers residual pain and limitations. He sought recovery of damages for past and future pain and suffering.

After some seven days had passed, Torres-Ramos presented to her primary doctor. She claimed that her back, her left knee and her neck were painful. She was referred for further evaluation.

Torres-Ramos ultimately claimed that she suffered a tear of her left knee's lateral meniscus, a tear of the same knee's medial meniscus, herniations of her C2-3, C4-5, C5-6, T4-5, T5-6 and T9-10 discs, and trauma that produced bulges of her L3-4, L4-5 and L5-S1 discs. She claimed that she developed residual impingement of spinal nerves and resultant radiculopathy that stemmed from her spine's cervical and lumbar regions. She also claimed that she developed compression of her right wrist's median nerve and resultant carpal tunnel syndrome. She further claimed that her left knee developed synovitis.

Torres-Ramos quickly commenced a course of physical therapy. The treatment lasted about 12 months. She underwent additional physical therapy as needed.

On March 18, 2015, Torres-Ramos underwent arthroscopic surgery that addressed her left knee. The procedure included debridement of the knee's menisci.

On April 15, 2015, Torres-Ramos underwent surgical release of her right wrist's median nerve.

On Nov. 3, 2015, Torres-Ramos underwent surgery that included a discectomy--which involved excision of her C5-6 disc--fusion of the corresponding level of her spine, and the implantation of a stabilizing plate and screws.

On March 10, 2017, Torres-Ramos underwent fusion of her spine's L5-S1 level.

On Nov. 28, 2018, Torres-Ramos underwent surgery that addressed her spine's L4-5 level. The procedure included a discectomy, which involved excision and replacement of her L4-5 disc; a corpectomy, which involved excision of portions of her L4 and L5 vertebrae; a laminectomy, which also involved excision of portions of her L4 and L5 vertebrae; a facetectomy, which involved decompression of the root of a spinal nerve; fusion of the spine's L4-5 level; application of a stabilizing graft of bony matter; and implantation of stabilizing screws.

Torres-Ramos claimed that she suffers residual pain and limitations that prevented her performance of her job's duties and ultimately necessitated retirement. She also claimed that her residual effects necessitate her use of a cane. She sought recovery of past lost earnings, damages for future loss of earnings, and damages for past and future pain and suffering.

Defense counsel contended that the adult plaintiffs' injuries were degenerative conditions, not related to the accident. He also contended that Ramos' left knee's surgery addressed a pre-existing condition.

Jury Composition

3 male, 3 female; 3 black, 1 Hispanic, 2 white

Insurer:

American International Group Inc. for both defendants

Plaintiff Expert(s)

Harvey R. Manes, M.D.

Address: Lindenhurst, NY

Specialty: Orthopedic Surgery

Affiliation: treating doctordid not testify, Gil Zohar

Angel Macagno, M.D.

Address: Westbury, NY

Specialty: Orthopedic Surgery

Affiliation: treating doctordid not testify, Gil Zohar

Defendant Expert(s)

Howard V. Katz, M.D.

Address: Bronx, NY

Specialty: Orthopedic Surgery

Affiliation: did not testify, David Aronowitz

Marc J. Katzman, M.D.

Address: Lindenhurst, NY

Specialty: Radiology

Affiliation: did not testify, David Aronowitz

Saran S. Rosner, M.D.

Address: Hawthorne, NY

Specialty: Neurosurgery

Affiliation: did not testify, David Aronowitz

Alexander E. Merkler

Address: New York, NY

Specialty: Neurology

Affiliation: did not testify, David Aronowitz

Dorothy Scarpinato, M.D.

Address: Melville, NY

Specialty: Orthopedic Surgery

Affiliation: did not testify, David Aronowitz

Patrick A. Gaughan, Ph.D.

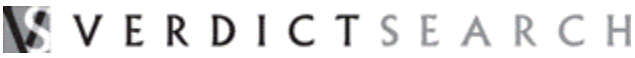
Address: New York, NY

Specialty: Economics

Affiliation: did not testify, David Aronowitz

Award: $ 3,500,000

Award Details: The parties negotiated a pretrial settlement. The defendants' insurer agreed to pay $3.5 million.



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New York Reporter Vol. 37

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Maurizio Viviona v. Doo Y. Park; 2019 Jury Verdicts LEXIS 101686

0705390/2017

April 04, 2019

Party Names

Plaintiff(s):

Viviona, Maurizio

Defendant(s):

Park, Doo Y.

Practice Area: Unknown

Method of Resolution: Other

Case Resolution: For Defendant

State: New York

Court: Supreme Court of New York, Eleventh Judicial District

Judge: Robert J. McDonald

Case Summary
Motor vehicle accident.

Plaintiff Expert(s)

Dov Jay Berkowitz

Address: 80-02 Kew Gardens Road 5th Floor Kew Gardens New York 11415

Phone: (718) 575-5454

Website: *http://www.nyadvancedorthopaedics.com/#dr1*

Specialty: Orthopedic Surgery

Affiliation: Advanced Orthopaedics Pllc

Affiliation: New York Hospital/Medical Center Of Queens

Affiliation: Franklin Hospital

Angel Eduardo Macagno

Address: 761 Merrick Avenue Westbury New York 11590

Phone: (516) 357-8777

Website: *http://www.nyspine.com/angel-macagno-m-d/*

Specialty: Orthopedic Surgery, Spinal Surgery

Affiliation: NY Spine Institute

Defendant Expert(s)

Teresa Aimee Habacker

Address: 5954 Route 25A Wading River New York 11792

Phone: (631) 473-4263

Website: *https://www.stonybrookmedicine.edu/EastEndHandCenter/Our-Practice*

Specialty: Orthopedic Surgery, Hand Surgery

Affiliation: East End Hand Surgery

Affiliation: Teresa A Habacker, MD

Affiliation: Mather Hospital

Affiliation: Eastern Long Island Hospital Greenport

Affiliation: John T Mather Memorial Hospital Of Port Jefferson New York Inc Port Jefferson

Affiliation: Peconic Bay Medical Center Riverhead

Affiliation: Southampton Hospital Southampton

Affiliation: St Catherine Of Siena Hospital Smithtown

Affiliation: St Charles Hospital Port Jefferson

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Moussa Gueye v. Gustavo Roessler; 2018 Jury Verdicts LEXIS 60423

159002/2015; 21-CV-5044

June 11, 2018

Headline: Motorist And Alleged At-Fault Driver Reach Settlement In New York State Court Action For Motor Vehicle Negligence

Party Names

Plaintiff(s):

Gueye, Moussa, Male

Defendant(s):

Roessler, Gustavo

A. Duie Pyle, Inc. et al.

Practice Area: Computer and Internet Law; Torts

Method of Resolution: Settlement

Case Resolution: Mixed

All Dates: 03/12/2014 Collision Incident

08/31/2015 Complaint Filed

06/11/2018 Stipulation of Discontinuance with Prejudice

State: New York

County: New York

Court: Supreme Court of New York, First Judicial District

Plaintiff Counsel

Plaintiff Name: Moussa Gueye

Emil Lax

Firm Name: Segal & Lax, PC

Address: New York New York

Mark Segal

Firm Name: Segal & Lax, PC

Address: New York New York

Defendant Counsel

Defendant Name: Gustavo Roessler

Dweynie E. Paul

Firm Name: Law Office of James J. Toomey - NY

Address: New York New York

James J. Toomey

Firm Name: Law Office of James J. Toomey - CT

Address: Hartford Connecticut

Judge: Adam Silvera

Case Summary

Moussa Gueye owned and operated a 2011 Ford at Broadway and West 79th Street when a 2012 Honda owned and operated by Gustavo Roessler collided with Gueye's vehicle. Gueye suffered physical injuries as a result of the collision. Gueye claimed that Roessler negligently operated the 2012 Honda and caused the collision.

Gueye filed a complaint against Roessler in the Supreme Court of the State of New York for motor vehicle negligence. Gueye claimed damages for physical injuries and economic losses. Roessler an answer with affirmative defenses which included assumption of risk and failure to mitigate damages among others. The matter was assigned to Justice Adam Silvera.

Gueye and Roessler settled and filed a stipulation of discontinuance with prejudice.

Plaintiff Expert(s)

Angel Eduardo Macagno

Address: 761 Merrick Avenue Westbury New York 11590

Phone: (516) 357-8777

Website: *http://www.nyspine.com/angel-macagno-m-d/*

Specialty: Orthopedic Surgery, Spinal Surgery

Affiliation: NY Spine Institute

Defendant Expert(s)

Dr. James Whitworth Pugh

Address: 167 Willis Ave Mineola New York 115012621

Phone: (516) 747-8400

Website: *http://www.intercitytesting.com/areas/biomedical/008.html*

Specialty: Accident Reconstruction, Biomedical Engineering, Materials Science

Affiliation: Inter-City Testing & Consulting Corporation

Afshin Eli Razi

Address: 6010 Bay Parkway Brooklyn New York 11204

Phone: (718) 283-7400

Website: *https://www.orthobrooklyn.com/afshin-razi-md-orthopedic-surgeon-brooklyn-queens-new-york.html*

Specialty: Orthopedic Surgery

Affiliation: Maimonides Bone & Joint Center

Affiliation: Maimonides Medical Center

Affiliation: New York University

Affiliation: NYU Langone Medical Center, MADISON AVENUE ORTHOPAEDICS

Affiliation: Columbian Institute of NY

Affiliation: Nyu Hospital For Joint Diseases

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Osmin Ramirez; Jose Ramirez-Hernandez; Karla Ruiz v. Dennis Lyons; James Lyons; 2017 Jury Verdicts LEXIS 164198

0604012/2015

November 16, 2017

Party Names

Plaintiff(s):

Ramirez, Osmin

Ramirez-Hernandez, Jose

Ruiz, Karla

Defendant(s):

Lyons, Dennis

Lyons, James

Practice Area: Unknown

Method of Resolution: Settlement

Case Resolution: Mixed

State: New York

Court: Supreme Court of New York, Tenth Judicial District

Defendant Counsel

Defendant Name: Dennis Lyons

Kevin P Fitzpatrick

Firm Name: Collins, Fitzpatrick & Schoene LLP

Address: 34 South Broadway Ste 407 White Plains New York 10601

Phone: (914) 437-8020

Website: *http://cfsllp-law.thelawlinks.com*

Karen L. Lawrence

Firm Name: Law Offices of Karen L Lawrence

Address: 660 White Plains Rd Tarrytown New York 1059185139

Judge: Thomas Feinman

Case Summary
Motor vehicle accident. Spinal surgery.

Plaintiff Expert(s)

Barry Michael Katzman

Address: 23-18 31st Street Ste 210 Astoria New York 11105

Phone: (718) 777-1885

Website: *www.mountsinai.org/profiles/barry-m-katzman*

Specialty: Orthopedic Surgery

Affiliation: University Orthopedics of New York PLLC

Affiliation: Mount Sinai Hospital

Affiliation: Orthopaedic Care & Surgery, Pc

Affiliation: St Francis Hospital

Affiliation: Beth Israel Medical Center/Kings Hwy Div

Affiliation: Maimonides Medical Center

Affiliation: Winthrop-University Hospital

Affiliation: Franklin Hospital Valley Stream

Affiliation: Long Island Jewish Medical Center New Hyde Park

Affiliation: Mount Sinai Hospital Of Queens Long Island City

Affiliation: Katzman Orthopedics PC

Jeffrey Perry

Address: 333 East 38th Street, 6th Floor New York New York 10016

Phone: (646) 501-7200

Website: *https://nyulangone.org/doctors/1346248689/jeffrey-perry*

Specialty: Physical Medicine & Rehabilitation, Osteopathic Medicine

Affiliation: NYU Langone Orthopedic Center

Affiliation: NYU Grossman School of Medicine

Affiliation: Perry Physical Medicine & Rehabilitation, P.C.

Affiliation: NYU Center For Musculoskeletal Care

Affiliation: New York University Langone Medical Center

Affiliation: NYU Orthopaedic Surgery Associates

Angel Eduardo Macagno

Address: 761 Merrick Avenue Westbury New York 11590

Phone: (516) 357-8777

Website: *http://www.nyspine.com/angel-macagno-m-d/*

Specialty: Orthopedic Surgery, Spinal Surgery

Affiliation: NY Spine Institute

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