



had two subsequent accidents, both of which exacerbated his spinal injuries. Marie (49 years old, settled for \$100,000) herniated cervical disc at C3-4, impinging the cervical cord, and a bulging cervical disc at C5-6, confirmed by MRI. She also claimed cervical and lumbar radiculopathy, which were confirmed by SSEP. Pltf. had a prior injury to her lumbar spine. She never returned to work. The City contested the extent and cause of the injuries. Demonstrative evidence: photos of damage to the car; hospital records; MRI films. Initial offer: \$34,000; initial demand: \$250,000.

QUEENS SUPREME

XIX/25-40 FALLDOWN — MISLEVELED BOAT DOCK — FRACTURED TIBIA

SETTLEMENT: Marion Moos v. City of New York 9848/01 Date of Settlement 11/16/01 Queens Supreme

Pltf. Atty: Gerard N. Misk of Ginsburg & Misk, Queens Village

Def. Atty: Selma Moy of Kopff, Nardelli & Dopf, L.L.P., Manhattan

This case settled prior to EBTs for \$70,000. On 5/13/00, Pltf., a 53-year-old member of the Coast Guard Auxiliary, was performing a free boat inspection at the World's Fair Marina. At approximately 3 PM, while disembarking from the boat, she fell. Pltf. claimed that she fell because the dock was uneven or misleveled. Def. contended that the dock was in good acceptable condition and that there was assumption of the risk by Pltf. since a floating dock, by its very nature, is not secured to the main dock. Def. also contended that there was culpable conduct by Pltf., since she was an experienced boat inspector who was familiar with the Marina and the dock.

Injuries: fractured right tibia. Pltf. underwent closed reduction and casting. She claimed that she continues to suffer pain from the injury. Demonstrative evidence: photographs of the floating dock. Carrier: Princeton Ins.

RICHMOND SUPREME

XIX/25-41 MOTOR VEHICLE — ELDERLY PEDESTRIAN — SUMMARY JUDGMENT ON LIABILITY — HEAD INJURY AND MULTIPLE FRACTURES

SETTLEMENT: Catherine Mangino v. Krestyna and Steven Lypen 10662/00 Date of Settlement 10/10/01 Richmond Supreme

Pltf. Atty: John M. D'Amato of Russo, Scamardella & D'Amato, P.C., West Brighton

Def. Atty: John P. Connors of Connors & Connors, Staten Island

This action settled for \$900,000 after jury selection. Pltf., age 87, was struck by Defts.' car on 10/9/99 as she crossed Clove Rd. at its intersection with Victory Blvd. in Staten Island. Pltf. claimed that she was walking in the crosswalk with a favorable pedestrian "walk" signal when she was hit by Defts.' Chevrolet Suburban. Defts.' vehicle was driven by Def. Krestyna and owned by Def. Steven. Def. claimed that she made a left turn from Victory Blvd. onto Clove Rd. with a green left-turn signal. Pltf. contended that Def. was negligent in the operation of the vehicle in that she failed to keep a proper lookout, see and be aware of what was within her view, or use reasonable care in order to avoid the accident. Def. argued that she did not see Pltf. before the impact. Prior to trial, the trial court granted Pltf.'s motion for summary judgment, finding that Def. was 100% negligent as a matter of law.

Injuries: severe head injury; severe facial laceration, fractured clavicle, bilateral leg fractures; two fractured scapula bones. Pltf. was taken from the accident scene to St. Vincent's Hospital, where she was admitted for 8 days. She was then transferred to Clove Lake Nursing Home for 4 months, during which she received extensive physical and occupational therapy. Pltf. was treated for an E-coli infection and a Stage II bedsore while at Clove Lake. Upon her release, she received 2 months of home physical and occupational therapy. After several months of therapy, Pltf. was able to walk with a cane. On 3/24/01, while walking with her cane, she lost her balance and fell, fracturing her hip. She underwent a surgical repair. Pltf. contended that the 3/24/01 fall was a direct result of the original 10/9/99 car accident in that she never fully recovered from it and was unsteady on her feet as a result. Following the second accident, Pltf. was again admitted to St. Vincent's. She was then transferred to Clove Lake Nursing Home for an additional 4 months of physical and occupational therapy. Pltf. contended that prior to the accident, she resided in her own home and was totally self-sufficient. Since the accident, her daughter and grandson have been responsible for her care. Offer: \$145,000; demand: \$1,300,000. Carrier: Geico.

NASSAU SUPREME

XIX/25-42 MOTOR VEHICLE — LEFT TURN — HERNIATED CERVICAL DISCS, TORN MENISCUS, AND CARPAL TUNNEL SYNDROME

SETTLEMENT: Dennis and Lisa Pariti v. Joseph and