Sharon Bailey v. Gabrielli Trucking Leasing LLC, Gabrielli Holding Co. Inc., Atlas Transport & Logistics Group LLC and Denroy Keith Duncan; 2024 Jury Verdicts LEXIS 389957

154850/2019

July 08, 2024

Headline: Plaintiff claimed truck's sideswipe caused neck injuries

Published Date: September 06, 2024

Topic: Motor Vehicle - Truck - Motor Vehicle - Left Turn - Motor Vehicle - Sideswipe - Motor Vehicle - Multiple Vehicle

Injury: back, spondylolysis, neck, fusion, cervical, herniated disc, cervical, herniated disc at C4-5, herniated disc at C5-6, herniated disc at C6-7, other, physical therapy, epidural injections

Practice Area: Civil Procedure; Torts

State: New York

Court: New York Supreme

Plaintiff Counsel

Plaintiff Name: (Sharon Bailey)

Stephen Z. Williamson

Firm Name: Law Office of Stephen Z. Williamson, P.L.L.C.

Address: Larchmont, NY

Defendant Counsel

James F. Burke

Firm Name: Wilson Elser Moskowitz Edelman & Dicker LLP

Address: White Plains, NY

Judge: Paul Goetz

Case Summary

On Oct. 18, 2018, plaintiff Sharon Bailey, 59, a billing administrator at a hospital, was driving in the left, eastbound lane of East 125th Street, in Manhattan, intending to get on the Franklin D. Roosevelt East River Drive. While she was stopped for a red light at the intersection with First Avenue, the passenger side of her vehicle was sideswiped by a truck operated by Denroy Duncan, who was attempting to make an improper left turn from the right lane. Bailey claimed injuries to her neck. Bailey sued Duncan; the truck's leasing companies, Gabrielli Trucking Leasing LLC and Gabrielli Holding Co. Inc.; and the truck's owner, Atlas Transport & Logistics Group LLC. Bailey alleged that Duncan was negligent in the operation of his vehicle and that Gabrielli Trucking, Gabrielli Holding and Atlas Transport were vicariously liable for the Duncan's actions. Gabrielli Trucking and Gabrielli Holding were let out of the case. In addition, liability was decided on summary judgment to be against Duncan and Atlas Transport. Thus, the matter proceeded to a trial on damages only.

Injury Text: After the accident, Bailey was taken to the hospital with complaints of neck pain. However, she was not admitted nor did she undergo X-rays. One week later, Bailey went to a doctor, who suggested that Bailey start physical therapy to address her complaints of neck pain. Bailey underwent five months of physical therapy and underwent an MRI one month after the accident. The MRI revealed herniated cerfical discs at the C4-5, C5-6 and C6-7 levels, as well as spondylosis. She then received two epidural steroid injections in her neck: One in January 2019 and one in March 2019. She eventually underwent a three-level, anterior cervical discectomy and fusion. Bailey claimed that as a result of her continued pain, she had to resign from her job at the hospital. She claimed she attempted to work a part-time position but had to resign from that in early 2022. She has not returned to work. Plaintiff's counsel contended that had Bailey not been injured, she would have continued working at the hospital until age 70. Plaintiff's counsel asked the jury to award Bailey $600,000 in lost earnings and a $1.2 million in damages based on Bailey's life care plan. Defense counsel argued that the low-speed collision was insufficient to cause significant injuries. Counsel also argued that Bailey had pre-existing, degenerative injuries in her neck and that any complaint of neck pain was not causally related to the accident.

Trial Length 2 weeks

Jury Deliberation 3.5 hours

Insurer: AmTrust Financial Services Inc.

Plaintiff Amounts: (Sharon Bailey)

$ 680,000 Future Medical Cost

$ 215,000 Past Lost Earnings

$ 275,000 Future Lost Earnings

$ 2,400,000 Future Pain Suffering

$ 600,000 Past Pain Suffering

$ 4,170,000 Plaintiff's Total Award

Plaintiff Expert(s)

Dan Wolstein, Ph.D.

Address: Hackensack, NJ

Specialty: Life Care Planning

Scott Batterman, Ph.D.

Address: Cherry Hill, NJ

Specialty: Injury Biomechanics

Andrew A. Merola, M.D.

Address: New York, NY

Specialty: Orthopedics

Daniel Khaimov, M.D.

Address: Fresh Meadows, NY

Specialty: Pain Management

Jordan L. Haber, M.D.

Address: Dix Hills, NY

Specialty: Radiology

Defendant Expert(s)

Craig H. Sherman, M.D.

Address: New York, NY

Specialty: Radiology

Roger A. Bonomo, M.D.

Address: New York, NY

Specialty: Neurology

Robert S. Cargill II, Ph.D.

Address: West Deptford, NJ

Specialty: Biomechanics

Jeffrey D. Klein, M.D.

Address: Brooklyn, NY

Specialty: Orthopedic Surgery

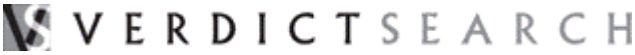
Jennifer Canter, M.D.

Address: Valhalla, NY

Specialty: Life Care Planning

Award: $ 4,170,000

Award Details: The jury determined that Bailey's damages totaled $4.17 million.



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