

CHAPTER 1

ABDOMINAL INJURIES

§ 1.01 Settlement

AMOUNT: \$1,150,000 (Walker Co., AL)

CASE: Jeremy Freeman v. Southern Medical Group, 2014 Medical Litig. Alert LEXIS 586 (October 2014)

CASE NUMBER: CV-2007-000134

JUDGE: Jerry K. Selman

EXPERTS: Wayne Ross, forensic pathology, Lancaster, PA, Suhail Kanchwala, plastic surgery, Philadelphia, PA for the plaintiff; name of the defendant's expert not published

ATTORNEYS: Dennis E. Goldasich, Jr., Joshua M. Vick and Justin C. Owen of Goldasich & Associates, LLC, Birmingham, AL, and Jonathan C. Sapp of Sapp Law Firm, Jasper, AL for the plaintiff; Steadman S. Shealy and Richard E. Crum of Shealy Crum & Pike, P.C., Dothan, AL for the defendant

DECEDENT: 65-year-old female

EVENT: The plaintiff alleged that the defendant plastic surgeon punctured the decedent's abdominal wall during liposuction procedure causing cardiac arrest

SPECIFIC INJURY: Cardiac arrest; Punctured abdominal wall; Death

AMOUNT: \$1,000,000 (Los Angeles Co., CA)

CASE: Plaintiff v. Defendant Doctor, 2016 Medical Litig. Alert LEXIS 16 (January 2016)

CASE NUMBER: Not published

JUDGE: Not published

EXPERTS: Catherine M. Graves, M.B.A., economist, Fullerton, CA, Dr. Graham Woolf, gastroenterologist, Los Angeles, CA, Kelly Nasser, R.N., G.N.P., life care planner, New York, NY, Dr. Elliott Mercer, radiologist, Newport Beach, CA, Dr. David K. Imagawa, surgeon and multi-organ transplant, Orange, CA, Dr. Robert Cole, surgeon, Santa Monica, CA for the plaintiff; Constantine Boukidis, economist, Pasadena, CA, Dr. Edward Share, internal medicine and gastroenterologist, Los Angeles, CA, Amy Sutton, Ph.D., life care planner, Long Beach, CA, Dr. Patrick Colletti, radiologist, Los Angeles, CA, Steve Molina, Ph.D., rehabili-

§ 1.01

ABDOMINAL INJURIES

tation, Santa Ana, CA, Dr. Namir Katkhouda, surgeon, Los Angeles, CA for the defendant

ATTORNEYS: Jeffrey A. Milman of Hodes Milman, Irvine, CA, John Mittleman of Mittleman Law Firm, Temecula, CA for the plaintiff; name of the defendant's attorney not published

INJURED PARTY: Female

EVENT: The plaintiff alleged that the defendant injured her common bile duct and right hepatic artery during laparoscopic cholecystectomy to remove her gallbladder

SPECIFIC INJURY: Injury to common bile duct and hepatic artery

AMOUNT: \$750,000 (U.S. Dist. Ct., M.D.; FL)

CASE: Jackson v. USA, 2012 Medical Litig. Alert LEXIS 171 (July 2012)

CASE NUMBER: 3:09-CV-00026

JUDGE: Timothy J. Corrigan

EXPERTS: Not published

ATTORNEYS: Sean B. Cronin of Cronin & Maxwell, Jacksonville, FL for the plaintiff; name of the defendant's attorney not published

INJURED PARTY: 53 year old male veteran

EVENT: The plaintiff went to the emergency room of the defendant hospital on three separate occasions with complaints of low to mid abdominal pain, but was discharged and placed on narcotic medication for the first two visits. On the third visit, the defendant discovered that the plaintiff's condition deteriorated until he developed peritonitis, severe acidosis, and overwhelming sepsis and went into complete respiratory failure requiring intubation. The plaintiff was transferred from the defendant's hospital to a non-party hospital for surgical management and a perforated appendix was confirmed. The plaintiff suffered peritonitis, sepsis, respiratory failure and a stroke

SPECIFIC INJURY: Peritonitis; Sepsis; Stroke; Permanent cognitive deficits; Hemiparesis

PERTINENT INFORMATION: The case was settled prior to trial. The plaintiff claimed a total disability from employment and his wife is his primary caregiver

AMOUNT: \$320,000 (Palm Beach Co., FL)

CASE: Todd Rozzo, Valerie M. Rozzo and their minor children v. 43rd Street, Inc., Florida's Finest Seafood Co. and Whole Foods, 2012 FL Jury Verdicts Rptr. LEXIS 435 (Aug. 21, 2012)

CASE NUMBER: 2008 CA 028502

JUDGE: Catherine Brunson

EXPERTS: Names of the plaintiffs' expert not published (plaintiffs withdrew their experts after deposing defendants' experts due to favorable testimony); Byron Truglio (seafood safety) TX, Steve Otwell, Ph.D. (seafood safety), Gainesville, FL, Dr. Doraiswami Ayyar (neurology) Miami, FL for the defendant

ATTORNEYS: Todd S. Stewart of Law Offices of Todd S. Stewart, P.A., Jupiter, FL, Leonel R. Plasencia, West Palm Beach, FL for the plaintiff; Laurie Adams of Kubicki Draper, West Palm Beach, FL for defendant 43rd St, Inc., Derek Lloyd and Christopher Wadsworth of Wadsworth Huott, Miami, FL for defendant Whole Foods, Robert Goodrich, Hollywood, FL for defendant Florida's Finest Seafood Company

INJURED PARTIES: Mother and father and their minor children

EVENT: The plaintiffs purchased and consumed fish, black grouper, which was allegedly contaminated with Ciguatera toxin.

SPECIFIC INJURY: Abdominal cramping, diarrhea; neurological problems

AMOUNT: \$300,000 (MA)

CASE: Plaintiff v. Emergency Room Physician, 2015 Medical Litig. Alert LEXIS 293 (January 5, 2015)

CASE NUMBER: Not published

JUDGE: Not published

EXPERTS: Not published

ATTORNEYS: Russell X. Pollock of Bergstresser & Pollock, Boston, MA for the plaintiff; Richard J. Rafferty of Eden, Rafferty, Tetreau & Erlich, Worcester, MA for the defendant

INJURY PARTY: 16-year-old male

EVENT: The plaintiff went to the defendant emergency room with complaints of severe lower right quadrant abdominal pain. The plaintiff alleged that the defendants failed to properly diagnose and treat his testicular torsion

SPECIFIC INJURY: Loss of testicle; severe abdominal pain

PERTINENT INFORMATION: The parties entered into a confidential settlement before trial

AMOUNT: \$2,000,000 (MA)

CASE: Plaintiff v. Defendant Medical Facility, 2012 MA Jury Verdicts Review LEXIS 198 (May 4, 2012)

CASE NUMBER: Not published

JUDGE: Not published

EXPERTS: Not published

ATTORNEYS: Max Borten, Sidney Gorovitz of Gorovitz & Borten, Waltham, MA for the plaintiff; name of the defendant's attorney not published

INJURED PARTY: 70 year old female

EVENT: The decedent, who suffered from gastric ulcers, went to the defendant facility for knee replacement surgery. Following the surgery, the decedent complained of persistent abdominal pain. A subsequent operation revealed stomach wall perforation. She was then treated in the intensive care unit for sepsis and gastrointestinal complications. The decedent died approximately one month later from septic complications

SPECIFIC INJURY: Death; sepsis

PERTINENT INFORMATION: Following mediation, the parties agreed to a confidential settlement

AMOUNT: \$3,000,000 (MA)

CASE: Plaintiff v. Defendant Physician and Nurse Practitioner, 2012 MA Jury Verdicts Review LEXIS 153 (Apr. 3, 2012)

CASE NUMBER: Not published

JUDGE: Not published

EXPERTS: Not published

ATTORNEYS: Andrew C. Meyer, Jr.; Adam R. Satin of Lubin & Meyer, Boston, MA for the plaintiff; name of the defendant's attorney not published

INJURED PARTY: 65 year old male

EVENT: The defendant physician and nurse practitioner treated the plaintiff in a hospital emergency room following an automobile accident. They diagnosed him with a fractured clavicle and indicated that he showed signs of seatbelt injuries. Five days after the accident, the plaintiff returned to the hospital with complaints of a distended abdomen and emergency surgery was performed to correct a nearly transected sigmoid colon

SPECIFIC INJURY: Bowel perforation; abdominal bruising

PERTINENT INFORMATION: Following mediation, the parties agreed to a confidential settlement of \$3,000,000

AMOUNT: \$3,000,000 (MA)

CASE: Plaintiff v. Defendant Physician, 2012 Medical Litig. Alert LEXIS 269
(Mar. 26, 2012)

CASE NUMBER: Not published

JUDGE: Not published

EXPERTS: Not published

ATTORNEYS: Adam R. Satin of Lubin & Meyer, Boston, MA for the plaintiff; name of the defendant's attorney not published

INJURED PARTY: 78 year old male

EVENT: The plaintiff alleged that the defendant physician at an urgent care facility misdiagnosed the plaintiff's abdominal aortic aneurysm as a kidney stone, resulting in bowel necrosis, colostomy and ischemic injury

SPECIFIC INJURY: Ruptured abdominal aortic aneurysm; ischemic injury

PERTINENT INFORMATION: The parties entered into a confidential settlement prior to trial

AMOUNT: \$1,250,000 (Bergen Co., NJ)

CASE: Massey v. NJ Transit, 2014 NJ Jury Verdicts Review LEXIS 197 (June 30, 2014)

CASE NUMBER: BER-L-7541-11

JUDGE: Not published

EXPERTS: Dr. Javier Perez, Hackensack, NJ, Dr. Marc Arginteanu, neurosurgery, Hackensack, NJ, Dr. Thomas Ragukonis, orthopedic surgery, Paramus, NJ, Dr. John Athas, radiology, Forest Hills, NY for the plaintiff; name of the defendant's expert not published

ATTORNEYS: Donald Caminiti of Breslin & Breslin, Hackensack, NJ for the plaintiff; name of the defendant's attorney not published

INJURED PARTY: 30 year old male IT professional

EVENT: The defendant bus driver, who was making a left turn, struck the plaintiff while he was in the crosswalk

SPECIFIC INJURY: Severe abdominal wound; Cervical and lumbar herniations

AMOUNT: \$1,500,000 (Burlington Co., NJ)

CASE: Downey v. Plummer, 2013 NJ Jury Verdicts Review LEXIS 65 (March 29, 2013)

CASE NUMBER: Bur-L-3258-09

JUDGE: Patricia Richmond

EXPERTS: Dr. Ira Melman (emergency medicine) New York, NY, Dr. David Befeler (general surgery) Westfield, NJ for the plaintiff; name of the defendant's experts not published

§ 1.01

ABDOMINAL INJURIES

ATTORNEYS: Michael J. Glassman of Law Offices of Michael J. Glassman, Voorhees, NJ for the plaintiff; name of the defendant's attorney not published

INJURED PARTY: Male in his late 20s

EVENT: The plaintiff went to the emergency room with abdominal pain. The plaintiff alleged that the defendants were negligent in failing to properly diagnose resulting in a ruptured appendix

SPECIFIC INJURY: Ruptured appendix; Removal of the ascending colon, part of the small intestine, and the ileocecal valve

PERTINENT INFORMATION: The jury awarded \$1,500,000 and the parties settled for \$1,000,000, the amount of the defendant's policy

AMOUNT: \$2,250,000 (Mercer Co., NJ)

CASE: Smith v. Brazel, 2013 NJ Jury Verdicts Review LEXIS 152 (May 30, 2013)

CASE NUMBER: MER-L-211-11

JUDGE: Not published

EXPERTS: Dr. Mohammed R. Saleen (general surgeon) Trenton, NJ, Edward Maitz, Ph.D. (neuropsychological) Philadelphia, PA, Dr. Thomas Bills (orthopedics) Hamilton, NJ, Ellen Rader Smith, OTR, CVE, CPE (vocational evaluation and functional capacity) Towaco, NJ, Robert Wolf, Ed.D., MBA (vocational-economic loss) Cherry Hill, NJ for the plaintiff; Chad Staller, JD, MBA, MAC (economics) Philadelphia, PA, Dr. Alan J. Sarohkan (orthopedics), James M. Pascuiti, M.A., C.R.C. (vocational evaluation) Springfield, NJ for the defendant

ATTORNEYS: Christopher M. Pyne of Stark & Stark, Lawrenceville, NJ for the plaintiff; name of the defendant's attorney not published

INJURED PARTY: Female in her late 30s

EVENT: The defendant's vehicle struck the plaintiff's vehicle head on

SPECIFIC INJURY: Multiple fractures; Abdominal scarring; Closed head trauma; Extensive internal injuries

PERTINENT INFORMATION: The plaintiff settled with the primary insurer for \$250,000 and the excess insurer for \$2,000,000

AMOUNT: \$745,000 (Ocean Co., NJ)

CASE: Brattan v. Wilbert, 2014 NJ Jury Verdicts Review LEXIS 150 (March 12, 2014)

CASE NUMBER: OCN-L-1838-10

MEDIATOR: Thomas O'Brien

EXPERTS: Wayne Nolte, PE, engineering, Hazlet, NJ, Dr. Carney DeSarano, general surgery, Neptune, NJ. Dr. Leila Grayson, plastic and reconstructive surgery, Wall Twp, NJ for the plaintiff; name of the defendant's experts not published

ATTORNEYS: Samuel J. Vacchiano of Maggs & McDermott, LLC, Brielle, NJ for the plaintiff; name of the defendant's attorney not published

INJURED PARTY: Female in her mid-40s

EVENT: The plaintiff was seated behind the handlebars of an all terrain vehicle (ATV) when the defendant reached over and began operating the ATV. The ATV then toppled and landed on the plaintiff's abdomen

SPECIFIC INJURY: Bowel perforation; Abdominal scarring

PERTINENT INFORMATION: The plaintiff made no income claims

AMOUNT: \$300,000 (Ocean Co., NJ)

CASE: Woods v. Montgomery, 2012 NJ Jury Verdicts Review LEXIS 260 (Dec. 12, 2012)

CASE NUMBER: OCN-L980-12

JUDGE: Not published

EXPERTS: Dr. David Polonet (orthopedic surgery) Wall, NJ for the plaintiff; name of the defendant's expert not published

ATTORNEYS: Kevin M. Stankowitz of Rosenberg Kirby Cahill & Stankowitz, Toms River, NJ for the plaintiff; name of the defendant's attorney not published

INJURED PARTY: 50 year old male

EVENT: The plaintiff alleged that the defendant negligently lost control of his vehicle and crossed over the centerline, causing it to collide head-on with the plaintiff's vehicle.

SPECIFIC INJURY: Abdominal scarring; ankle fracture; wrist fracture; rib fractures

PERTINENT INFORMATION: The defendant had \$250,000 coverage and the plaintiff had \$300,000 in underinsured motorist (UIM) coverage of which \$50,000 remained available. The case settled during discovery for the \$300,000 policy limits

AMOUNT: \$1,300,000 (Richmond Co., NY)

CASE: Domath v. Fodera & New York Surgical Assoc., PC., 2014 NY Jury Verdicts Review LEXIS 210 (July 30, 2014)

CASE NUMBER: 150244/12

§ 1.01

ABDOMINAL INJURIES

JUDGE: Alan Marin

EXPERTS: Not published

ATTORNEYS: Robert A. Sgarlato and Thomas J. Cappello of Slater Sgarlato & Cappello, PC, Staten Island, NY for the plaintiff; name of the defendant's attorney not published

INJURED PARTY: Female in her 60s

EVENT: The plaintiff underwent abdominal aortic aneurysm surgery and suffered an occlusion in the graft as a result of the surgery

SPECIFIC INJURY: Nerve damage to lower extremity and partial paralysis; Partial paralysis and necrosis in the abdominal area

PERTINENT INFORMATION: The case settled during jury deliberations for the \$1,300,000 policy limits

AMOUNT: \$1,000,000 (NY)

CASE: Plaintiff v. Defendant, 2012 NY Jury Verdicts Review LEXIS 19 (Apr. 2012)

CASE NUMBER: Not published

JUDGE: Not published

EXPERTS: Not published

ATTORNEYS: Jason M. Rubin of Wingate Russotti & Shapiro, New York, NY for the plaintiff; name of the defendant's attorney not published

INJURED PARTY: 11 year old female

EVENT: The plaintiff alleged that the defendants' failure to diagnose appendicitis during the subsequent two and a-half to three-day period after her admission to the hospital resulted in the need for a subsequent laparotomy and the development of a wound infection that required painful drainage at the plaintiff's bedside while hospitalized

SPECIFIC INJURY: Ruptured appendix; abdominal scarring

PERTINENT INFORMATION: The case settled prior to trial

AMOUNT: \$4,649,000 (Westchester Co., NY)

CASE: Santiago-Guzman v. U.S.A., 2015 NY Jury Verdicts Review LEXIS 180 (June 2015)

CASE NUMBER: Not published

JUDGE: Not published

EXPERTS: Dr. William Cusick, maternal-fetal medicine, Bridgeport, CT, Dr.

David Kaufman, neurologist, New York, NY for the plaintiff; name of the defendant's expert not published

ATTORNEYS: Paul A. Simonson, New York, NY for the plaintiff; name of the defendant's attorney not published

INJURED PARTY: 20 year old female

EVENT: The plaintiff alleged that the defendant federally indemnified clinic failed to recognize signs of pregnancy induced hypertension (preeclampsia). During delivery, she suffered a seizure, developing bilateral cerebellar infarcts

SPECIFIC INJURY: Liver and blood disorders; difficulty walking

PERTINENT INFORMATION: The case settled prior to trial with a cash payment of \$1,952,000 and payments that are guaranteed for 30 years, compounding at 3% annually.

AMOUNT: \$325,000 (Multnomah Co., OR)

CASE: Mary Cotton v. Emergency Room Doctors, 2013 Ore. Jury Verdicts & Sett. LEXIS 84 (March 27, 2013)

CASE NUMBER: 1205-05504

JUDGE: Not published

EXPERTS: Not published

ATTORNEYS: Timothy Vanagas, Portland, OR for the plaintiff; Gordon Welborn, Hart Wagner, Portland, OR for the defendant

INJURED PARTY: 16 year old female

EVENT: The plaintiff went to the emergency room with abdominal pains and was diagnosed with a urinary tract infection, when in fact she had a ruptured appendix. The plaintiff suffered a ruptured appendix when she left the hospital release and developed sepsis

SPECIFIC INJURY: Abdominal injury; ruptured appendix

PERTINENT INFORMATION: The plaintiff demanded \$710,139 and settled for \$325,000 with medical expenses of \$160,000

AMOUNT: \$1,150,000 (Allegheny Co., PA)

CASE: Doyle v. Joseph Falcon, Jr. M.D., 2013 PA Jury Verdicts Review LEXIS 12 (January 15, 2013)

CASE NUMBER: gd11026789

JUDGE: Ronald Folino

EXPERTS: Wayne Ross (forensic pathology) Lancaster, PA, Suhail Kanchwala (plastic surgery) Philadelphia, PA for the plaintiff; name of the defendant's expert not published

ATTORNEYS: John Gismondi of The Law Offices of Gismondi & Associates, Pittsburgh, PA for the plaintiff; Lynn Bell of Davies, McFarland & Carroll, P.C., Pittsburgh, PA for the defendant

DECEDENT: Adult female

EVENT: The plaintiff alleged that the defendant plastic surgeon negligently performed an abdominal liposuction procedure on the decedent, which eventually caused her to suffer a fatal heart attack

SPECIFIC INJURY: Death; cardiac arrest; puncture of abdominal wall

PERTINENT INFORMATION: The parties settled for \$1,150,000

AMOUNT: \$2,200,000 (Bucks Co., PA)

CASE: Estate of Richard Link v. Neil Khare, DO, et al., 2014 PA Jury Verdicts Review LEXIS 143 (Oct. 24, 2014)

CASE NUMBER: 2010-11730

JUDGE: Clyde Waite

EXPERTS: Not published

ATTORNEYS: Robert Ross of Ross Feller Casey, LLP, Philadelphia, PA for the plaintiff; Donald Brooks Jr. of Eckert Seamans Cherin & Mellott, LLC, Philadelphia, PA for the defendant

DECEDENT: Adult male

EVENT: The decedent went to the defendant hospital emergency room with severe abdominal pain with nausea and vomiting, and was diagnosed with acute pancreatitis. An endotracheal tube was improperly placed and caused the decedent's death from cardiopulmonary arrest

SPECIFIC INJURY: Pancreatitis; death

PERTINENT INFORMATION: The decedent was survived by his wife and a 20-year-old son and an 18-year-old daughter, both of whom lived at home

AMOUNT: \$4,200,000 (Skagit Co., WA)

CASE: Jennifer, Jason and Jack Mancil v. Skagit Valley Hosp., et al, 2015 WA Jury Verdicts & Sett. LEXIS 66 (April 30, 2014)

CASE NUMBER: 12-2-00857-7

MEDIATOR: Tom Harris

EXPERTS: Dr. Clifford Deveney, bariatric surgeon, Portland, OR, Dr. Michael Federle, radiologist, Stanford, CA, Dr. John Keats, ob/gyn, Phoenix, AZ, Dr. John Knudsen, ob/gyn, Mount Vernon, WA, Dr. James McGough, psychiatrist/autism, Los Angeles, CA; Dr. Tracy Spencer, internal Medicine, Everett, WA, Rebecca

Bellerive, life care planner, Gig Harbor, WA. John Fountaine, vocational rehabilitation, Bothell, WA for the plaintiff: Dr. Jonathan Berlin, radiologist, Chicago IL, Dr. R. Mize Conner, ob/gyn, Issaquah, WA, Dr. Theodore Dubinsky, radiologist, Seattle, WA, Dr. Martin Durtschi, general surgeon, Seattle, WA, Dr. Alvin Elisco, internal medicine, Phoenix, AZ. Dr. Steven Glass, pediatric neurologist, Bothell, WA, Dr. William Hope, general surgeon, Wilmington, NC, Dr. Michael Katz, ob/gyn, San Francisco, CA, Dr. Gordon Moss, internal medicine, Farmington Hills, MI, Dr. Michael Stevens, internal medicine, Scottsdale, AZ, Dr. Steven Peikin, gastroenterologist, Mount Laurel, NJ, Dr. Scott Stuart, internal medicine, Kirkland, WA, Linda Olzack, life care planner, Atwater CA, Cindy Sayre RN, Seattle, WA for the defendants

ATTORNEYS: Reed Schiffferman, Seattle, WA for the plaintiff; Jennifer Moore, Bennett Bigelow & Leedom, Donna Moniz, Johnson Graffe Keay Moniz & Wick, Rebecca Ringer of Floyd Pflueger & Ringer, Seattle, WA for the defendants

INJURED PARTIES: 29 year old female nurse and her infant son

EVENT: Plaintiff developed a small bowel obstruction when she was 27 weeks pregnant and was admitted to defendant hospital. The hospital did not notify plaintiff's obstetrician. The delay in diagnosing the bowel obstruction led to necrosis of the plaintiff's bowel and preterm delivery

SPECIFIC INJURIES: Abdominal and bowel injuries; Post traumatic stress disorder; developmental delay autism spectrum

PERTINENT INFORMATION: Settlement included \$3,000,000 in medical expenses and \$91,000 in lost wages

AMOUNT: \$3,500,000 (WA)

CASE: Plaintiff v. Defendant Doctor and Clinic, 2014 WA Jury Verdicts & Sett. LEXIS 132 (March 27, 2014)

CASE NUMBER: Not published

MEDIATOR: Tom Harris

EXPERTS: Dr. Joel Erickson, cardiologist, Santa Rosa CA, Dr. Karyl Van-Benthuyzen, cardiologist, Littleton, CO, Dr. John MacGregor, cardiologist, San Francisco, CA, Dr. Robert Wohlman, gastroenterologist, Bellevue, WA, John Fountaine, vocational rehabilitation, Christina Tapia Ph.D., economist, Bothell, WA for the plaintiff; name of the defendant's expert not published

INJURED PARTY: Adult male firefighter

EVENT: The plaintiff experienced pain upon exertion and consulted the defendant clinic. The clinic referred him to a cardiologist who determined that his symptoms were not cardiac related. Shortly after his consult, he suffered a major myocardial infarction. The plaintiff was hospitalized for approximately a month, during which time he suffered from renal failure, requiring dialysis, pancreatitis,

§ 1.01

ABDOMINAL INJURIES

sepsis, extensive abdominal infections, heart rhythm instability, and ischemic bowel

SPECIFIC INJURY: Cardiac arrest; pancreatitis, sepsis; ischemic bowel

PERTINENT INFORMATION: The confidential settlement included past medical expenses of \$1,000,000, \$100,000 in future medical costs, lost wages of \$100,000 past and possible future income loss of \$1,000,000

§ 1.02 Adequate**AMOUNT:** \$19,466,000 (Los Angeles Co., CA)**CASE:** Janusz & Dorota Zastawnik v. George Wallace Rojeski & Asplundh Construction Corp., 2013 Nat. Jury Verdict Review LEXIS 160 (July 16, 2013)**CASE NUMBER:** NC044263**JUDGE:** Robert A. Dukes**EXPERTS:** Edward C. Fatzinger, Jr., M.S.M.E., PE (accident reconstruction) Torrance, CA, John Brault, M.S. (biomechanics) Mission Viejo, CA, David Weiner, M.B.A. (economist) Los Angeles, CA, Gene Bruno, M.S., C.R.C., C.D.M.S. (life care planner) Encino, CA, Dr. Lester Zackler (neuropsychiatry) Sherman Oaks, CA, Dr. Jacob Tauber (orthopedic surgery) Beverly Hills, CA, Dr. Lawrence Miller (pain management) Beverly Hills, CA, Dr. Joel Rosen physical rehabilitation) Northridge, CA for the plaintiff; Samuel White (accident reconstruction) Torrance, CA, Tamorah Hunt, Ph.D. (economist) Santa Ana, CA, Dr. Peter Singer (endocrinology) Los Angeles, CA, Amy Sutton, Ph.D., M.A., BSN, R.N., CRRN, CLCP (life care planner) Long Beach, CA, Dr. Robert M. Wilson (orthopedic surgery) Los Angeles, CA, Stan Katz, Ph.D. (psychology) Beverly Hills, CA, Dr. Alan W. Weinberger (rheumatology) Los Angeles, CA, Steven Molina, Ph.D. (vocational rehabilitation) Santa Ana, CA for the defendant**ATTORNEYS:** Charles E. Koro of Brown Koro & Romag LLP, Studio City, CA, and Spencer R. Lucas of Panish Shea & Boyle LLP, Los Angeles, CA for the plaintiff; Byron M. Purcell and Sylvia Chiu of Ivy McNeil & Wyatt, Los Angeles, CA for the defendant**INJURED PARTY:** Adult male**EVENT:** The defendant commercial truck driver broadsided the plaintiff's motorcycle at a stop sign**SPECIFIC INJURY:** Crush injuries to his lower limbs; neuropathic pain disorder in his right foot and leg; right hip fracture; sacral fracture; rib fracture; liver laceration; depression; insomnia**PERTINENT INFORMATION:** The verdict included \$300,000 in past loss of earnings, \$1,176,000 in future economic loss of earnings, \$237,000 for past medical expenses, \$3,100,000 for future medical expenses, \$153,000 for past family care attendant services, \$4,250,000 for past non-economic loss, \$9,000,000 for future non-economic loss, \$500,000 for the wife's past loss of consortium and \$750,000 for the wife's future loss of consortium

AMOUNT: \$34,900,000 (Sacramento Co., CA)**CASE:** Hackett v. Sylva Trucking Co., et al., 2013 Nat. Jury Verdict Review LEXIS 410 (December 6, 2013)**CASE NUMBER:** 34-2008-00028013

JUDGE: Judy Holzer Hersher

EXPERTS: Richard Barnes, CPA (accounting) Sacramento, CA; Gregory S. Hess (construction) Ed Dorado Hills, CA, Dr. Lynette Scherer, F.A.C.S. (critical care) Sacramento, CA, Dr. Alex Barchuk (primary care medicine and rehabilitation) Kentfield, CA, Dr. Deborah L. Doherty (primary care medicine and rehabilitation) Kentfield, CA, Dr. Arthur Dublin (radiology) Sacramento, CA for the plaintiff; name of the defendant's experts not published

ATTORNEYS: Robert A. Buccola of Dreyer Babich Buccola Wood Campora, Sacramento, CA for the plaintiff; name of the defendant's attorney not published

INJURED PARTY: 53 year old female

EVENT: The plaintiff was driving a passenger bus when the defendant tractor-trailer traveling in the opposite direction, negligently failed to control his vehicle and jackknifed into the plaintiff's lane

SPECIFIC INJURY: Multiple skull fractures; Traumatic brain injury; Spinal cord injury; Broken jaw; Lacerated liver; Broken ribs; Multiple facial fractures

PERTINENT INFORMATION: The jury awarded \$31,900,000 to the plaintiff and \$3,000,000 to her husband on his loss of consortium claim

AMOUNT: \$2,450,000 (Fairfield Co., CT)

CASE: Margaret Mueller and Charlotte Stacey v. Dr. T., et al., 2014 Medical Litig. Alert LEXIS 194 (June 2014)

CASE NUMBER: CV06-500606-S

JUDGE: Frank D'Andrea, Jr.

EXPERTS: Not published

ATTORNEYS: Joshua Koskoff of Koskoff Koskoff & Bieder, Bridgeport, CT for the plaintiff; name of the defendant's expert not published

DECEDENT: Female

EVENT: The plaintiff alleged that the defendant doctor misdiagnosed the decedent with ovarian cancer and failed to timely diagnose her with cancer of the appendix

SPECIFIC INJURY: Death; appendix cancer

PERTINENT INFORMATION: The court would not recognize the consortium claim of the decedent's spouse because same sex marriage was not recognized in Connecticut until 2008

AMOUNT: \$9,279,885 (Fairfield Co., CT)

CASE: Barbara Lathan v. Bridgeport Hospital, 2013 CT Jury Verdicts Review LEXIS 68 (Oct. 25, 2013)

CASE NUMBER: Not published

JUDGE: Theodore R. Tyma

EXPERTS: Dr. Peter Gross (internal medicine) Boston, MA for the plaintiff; Dr. Peter Schulman (cardiology) Farmington, CT, Dr. Loren Greene (endocrinology) New York, NY, Dr. Bruce Farber (infectious disease) Manhasset, NY for the defendant

ATTORNEYS: Kathleen Nastri, Antonio Ponvert of Koskoff, Koskoff & Bieder, PC, Bridgeport, CT for the plaintiff; name of the defendant's attorney not published

INJURED PARTY: 72 year old retired female

EVENT: The plaintiff alleged that the defendant hospital was negligent in administering an incorrect dosage of anticoagulant medication, causing a massive retroperitoneal hemorrhage and respiratory arrest. The plaintiff developed a MRSA infection while hospitalized

SPECIFIC INJURY: MRSA infection; Large incisional hernia; Massive retroperitoneal hemorrhage; Respiratory arrest

PERTINENT INFORMATION: The jury awarded \$9,279,885 in damages consisting of \$1,279,885 in compensatory damages and \$8,000,000 in non-economic damages

AMOUNT: \$12,200,000 (New Haven Co., CT)

CASE: Thomas Ventura v. East Haven Police Department; 2014 CT Jury Verdicts Review LEXIS 1 (December 11, 2013)

CASE NUMBER: CV08-5024235-S

JUDGE: Robin Wilson

EXPERTS: Not published

ATTORNEYS: Michael A. Stratton of Stratton Faxon, New Haven, CT for the plaintiff; name of the defendant's attorney not published

INJURED PARTY: 25 year old male

EVENT: The plaintiff alleged that the defendant police department allowed an intoxicated driver to operate his vehicle. As the plaintiff was entering his own vehicle, he was struck by the intoxicated driver, who was traveling at a high rate of speed, and thrown into the air

SPECIFIC INJURY: Traumatic brain injury; Significant head injury, multiple fractures and a severe abdominal injury

PERTINENT INFORMATION: The jury award of \$12,200,000 included \$301,000 in past economic damages; \$2,500,000 in past economic damages and \$9,399,000 in future non-economic damages

§ 1.02

ABDOMINAL INJURIES

AMOUNT: \$175,000 (Miami-Dade Co., FL)

CASE: Gerald Lelieve v. Manual Orosa, in his Official Capacity as Chief of the City of Miami Police Department and Odney Belfort, Individually, 2012 FL Jury Verdicts Rptr. LEXIS 266 (Mar. 16, 2012)

CASE NUMBER: 1:10-CV-23677

JUDGE: Cecilia M. Altonaga

EXPERTS: Not published

ATTORNEYS: Greg M. Lauer of Greg M. Lauer, P.A., Fort Lauderdale, FL, Dion J. Cassata of Law Office of Dion Cassata, P.A., Fort Lauderdale, FL, Diane J. Zelmer of Zelmer Law, Fort Lauderdale, FL for the plaintiff; Christopher A. Green and John Anthony Greco of City of Miami Attorney's Office, Miami, FL and Tarin Ann Smithline, Miami, FL for defendants Chief Manuel Orosa and Odney Belfort, Robert Steven Glazier of Law Offices of Robert Glazier, Miami, FL for defendant Chief Manuel Orosa, Ronald Jay Cohen, Jon Michael Kreger, and Brent Chudachek of Ronald J. Cohen, P.A., Miami Lakes, FL for defendant Odney Belfort

INJURED PARTY: 40 year old male

EVENT: The plaintiff alleged that the defendants used excessive force in his arrest requiring emergency surgery

SPECIFIC INJURY: Internal abdominal injuries, permanent scarring from pelvic bone to sternum

PERTINENT INFORMATION: \$100,000 for compensatory damages against defendant City of Miami Police Department, \$25,000 for compensatory damages against defendant Belfort, and \$50,000 for punitive damages against defendant Belfort

AMOUNT: \$8,000,000 (U.S. District Court, Middle District, GA)

CASE: Bullock v. vs. Volkswagen AG, Volkswagen Group of America, Inc. and Honeywell International, Inc., 2015 Nat. Jury Verdict Review LEXIS 218 (September 2015)

CASE NUMBER: 4:13-cv-00037

JUDGE: Clay D. Land

EXPERTS: Bryant Buchner, PE, accident reconstruction, Tallahassee, FL, Robert Hebert, Ph.D., economics, Baton Rouge, LA, Lee Hurley, general mechanics and turbo diesel, Birmingham, AL, Kathy Willard, life care planner, Lawrenceville, GA, Mark Hood, P.E., mechanical and materials engineering, Pensacola, FL for the plaintiff; name of the defendant's experts not published

ATTORNEYS: D. Michael Andrews and Kendall Dunson of Beasley, Allen, Crowe, Methvin, Portis & Miles PC., Montgomery, AL for the plaintiff; Harlan

Prater, Chandler Bailey and James Gibson of Lightfoot Franklin White, Birmingham, AL for defendant Volkswagen, Dick Willis, Sandra Ezell, Healther Walczak and of Bowman & Brooke LLP, Richmond, VA for the defendant Honeywell

INJURED PARTY: Adult female nurse

EVENT: The plaintiffs alleged that the defendants were negligent in failing to correct a defect in the turbo charger of the 2004 Volkswagen causing the vehicle to suddenly accelerate, leave the road and overturn

SPECIFIC INJURY: Head injury; ankle injury; cervical spine fracture; ruptured gall bladder; lacerated liver

AMOUNT: \$6,700,000 (Muscogee Co., GA)

CASE: Jackson v. Goldman, et al., 2013 Nat. Jury Verdict Review LEXIS 286 (Nov. 13, 2013)

CASE NUMBER: SU03CV-4116

JUDGE: Arthur L. Smith, III

EXPERTS: Not published

ATTORNEYS: Benjamin Arthur Land of Buchanan & Land, LLP, Columbus, GA for the plaintiff; name of the defendant's attorney not published

INJURED PARTY: 57 year old male millworker

EVENT: The plaintiff alleged that the defendants failed to diagnose bowel perforation after hernia repair surgery. The plaintiff was hospitalized for six months and suffered leg contractures that will permanently prevent him from walking more than a very short distance and is unable to return to work

SPECIFIC INJURY: Leg contractures; chronic constipation; decubitus ulcers; bowel perforation

PERTINENT INFORMATION: The jury awarded \$5,200,000 to the plaintiff and \$1,500,000 to his wife. Medical bills exceeded \$1,000,000. The plaintiff had earnings of \$32,000 per year prior to injury

AMOUNT: \$1,500,000 (Floyd Co., IN)

CASE: Michelle Wells Fischer v. Dr. Garner, 2012 Medical Litig. Alert LEXIS 188 (Jan. 13, 2012)

CASE NUMBER: 22C01-0904-CT-790

JUDGE: Jerry Jacobi

EXPERTS: Not published

ATTORNEYS: Peter D. Palmer of Palmer Thompson Law, LLC, New Albany, IN; Michele Bryant of Bamberger Foreman Oswald & Hahn, LLP, Evansville, IN

INJURED PARTY: 28 year old female

EVENT: The plaintiff experienced acute abdominal pain and went to the emergency department. The defendant surgeon was asked to consult and determined that the plaintiff required a diagnostic laparoscopy procedure in order to determine the cause of the plaintiff's complaints. The defendant scheduled her for same day surgery, but then abruptly canceled the surgery and left town for the weekend. Two days later, another surgeon determined that the plaintiff was suffering from ischemic bowel and had to undergo surgery. At that time, most of her small bowel had died and needed to be removed. Because of the delay in surgery, the plaintiff lost more small bowel than she would have if the surgery had proceeded two days earlier.

SPECIFIC INJURY: Short gut syndrome; ischemic bowel

PERTINENT INFORMATION: The jury awarded the plaintiff the sum of \$1,500,000 after a four-day trial

AMOUNT: \$30,320,308 (Suffolk Co., MA)

CASE: Edward Xu Li Chen, Li Chen and Peter Xu v. Theresa Willet, M.D., Roberts Bowen, N.N.P. and John Fiascone, M.D., 2013 MA Jury Verdicts Review LEXIS 208 (November 21, 2013)

CASE NUMBER: SUCV2007-03157F

JUDGE: Garry Inge

EXPERTS: Not published

ATTORNEYS: Benjamin R. Novotny of Lubin & Meyer, Boston, MA for the plaintiff; William Dailey, III; Tierney Chadwick of Sloane & Walsh, LLP, Boston, MA for the defendant

INJURED PARTY: 9 year old boy

EVENT: The plaintiffs alleged that the defendant physicians were negligent in failing to timely diagnose and treat the infant plaintiff's necrotizing enterocolitis resulting in severe injuries

SPECIFIC INJURY: Severe short gut syndrome; Developmental delays; Partial bowel removal

PERTINENT INFORMATION: Jury verdict was against defendant doctors, but not defendant NICU nurse

AMOUNT: \$6,300,000 (Bergen Co., NJ)

CASE: Francisco v. Wang, 2012 NJ Jury Verdicts Review LEXIS 140 (June 1,

CASE NUMBER: BER-L-881-09

JUDGE: Rachelle Harz

EXPERTS: Dr. Franklin Vazquez, Clifton, NJ (first treating surgery expert who performed colostomy), Dr. Steven Fiske, West Orange, NJ (gastroenterology), Dr. Michael Drew, Commack, NY (general surgery), Dr. Richard Luciani, Milburn, NJ (ob/gyn), Dr. David Mayer, Broomall, PA (radiology), Dr. J. Christopher Koller, Saddle Brook, NJ (second treating surgery expert who reversed colostomy) for the plaintiff; Dr. David Befeler, Westfield, NJ (general surgery); Dr. Victor Borden, Englewood, NJ (ob/gyn) for the defendant

ATTORNEYS: Donald A. Caminiti of Breslin & Breslin, Hackensack, NJ for the plaintiff; name of the defendant's attorney not published

INJURED PARTY: Female in mid 40s

EVENT: The plaintiff underwent an open oophorectomy and was discharged two days later. The plaintiff experienced severe abdominal pain after discharge and was admitted. The first non-party treating surgeon performed an emergency laparotomy and created a colostomy. The colostomy was reversed some two months later by another doctor. The plaintiff alleged that she permanently suffers from permanent, extensive gastric difficulties and that the extensive abdominal scarring is permanent in nature. The plaintiff alleged that she developed fistulas and that fecal matter actually leaked from the abdominal wounds. These injuries were alleged to have arisen from the defendant's failure to conduct a sufficiently thorough inspection before closing following the oophorectomy, the initial procedure

SPECIFIC INJURY: Peritonitis; Severe continuing abdominal pain and gastric symptoms

PERTINENT INFORMATION: The jury awarded \$6,000,000 to the plaintiff and \$300,000 to her husband on his per quod claim

AMOUNT: \$4,500,000 (Bergen Co., NJ)

CASE: James Wilkerson v. Campbell's Auto Express and Material Handling Supply, 2012 NJ Jury Verdicts Review LEXIS 96 (Feb. 14, 2012)

CASE NUMBER: L 4919-07

JUDGE: Louis Meloni

EXPERTS: Henry Lipian (accident reconstruction) Grafton, OH, Dr. Richard Goldstein (colo-rectal surgery) Langhorne, PA, Russ Rasnic, P.E. (mechanical engineering) Hot Springs, AR, David Mintzer (oncology) Wynnewood, PA for the plaintiff; names of the defendant's experts not published

ATTORNEYS: Alan Feldman of Feldman Shepherd Wohlgelernter Tanner Weinstock & Dodig LLP, Philadelphia, PA for the plaintiff; Robert Devine of White and Williams LLP, Cherry Hill, NJ for defendant Material Handling, Jeffrey Kadish of Golden Rothschild Spagnola Lundell Boylan & Garubo P.C., Bridge-

water, NJ for defendant Campbell's Express

INJURED PARTY: Adult male warehouse worker

EVENT: The decedent was injured on the job while operating a pallet truck. He suffered massive abdominal injuries and died from repeated infections associated with his injuries

SPECIFIC INJURY: Abdominal injuries; loss of small intestine; short gut syndrome; death

PERTINENT INFORMATION: The jury assessed 25% comparative negligence on the part of the deceased. The plaintiff's recovery was increased by a high/low agreement entered into with the defendant Material Handling Supply (MHS) prior to the verdict, under which MHS will pay an additional \$950,000

AMOUNT: \$750,000 Verdict (Camden Co., NJ)

CASE: Weiss v. Swift, 2013 NJ Jury Verdicts Review LEXIS 308 (Oct. 10, 2013)
CASE NUMBER: CAM-L-1812-11

JUDGE: Anthony Pugliese

EXPERTS: Dr. Howard Press (family practitioner) Marlton, NJ, Dr. Richard Snapper (Infectious disease) East Brunswick, NJ, Dr. Michael Kreitzer (ob/gyn) Clifton, NJ for the plaintiff; name of the defendant's expert not published

ATTORNEYS: Andrew J. Rossetti of Rossetti & DeVoto, PC, Cherry Hill, NJ for the plaintiff; name of the defendant's attorney not published
INJURED PARTY: 40 year old female

EVENT: The plaintiff alleged that the defendant failed to protect her bowel during a C-section. The plaintiff developed an infection and abscesses, required two operations. The plaintiff alleged a three-year recuperation period
SPECIFIC INJURY: Significant abdominal scarring; Lumbar herniation; Reflex sympathetic dystrophy syndrome

AMOUNT: \$2,000,000 (Middlesex Co., NJ)

CASE: Robinson v. Truck-Tech, Inc., et al., 2012 NJ Jury Verdicts Review LEXIS 193 (Apr. 24, 2012)
CASE NUMBER: Not published

JUDGE: Phillip Paley

EXPERTS: Steven Schorr, PE (accident reconstruction) Abington, PA for the plaintiff; name of the defendant's attorney not published

ATTORNEYS: Cynthia Walters, Justin Van Dyke of Budd Larner, Short Hills, NJ for the plaintiff; name of the defendant's attorney not published

INJURED PARTY: 9 year old male

EVENT: The plaintiff alleged that the defendant truck driver defendant driver stopped at a stop sign, resumed moving, turning left after the plaintiff bicyclist thought the defendant gestured for him to proceed across the roadway, and struck the plaintiff. The plaintiff fell under the truck after impact, and was dragged nine feet

SPECIFIC INJURY: Lower leg and ankle fractures; Abdominal scarring

AMOUNT: \$7,000,000 (Sussex Co., NJ)

CASE: Garofano v. Advanced Imaging Assoc., et al., 2015 NJ Jury Verdicts Review LEXIS 228 (Oct. 9, 2015)

CASE NUMBER: SSX-L-287-12

JUDGE: Edward Gannon

EXPERTS: Dr. Steven Papish, oncology, Morristown, NJ, Dr. Stephen Fractor, pathology, Bronx, NY, Dr. Brian Robinson, pathology, New York, NY, Dr. William Matuoza, radiology, Summit, NJ for the plaintiff; Dr. Mark Levin, oncology, Cliffside Park, NJ, Dr. Glenn Krinsky, radiology, Ridgewood, NJ for the defendant

ATTORNEYS: Paul A. O'Connor of O'Connor, Parsons & Lane, LLC, Westfield, NJ for the plaintiff; name of the defendant's attorney not published

DECEDENT: Adult male

EVENT: The plaintiff had an ultrasound of the gall bladder because of abdominal pain performed by the defendant. The ultrasound revealed gall stones as well as a mass on the right lobe of the liver but did not refer the plaintiff for an MRI or liver biopsy. The plaintiff was diagnosed with liver cancer over one year later

SPECIFIC INJURY: Liver cancer; Kidney failure; Death

PERTINENT INFORMATION: The award included \$3,500,000 for pain and suffering and loss of enjoyment of life, including \$3,500,000 for loss of guidance and advice. The decedent left a wife and three adult children

AMOUNT: \$1,325,000 (Bronx Co., NY)

CASE: Erosa v. Coomaraswamy, 2013 NY Jury Verdicts Review LEXIS 147 (May 7, 2013)

CASE NUMBER: 14247/05

JUDGE: Mark Friedlander

EXPERTS: Dr. Jason Green (general surgeon) Sparta, NJ for the plaintiff; Dr. Charles Wetli, New York, NY, Dr. Zachary Gleit (general surgeon) New York, NY for the defendant

ATTORNEYS: Andrew S. Targum of Targum & Britton, LLP, New York, NY for the plaintiff; name of the defendant's attorney not published

INJURED PARTY: Air force veteran and postal worker in his early 40s

EVENT: The plaintiff had an appendectomy resulting in incomplete removal of infected portion of appendix. A gradual infectious process developed necessitating open surgery several months later. The plaintiff was left with adhesions, scarring and he suffered a hernia

SPECIFIC INJURY: Incomplete removal of infected portion of appendix; scarring

PERTINENT INFORMATION: The jury awarded \$1,325,000, including \$950,000 for past pain and suffering, \$250,000 for future pain and suffering, \$100,000 to the wife for past loss of services and \$25,000 to the wife for future loss of services. Stipulated medical bills of \$34,548 were added

AMOUNT: \$1,550,000 (Bronx Co., NY)

CASE: Ramirez v. Dr. B., 2012 Medical Litig. Alert LEXIS 138 (May 2012)
CASE NUMBER: 6471/07

JUDGE: Howard Silver

EXPERTS: Not published

ATTORNEYS: J.T. Wisell and Nancy M. McGee of Law Offices of John T. Wisell, Kew Gardens, NY for the plaintiff; name of the defendant's attorney not published

INJURED PARTY: Adult female

EVENT: The defendants performed a hysteroscopy on the plaintiff to remove polyps. The plaintiff alleged that the defendant ob/gyn negligently perforated the uterus and a matching area of the sigmoid colon directly next to the uterus, requiring emergency surgery and a colostomy.

SPECIFIC INJURY: Peritonitis; Perforation of uterus and sigmoid colon; Abdominal scar

PERTINENT INFORMATION: The award included \$1,000,000 for past pain and suffering, \$400,000 for future pain and suffering and \$150,000 to the husband for loss of services

AMOUNT: \$5,000,000 (Kings Co., NY)

CASE: Vivalla v. City of New York, et al., 2013 NY Jury Verdicts Review LEXIS 43 (March 2013)

CASE NUMBER: 7669/06

JUDGE: Carolyn E. Wade

EXPERTS: Dr. Jerry Lubliner (orthopedic surgeon) New York, NY, Walter Signorelli (police procedure) Westchester County, NY for the plaintiff; name of the defendant's expert not published

ATTORNEYS: Nina Neumunz of trial counsel to Herschel Kulefsky, New York, NY for the plaintiff; name of the defendant's attorney not published

INJURED PARTY: 34 year old male

EVENT: The plaintiff, who suffered from bipolar disorder, experienced a psychotic episode in the common area stairwell of the multiple dwelling. Two police officers confronted him, resulting in a struggle in which the plaintiff fell down a number of steps

SPECIFIC INJURY: Comminuted acetabular fracture; Head of femur pushed into abdomen; Hip injury necessitating replacement; half inch leg length discrepancy

PERTINENT INFORMATION: The jury awarded \$5,000,000, including \$1,500,000 for past pain and suffering and \$3,500,000 for future pain and suffering

AMOUNT: \$150,000 (Nassau Co., NY)

CASE: Zeleda v. Singh, 2012 NY Jury Verdicts Review LEXIS 31 (Feb. 3, 2012)

CASE NUMBER: 20405/08

JUDGE: Jeffrey S. Brown

EXPERTS: Dr. Mark A. Korsten (gastroenterology) Bronx, NY for the plaintiff; Dr. Daniel Reiner (surgery) Old Brookville, NY for the defendant

ATTORNEYS: Martha Gold, Robert J. Belinson of Martha Gold, Esq., New York, NY for the plaintiff; name of the defendant's attorney not published

INJURED PARTY: 68 year old female

EVENT: The plaintiff alleged that the defendant, her primary care physician, and the defendant's staff negligently failed to conduct adequate testing and refer the plaintiff for immediate hospitalization when she presented for an unscheduled visit with severe abdominal complaints. The plaintiff's appendix ruptured three days later and was hospitalized

SPECIFIC INJURY: Peritonitis; Ruptured appendix

PERTINENT INFORMATION: The court dismissed the case against the physician. The jury found for the plaintiff and against the physician's assistant and practice and awarded \$150,000

AMOUNT: \$1,000,000 (Suffolk Co., NY)

CASE: Spiridon v. Rivadeneira, 2012 NY Jury Verdicts Review LEXIS 82 (May 25, 2012)

CASE NUMBER: 17616/05

JUDGE: Peter H. Mayer

EXPERTS: Not published

ATTORNEYS: Pasquale Vairo of Godosky & Gentile, P.C., New York, NY for the plaintiff; name of the defendant's attorney not published

INJURED PARTY: 54 year old male

EVENT: The plaintiff underwent an elective hand-assisted laparoscopic sigmoidectomy and suffered permanent damage to the abdominal wall. The plaintiff became septic and required four additional surgeries

SPECIFIC INJURY: Permanent weakness to abdominal wall

PERTINENT INFORMATION: The verdict included \$750,000 for past pain and suffering, \$125,000 for future pain and suffering and \$125, 000 to the plaintiff's wife for loss of services

AMOUNT: \$5,704,500 (Alleghany Co., PA)

CASE: Kander v. AGHA, et al., 2015 PA Jury Verdicts Review LEXIS 175 (April 9, 2015)

CASE NUMBER: 13-007761

JUDGE: Robert J. Colville

EXPERTS: Richard J. Hirschman, oncology, New York, NY, Tarek S. Shidiac, oncology, Columbus, OH for the plaintiff; Fred Poordad, gastroenterologist, San Antonio, TX, M. Eric Gershwin, immunologist, Davis, CA, Matt Kalaycio, oncologist, Cleveland, OH for the defendant

ATTORNEYS: Harry S. Cohen and Todd D. Bowlus of Harry S. Cohen & Associates, P.C, Pittsburgh, PA for the plaintiff; name of the defendant's attorney not published

DECEDENT: 51 year old female retired attorney

EVENT: The plaintiff alleged that the defendant delayed three years in diagnosing and treating the decedent's liver cancer

SPECIFIC INJURY: Liver cancer; death

PERTINENT INFORMATION: The decedent was survived by her husband, two sons, ages 24 and 20, and a 16-year-old daughter. The award included \$2,439,500 for the wrongful death claim, and \$3,265,000 for the survival action

AMOUNT: \$2,739,549 (Delaware Co., PA)

CASE: Semple v. Budier and Crozer Chester Medical Center, 2015 PA Jury Verdicts Review LEXIS 112 (August 21, 2015)

CASE NUMBER: 2011-0023362

JUDGE: Charles B. Burr

EXPERTS: David Hopkins, economics, King of Prussia, PA, Michael S. Morris, ENT, Rockville, MD, Mona Yudkoff, life care, Philadelphia, PA, Kimberly Kushner, nursing, Philadelphia, PA, Victor Scarmato, radiology, East Meadows, NY for the plaintiff; name of the defendant's expert not published

ATTORNEYS: Michael A. Trunk and Garabet M. Zakeosian of Kline & Specter, Philadelphia, PA for the plaintiff; name of the defendant's attorney not published

INJURED PARTY: 39 year old female roadway construction safety flagger

EVENT: The plaintiff alleged that the defendant trauma surgeon, employed by the defendant hospital, negligently performed a tracheostomy

SPECIFIC INJURY: Trachea and larynx; liver laceration

PERTINENT INFORMATION: The plaintiff claimed a total disability from employment.

AMOUNT: \$3,034,000 (Philadelphia Co., PA)

CASE: Juan Duque v. Hahnemann University Hosp., et al., 2014 PA Jury Verdicts Review LEXIS 189 (July 10, 2014)

CASE NUMBER: Not published

JUDGE: Not published

EXPERTS: Not published

ATTORNEYS: Alisa Marion and Bradley Beckman of Beckman & Marion, Philadelphia, PA for the plaintiff; name of the defendant's attorney not published

INJURED PARTY: 27 year old soccer player

EVENT: After experiencing pain in his left groin, the plaintiff consulted the defendant doctor who recommended him for a surgical procedure to treat groin pain. The doctor perforated his bowel. The plaintiff was discharged from the hospital the evening after his surgery and immediately began experiencing severe abdominal pain

SPECIFIC INJURY: Perforated bowel

PERTINENT INFORMATION: Before the verdict, the hospital offered \$1,500,000 to settle the case but the plaintiff rejected the offer. The plaintiff sought recovery of his future medical expenses, as well as damages for pain and suffering

AMOUNT: \$2,150,000 (Philadelphia Co., PA)

CASE: Zsaron Simpson v. World Fitness & Sports Center, Inc, 2013 PA Jury Verdicts Review LEXIS 323 (December 23, 2013)

§ 1.02

ABDOMINAL INJURIES

CASE NUMBER: 120203717

JUDGE: Rosalyn Robinson

EXPERTS: Not published

ATTORNEYS: Thomas Sprague of Sprague & Sprague, Philadelphia, PA for the plaintiff; Francis Deasey of Deasey, Mahoney, Valentini & North, Ltd, Philadelphia, PA for the defendant

INJURED PARTY: Adult male

EVENT: An unidentified assailant shot the plaintiff, a patron of the defendant's gum, in the abdomen during an indoor basketball game

SPECIFIC INJURY: Duodenal injury; Pancreatic injury; Liver and small bowel injury

PERTINENT INFORMATION: The jury awarded \$2,150,000 in damages

AMOUNT: \$3,000,000 (Philadelphia Co., PA)

CASE: Goncalves v. Brown, et al., 2012 PA Jury Verdicts Review LEXIS 34 (Mar. 19, 2012)

CASE NUMBER: 10-02-03515

JUDGE: Mark I. Bernstein

EXPERTS: David Hopkins (economics) West Conshohocken, PA, James Arsenau (oncology) Albany, NY, Douglas Gibson (radiology) Oxford, CT for the plaintiff; Haylet Osborn (radiology) Gladwyne, PA for the defendant

ATTORNEYS: James Waldenberger of Kline & Specter, Philadelphia, PA for the plaintiff; Nancy K. Raynor of Raynor & Associates, Malvern, PA, Richard Galli of Galli & Reilly, Bala Cynwyd, PA for the defendant

INJURED PARTY: 34 year old female

EVENT: The plaintiff alleged that the defendant's failure to note an irregularity on a CT-scan resulted in a 22 month delay in diagnosis and treatment of colon cancer

SPECIFIC INJURY: Colon cancer

PERTINENT INFORMATION: The defendant radiologist filed post-trial motions

AMOUNT: \$4,350,000 (U.S. Dist. Ct. TN)

CASE: Ivy v. Bannister, 2013 TN Jury Verdicts & Sett. LEXIS 162 (October 2013)

CASE NUMBER: 1:12-2339

JUDGE: John T. Fowlkes, Jr.

EXPERTS: Dr. David Billue (ob-gyn) Guntersville, AL, Ralph Scott, AK (economist) for the plaintiff; Dr. Elizabeth Oldfield (ob-gyn) Nashville, TN, and Dr. Octavio Chirino, (ob-gyn) St. Louis, MO for the defendant

ATTORNEYS: Martin W. Bowen, Bowen Law Firm, Little Rock, AR, Gregory D. Taylor, Benton, AR and Robert E. Hayes, Rozier Hayes, Southaven, MS for the plaintiff; Randal H. Sellers and R. Larry Fantroy, Jr., Starnes Davies Florie, Birmingham, AL and Buckner Wellford, Baker Donelson Bearman Caldwell & Berkowitz, Memphis, TN for the defendant

INJURED PARTY: Adult female

EVENT: The plaintiff, who had a history of pelvic pain, cramping and heavy menstrual bleeding, underwent laparoscopic repair surgery to alleviate these problems. After the initial surgery, the surgeon realized that he had injured her bladder and performed surgery to repair the bladder. The plaintiff's condition worsened. She developed sepsis and was on a ventilator for a time

SPECIFIC INJURY: Permanent abdominal injury; bowel injuries

PERTINENT INFORMATION: The jury awarded 4,000,000 in general damages, and \$350,000 for her husband's consortium interest

AMOUNT: \$1,926,069 (Harris Co., TX)

CASE: Lauren Williams v. Dr. Jim P. Benge, Dr. Carmen Thornton, and Kelsey-Sebold Medical Group, PLLC, 2012 TX Jury Verdicts Review LEXIS 66 (Jan. 20, 2012)

CASE NUMBER: 2010-52657

JUDGE: Alexandra Smoots-Hogan

EXPERTS: Thomas Mayor (economics) Houston, TX, Dr. Bruce Patsner, J.D. (ob/gyn) Houston, TX for the plaintiff; Dr. Lisa Chen (colon and rectal surgery) Houston, TX Dr. David Zepeda, (gynecology surgery) Houston, TX, Dr. Kent Heck, (pathology) Houston, TX, Dr. George Glass (psychiatry) Houston, TX for the defendant

ATTORNEYS: Randall O. Sorrels, Chelsie King Garza of Abraham Watkins Nichols Sorrels Agosto & Friend, Houston, TX for the plaintiff; Ernest W. Wotring & Amy L. Nilsen of Connelly Baker Wotring, LLP, Houston, TX for the defendant

INJURED PARTY: 39 year old female

EVENT: The plaintiff underwent a laparoscopic-assisted vaginal hysterectomy performed by the defendant ob/gyn to alleviate pain and fibroid tumor. A third-year resident, who had never performed the procedure before performed 40–50% of the procedure. Following the surgery, the plaintiff complained of severe abdominal pain. An exploratory laparotomy was performed, which revealed perforations to her bowel and ureter. She developed sepsis and her organs

began to fail. She underwent emergency surgery, which resulted in a colostomy, and was placed in a three week medically induced coma

SPECIFIC INJURY: Abdominal peritonitis; Sepsis; Bowel and ureter perforation; post traumatic stress disorder

PERTINENT INFORMATION: The verdict included \$475,460 for past medical costs, \$887,500 for future medical costs, \$15,000 for past physical impairment; \$5,000 for future physical impairment, \$168,609 for past lost earnings, \$134,500 for future lost earnings, \$125,000 for past pain and suffering and \$115,000 for future pain and suffering

AMOUNT: \$4,352,350 (Clark Co., WA)

CASE: Chantelle Fogle v. Clark County, Clark Public Utilities, Bradford Conrad, Brother Enterprises, Inc., and Michael Hopkins, 2013 WA Jury Verdicts & Sett. LEXIS 21 (Oct. 22, 2012)

CASE NUMBER: 10-2-00209-3

JUDGE: John Wulle

EXPERTS: Dr. Jaime Nicacio (Physiatrist), Dr. Wael Musleh (Neurosurgeon), Dr. Amar Purandare (Radiologist), Dr. Thomas Demlow (Radiologist), Vancouver, WA, Dr. Igor Grant (Psychiatrist/expert) La Jolla, CA, Dr. Randall Benson (Neurologist/expert) Novi MI, Anthony Choppa (Vocational Rehabilitation) Bothell, WA, Richard Gill Ph.D. (Human Factors) Spokane, WA, Glenn Goodwin Ph.D. (Neuropsychologist) Edmonds, WA, Robert Male Ph.D. (Economist) Kamuela, HI; Edward Stevens (Traffic Engineer) Olympia, WA, Larry Tompkins (Accident Reconstructionist) Battleground, WA, David Townsend PE (Electrical Engineer) Clinton, WA, Carley Ward Ph.D. (Biomechanical Engineer) Phoenix AZ, Frank Vincenzi Ph.D. (Pharmacologist) Arlington, WA for the plaintiff; Dr. Richard Rosenbaum (Neurologist) Portland OR; Dr. Franklin Wong (Physiatrist/expert) Portland OR, Lawrence Binder Ph.D. (Neuropsychologist) Beaverton, OR, John Biskey PE (Accident Reconstructionist) Lake Oswego, OR, John Dagenhart (Electrical Engineer), Dale Mickelson (Construction Design) Vancouver, WA, Joseph Rempe PE (Electrical Engineer) Tacoma, WA, Erin Harley Ph.D. (Human Factors) Bellevue, WA, John Vasiliades Ph.D. (Toxicologist) Omaha, NE, Rebecca Bellerive RN (Life Care Planner) Gig Harbor, WA, David Knowles Ph.D. (Economist) Seattle, WA, Stanley Owings (Vocational Rehabilitation) Seattle, WA, Tom Wickizer Ph.D. (Health Services Management) Columbus, OH, Wendy Adams Ph.D. (Toxicologist) Willow Grove, PA, David Predmore (Forensic Toxicologist) Eatontown, WA, Laurence Juhnke PE (Forensic Engineer) Portland, OR, Brianna Peterson (Toxicologist) Seattle, WA, Richard Chapman (Accident Reconstructionist) Shoreline, WA, John Hunter (Accident Reconstructionist) Woodinville, WA, Toby Rickman (Traffic Engineer) Olympia, WA, Cinda Johnson Ph.D. (Special Education) Bellevue, WA, M. Richard Syring PE (Electrical Engineer) Cowlitz, WA, John Yamashita (Surveyor) Vancouver, WA for the defendant

ATTORNEYS: Karen Koehler & Paul Stritmatter of Stritmatter Kessler Whelan Coluccio, Seattle/Hoquiam, WA; Gordon C. Johnson, Jr., Attorney at Law, Sheboygan, WI for the plaintiff; E. Bronson Potter, Clark County Prosecutor's Office, Civil Division, Vancouver, WA & W. Dale Kamerrer of Law Lyman Daniel Kamerrer & Bogdanovich, Olympia, WA for defendant Clark County; Nicholas Scarpelli, Jr. of Carney Badley Spellman, Seattle, WA for defendant Clark Public Utilities, William Davis of Davis Rothwell Earle & Xochihua, Portland, OR for defendants Conrad & Brother Enterprises, Kathryn Reynolds Morton, Law Offices of Thomas A. Andersen, Portland, OR for defendant Hopkins

INJURED PARTY: 18 year old female

EVENT: The plaintiff was a passenger in a vehicle driven by defendant Hopkins that was struck by defendant Conrad's vehicle. Defendant Conrad failed to yield the right-of-way, and his van struck the left rear quarter panel of the Hopkins vehicle. The impact of the collision propelled the Hopkins vehicle into a utility pole

SPECIFIC INJURY: Abdominal injuries; Traumatic brain injury requiring a right hemicraniectomy with right frontal ventriculostomy; Fractured rib; collapsed lung; Lacerated spleen; Respiratory injuries resulting in tracheostomy; Partially paralyzed lower limb

PERTINENT INFORMATION: The damages included medical expenses of \$733,449, \$2,000,000 lost wages and future lost earning capacity. The plaintiff settled her case against defendant Clark County for \$2,000,000 prior to trial for a total recovery of \$6,352,350

§ 1.03 [Reserved]

§ 1.04

ABDOMINAL INJURIES

§ 1.04 Excessive

AMOUNT: \$1,182,500 (Delaware Co., IN)

CASE: Sayers v. Ball Memorial Hospital, 2015 IN Jury Verdicts Rptr. LEXIS 93 (March 16, 2016)

CASE NUMBER: 18C03-1012-CT-18

JUDGE: J. Wolf

EXPERTS: Name of the plaintiff's expert not published; Dr. Cham Dallas, Toxicology, Athens, GA for the defendant

ATTORNEYS: David J. Cutshaw and TaKeena M. Thompson, Cohen & Malad, LLP., Indianapolis, IN for the plaintiff; Edward L. Murphy, Jr. and Andrew Palmison, Rothberg Logan & Warsco, Fort Wayne, IN for the defendant

INJURED PARTY: Adult female

EVENT: The plaintiff, a dialysis patient, went to the defendant hospital after performing a continuous ambulatory peritoneal dialysis (CAPD) on herself at home. The plaintiff was concerned she had developed peritonitis. She was given an overdose of an antibiotic and experienced dizziness, loss of balance, an unsteady gait, and vomiting

SPECIFIC INJURY: Loss of vestibular function; possible peritonitis

PERTINENT INFORMATION: The jury awarded \$1,776,110 but the court reduced the award to the statutory cap of \$1,250,000 and then applied a set-off of \$67,500

AMOUNT: \$1,011,395 (Middlesex Co., NJ)

CASE: Stewart v. Swaminathan, 2016 NJ Jury Verdicts Review LEXIS 15 (February 1, 2016)

CASE NUMBER: MID-L-8948-11

JUDGE: Joseph J. Rea

EXPERTS: David Soudry, economics, Livingston, NJ, Dr. Casilda Balmadeda, neurology, New York, NY, David Mahalack, PhD, neuropsychological, Milburn, NJ, Dr. Jeffrey Freed, surgery, New York, NY for the plaintiff; name of the defendant's expert not published

ATTORNEYS: William O. Crutchlow of Eichen, Crutchlow, Zaslow & McElroy, LLP, Edison, NJ for the plaintiff; name of the defendant's attorney not published

INJURED PARTY: 58 year old male

EVENT: The plaintiff developed peritonitis and was on a respirator following arthroscopic gall bladder removal

SPECIFIC INJURY: Peritonitis; moderate neuropsychological deficits

PERTINENT INFORMATION: The jury awarded \$716,000 for pain and

suffering, \$149,920 for past lost income and \$144,475, for future lost wages. The lost income recovery was reduced due to guaranteed Social Security Disability payments

AMOUNT: \$6,793,881 (Kings Co., NY)

CASE: Lopez v. City of New York, et al., 2015 NY Jury Verdicts Review LEXIS 226 (October 2015)

CASE NUMBER: 3698/06

JUDGE: Lawrence Knipel

EXPERTS: Not published

ATTORNEYS: Jeffrey A. Block and S. Joseph Donahue of Block, O'Toole & Murphy, LLP, New York, NY for the plaintiff; name of the defendant's attorney not published

INJURED PARTY: 44 year old male safety engineer

EVENT: The plaintiff fell backwards from the roof of a water treatment plant and became impaled on a steel rebar

SPECIFIC INJURY: Gastrointestinal injuries; abdominal pain; erectile dysfunction; rectal laceration; lumbar spine herniation

PERTINENT INFORMATION: The awarded included \$2,000,000 for past pain and suffering, \$3,000,000 for future pain and suffering, \$123,519 for past lost earnings and benefits, \$400,000 for future lost earnings and benefits, \$162,927 for past medical expenses, and \$1,107,434 for future medical expenses. The court reduced the future pain and suffering award to \$1,500,000

AMOUNT: \$1,910,000 (Harris Co., TX)

CASE: Renanta Doss v. Michael Gomez, M.D. and Youthful Essence Medical Spa, 2012 TX Jury Verdicts Review LEXIS 192 (July 23, 2012)

CASE NUMBER: 201003270

JUDGE: Joseph Halbach, Jr.

EXPERTS: Not published

ATTORNEYS: Sarnie Randle of S.A. Randle and Associates, Houston, TX for the plaintiff; Mark Sossi of R. W. Armstrong & Associates, Brownsville, TX for the defendant

INJURED PARTY: Female

EVENT: The defendant plastic surgeon treated the plaintiff for excessive abdominal fat with a type of liposuction called Smart Liposuction. After the third follow-up appointment, he plaintiff was rushed to the hospital where she was diagnosed with third degree burns to 75% of her stomach and 20–30% of her

§ 1.04

ABDOMINAL INJURIES

body, cellulitis of her trunk, pneumonia, and acute renal failure, group A strep infection, pulmonary embolism and dehydration

SPECIFIC INJURY: Abdominal burns and scarring; pulmonary embolism; renal failure

PERTINENT INFORMATION: The jury awarded \$410,000 in economic damages and \$1,500,000 in non-economic damages. However, the non-economic damages portion of the verdict was reduced to \$250,000 as required by the Texas Civil Practice and Remedies Code

CHAPTER 2

ANKLE INJURIES

§ 2.01 Settlement

AMOUNT: \$1,500,000 (Orange Co., CA)

CASE: KAY R. v. EMIL A, 2015 Nat. Jury Verdict Review LEXIS 360 (November 1, 2015)

CASE NUMBER: Not published

MEDIATOR: Not published

EXPERTS: Dr. Kenneth L. Nudelman, neurology, Santa Ana, CA, David Lechuga, Ph.D., neuropsychology, Lake Forest, CA, Dr. Christopher A. Wills, orthopedics, Orange, CA, Colin G. Koransky, PhD, psychology, Newport Beach, CA for the plaintiff; name of the defendant's expert not published

ATTORNEYS: Christopher R. Aitken and Wylie A. Aitken of Aitken, Aitken Cohn, Santa Ana, CA for the plaintiff; name of the defendant's attorney not published

INJURED PARTY: Female

EVENT: The defendant driver struck the plaintiff as she was walking to her friend's vehicle

SPECIFIC INJURY: Closed head injury; knee injury; fractured ankle

AMOUNT: \$871,919 (Orange Co., CA)

CASE: Plaintiff Driver and Passenger v. Defendant Driver, 2014 Nat. Jury Verdict Review LEXIS 133 (March 21, 2014)

CASE NUMBER: Not published

JUDGE: Not published

EXPERTS: Not published

ATTORNEYS: Daniel M. Hodes of Hodes Milman Liebeck LLP. Irvine, CA for the plaintiff; name of the defendant's attorney not published

INJURED PARTIES: Husband and wife in their 60s

EVENT: The defendant's vehicle made a left turn into the plaintiffs' lane of travel and collided into the plaintiffs' vehicle. The force of the collision caused the plaintiffs' vehicle to collide into the base of the traffic signal at the intersection.

The plaintiffs and another passenger, who died shortly after the accident, were trapped in the vehicle for approximately thirty minutes until they could be extricated by the fire department utilizing the Jaws of Life device

SPECIFIC INJURY: Ankle fracture; fractured ribs

PERTINENT INFORMATION: The parties settled through mediation. The claim of the estate for the deceased passenger was not included in this settlement

AMOUNT: \$1,200,000 (Pomona Co., CA)

CASE: Victor Marquez v. Americus Logistics; British Petroleum, 2012 Nat. Jury Verdict Review LEXIS 103 (Mar. 6, 2012)

CASE NUMBER: KC0591560

JUDGE: Robert Dukes

EXPERTS: Alvin Lowi, III, PE (accident reconstruction) El Segundo, CA, Peter Formuzis, Ph.D. (economics) Santa Ana, CA, Dr. P. Richard Emmanuel, (orthopedics) Culver City, CA, Dr. Sanjog Pangarkar, (pain management) Los Angeles, CA, V. Paul Herbert, CPSA (truck safety) from Quincy, CA, Richard H. Anderson, M.S., C.V.E., C.R.C., C.D.M.S. (vocational rehabilitation) Westminster, CA, Rick A. Sarkisian, Ph.D. (vocational rehabilitation) Fresno, CA for the plaintiff; Ken Solomon Ph.D. (accident reconstruction, biomechanics, human factors) Woodland Hills, CA, Ted Vavoulis (economist) Los Angeles, CA, Forensic Automotive: Thomas Lepper (forensic automotive) Long Beach, CA, Dr. Isaac Yang (neurosurgery) Los Angeles, CA, Dr. Milton Legome (orthopedics) Orange, CA, Dr. Richard Rhee (radiology) Corona Del Mar, CA, George Reis (video enhancement) Fountain Valley, CA, Ed Workman (vocational rehabilitation) San Clemente, CA for the defendant

ATTORNEYS: Spencer Lucas, Juan Dominguez and Tom Schultz of Pánish Shea & Boyle LLP, Los Angeles, CA for the plaintiff; Marc Hawkins of Law Offices of Marc W. Hawkins, Diamond Bar, CA; George Mallory of Law Offices of George L. Mallory & Associates, Los Angeles, CA for the defendants

INJURED PARTY: 50 year old male

EVENT: The plaintiff's truck was struck from behind by the defendant's truck as he slowed for traffic. The plaintiff was forcefully jolted forwards and backwards due to the impact.

SPECIFIC INJURY: Ankle fracture; lumbar injury

PERTINENT INFORMATION: The plaintiff sustained approximately \$280,000 in medical expenses

AMOUNT: \$6,100,000 (Hartford Co., CT)

CASE: Ambrosio v. AWAC Services Co., et al., 2015 CT Jury Verdicts Review LEXIS 19 (October 6, 2015)

CASE NUMBER: CV12-6036172-S

JUDGE: Not published

EXPERTS: Not published

ATTORNEYS: Michael C. Jainchill of Riscassi & Davis, Hartford, CT for the plaintiff; name of the defendant's attorney not published

INJURED PARTY: 54 year old female nurse

EVENT: The plaintiff alleged that the defendant driver lost control of her vehicle as she came around a curve and collided with the plaintiff's vehicle

SPECIFIC INJURY: Fractures to both legs, ribs, sternum, spine, and ankle

PERTINENT INFORMATION: The parties settled the claim after mediation

AMOUNT: \$1,180,000 (New Haven, CT)

CASE: Dimitrios Magriplis v. Restaurant Depot America, LLC, 2014 CT Jury Verdicts Review LEXIS 24 (May 28, 2014)

CASE NUMBER: CV12-6026887-S

JUDGE: Not published

EXPERTS: Not published

ATTORNEYS: Patrick Kennedy of RisCassi & Davis, Hartford, CT for the plaintiff; Timothy Scannell of Boyle Shaughnessy & Campo, Boston, MA for the defendant

INJURED PARTY: Adult male

EVENT: A pallet weighing over 200 pounds fell on the plaintiff's head as he was shopping in the defendant's warehouse

SPECIFIC INJURY: Ankle fracture; concussion; sprained neck

PERTINENT INFORMATION: The settlement was reached through mediation. The plaintiff's wife filed a claim for loss of consortium

AMOUNT: \$4,435,000 (Broward Co., FL)

CASE: Daniel Lima v. Pro Tech Building Systems, LLC, Michael Honeycutt, Gregory Electric Co., Inc. and BellSouth Telecommunications, Inc., d/b/a AT&T Florida, 2012 FL Jury Verdicts Rptr. LEXIS 252 (Mar. 22, 2012)

CASE NUMBER: CACE 06-11575 (19)

JUDGE: David Krathen / Jack Tuter

EXPERTS: Sharon Griffin (vocational rehabilitation) Stuart, FL, Frederick Raffa, Ph.D. (economics) Orlando, FL, Charles Benedict (accident reconstruction) Tallahassee, FL, Dr. Michael Ruddy (orthopedics) Fort Lauderdale, FL for the

plaintiff; Dr. Thomas John Goldsmith (neurology) Coral Springs, FL for the defendant

ATTORNEYS: Kenneth A. Cutler and Jeffrey D. Kirby of Goldman, Daszkal, et al., Deerfield Beach, FL for the plaintiff; Scott R. McNary of Marlow, Connell, et al., Coral Gables, FL for defendant Gregory Electric; Mark R. Boyd of DeMahy, Labrador, et al., Fort Lauderdale, FL for defendant Bellsouth; Robert E. Paradela of Wicker, Smith, et al., Fort Lauderdale, FL and Jeffrey W. Johnson of The Johnson Law Group, Boca Raton, FL for defendant Pro Tech; John J. Wilke of Wilke & Brooks, P.A., Boca Raton, FL for defendant Honeycutt.

INJURED PARTY: 22 year old male

EVENT: While walking on the sidewalk, the plaintiff was struck by a truck owned by the defendant

SPECIFIC INJURY: Ankle fracture; Foot and leg fractures; dislocation of toe

AMOUNT: \$600,000 (Palm Beach Co., FL)

CASE: Stephen Simpson v. C. Calvin Warriner, III, 2013 FL Jury Verdicts Rptr. LEXIS 235 (May 1, 2013)

CASE NUMBER: 50-2012-CA-009991

JUDGE: Glenn Kelley

EXPERTS: Dr. John S. Levin (orthopedics) Lake Worth, FL, Dr. Roy W. Sanders (orthopedics) North Tampa, FL, Mike Zimmerman (certified arborist and chain saw safety) Lake Worth, FL, Carl R. Smith (chain saw safety) Flagstaff, AZ for the plaintiff; Dr. George S. Kantor (orthopedics) Palm Beach Gardens, FL, Gerald Upcavage (arborist and chain saw safety) Tampa, FL, John Sevier (certified arborist) New Braunfels, TX for the defendant

ATTORNEYS: William E. Johnson of William E. Johnson, P.A., West Palm Beach, FL for the plaintiff; Adam W. Rhys and Megan M. Wegerif of Wicker, Smith, et al., P.A., West Palm Beach, FL for the defendant

INJURED PARTY: 53 year old male real estate agent

EVENT: The defendant cut a tree limb, which fell and struck the plaintiff

SPECIFIC INJURY: Trimalleolar fracture of the left ankle

PERTINENT INFORMATION: The parties settled the case for \$600,000. The plaintiff claimed past medical expenses of \$250,000 and projected future medical expenses of \$400,000

AMOUNT: \$1,000,000 (MA)

CASE: Plaintiff v. Defendant Driver, 2013 MA Jury Verdicts Review LEXIS 217 (July 31, 2013)

CASE NUMBER: Not published

EXPERTS: Not published

ATTORNEYS: Mark L. Breakstone of Breakstone White & Gluck, Boston, MA for the plaintiff; name of the defendant's attorney not published

INJURED PARTY: 79 year old male

EVENT: The defendant lost control of his vehicle and collided head-on into the vehicle in which the plaintiff was a passenger

SPECIFIC INJURY: Ankle fracture; Multiple rib fractures; Compound leg fractures; Bilateral pelvic fractures

PERTINENT INFORMATION: The parties agreed to a confidential settlement

AMOUNT: \$1,000,000 (Bergen Co., NJ)

CASE: Clark v. Gallo, 2014 NJ Jury Verdicts Review LEXIS 142 (March 25, 2014)

CASE NUMBER: BER-L-2689-13

JUDGE: Not published

EXPERTS: Not published

ATTORNEYS: Rosemarie Arnold of Law Offices of Rosemarie Arnold, Ft. Lee, NJ for the plaintiff; name of the defendant's attorney not published

INJURED PARTY: 70 year old female

EVENT: The defendant's vehicle struck the plaintiff as she was walking in the crosswalk

SPECIFIC INJURY: Fractures to hip, pelvis, ankle, knee, hand and foot

PERTINENT INFORMATION: The parties settled prior to trial for the defendant's policy limits

AMOUNT: \$1,626,500 (Bergen Co., NJ)

CASE: Murayama v. Sodexo, et al., 2013 NJ Jury Verdicts Review LEXIS 130 (May 9, 2013)

CASE NUMBER: BER-L-5390-10

JUDGE: Not published

EXPERTS: Frank Tinari, Ph.D. (economics) Livingston, NJ, George Gianforcaro, P.E. (engineering) Chester, NJ, Dr. Sushi Yoshida (orthopedic surgery), Edmond Provder (vocational) Lodi, NJ for the plaintiff; name of the defendant's expert not published

ATTORNEYS: Rosemarie Arnold, Maria Luppino of Law Offices of Rosemarie

§ 2.01

ANKLE INJURIES

Arnold, Fort Lee, NJ for the plaintiff; name of the defendant's attorney not published

INJURED PARTY: Female in her early 50s

EVENT: The plaintiff, an accountant, slipped and fell on greasy floor in a cafeteria managed by her employer's contractor

SPECIFIC INJURY: Avascular necrosis to left hip; Right ankle fracture; Complex regional pain syndrome to left leg

PERTINENT INFORMATION: The parties settled prior to trial for \$1,162,500 from the cleaning subcontractor, \$275,000 from the cafeteria manager and \$175,000 from the building owner

AMOUNT: \$5,800,000 (Camden Co., NJ)

CASE: Crumley v. D'Andrea Construction Co., et al., 2012 NJ Jury Verdicts Review LEXIS 26 (Jan. 23, 2012)

CASE NUMBER: CAM-L-4391-09

MEDIATOR: Joel Rosen

EXPERTS: Not published

ATTORNEYS: Robert Mongeluzzi, Andrew Duffy of Saltz, Mongeluzzi, Barrett and Bendesky, Philadelphia, PA, Daniel Schwarz, John Popilock, Daniel Ashton of Schwarz Cleary Josem and Schwarz, Philadelphia, PA for the plaintiff; name of the defendant's attorney not published

INJURED PARTY: Male iron worker

EVENT: While he plaintiff was working on a construction site and helping to guide a backhoe on a flatbed, the defendant operator of the backhoe turned the equipment into the plaintiff, striking him in the leg

SPECIFIC INJURY: Severe non-fracture crush injuries to foot and ankle; Complex regional pain syndrome; Rotator cuff tear

AMOUNT: \$1,775,000 (Essex Co., NJ)

CASE: Villar v. Synargo Technologies, Inc., et al, 2016 NJ Jury Verdicts Review LEXIS 13 (Jan. 2016)

CASE NUMBER: ESX-L-5110-12

JUDGE: Paul Vichness

EXPERTS: Thomas Cocchiola P.E, engineer, Caldwell, NJ, J. Nigel Ellis, Ph.D., CSP, P.E., C.P.E, fall/safety, Wilmington, DE, Elizabeth A. Davis, MS, RN, CRRN, CLCP, life care planning, Cedar Bluff, VA, Dr. Avrill Berkman, orthopedic surgeon, W. Caldwell, NJ for the plaintiff; name of the defendant's experts not published

ATTORNEYS: Kenneth W. Elwood of Blume, Donnelly, Fried, Forte, Zerres & Molinari, P.C., Chatham, NJ for the plaintiff; name of the defendant's attorney not published

INJURED PARTY: 43 year old male truck driver

EVENT: The plaintiff fell from a ladder at a work site

SPECIFIC INJURY: Left foot and left ankle fractures; ulnar neuropathy; lumbar herniation

PERTINENT INFORMATION: The parties settled prior to trial

AMOUNT: \$2,500,000 (Essex Co., NJ)

CASE: Gjorgievski v. South Mountain Construction, et al., 2015 NJ Jury Verdicts Review LEXIS 124 (June 2015)

CASE NUMBER: ESX-L-10013-11

MEDIATOR: Jack L. Lintner

EXPERTS: Not published

ATTORNEYS: James S. Lynch of Lynch Lynch Held Rosenberg, P.C., Hasbrouck Heights, NJ for the plaintiff; name of the defendant's attorney not published

INJURED PARTY: 46 year old male HAZMAT worker

EVENT: The plaintiff and other workers were removing a large commercial boiler contaminated with asbestos down a wooden ramp when the ramp collapsed and the boiler fell on the plaintiff

SPECIFIC INJURY: Tibia/fibula fractures; ankle fracture

PERTINENT INFORMATION: The plaintiff settled with the general contractor at mediation. The plaintiff claimed to be unemployable

AMOUNT: \$1,000,000 (Hudson Co., NJ)

CASE: Howard v. Zakari, 2015 NJ Jury Verdicts Review LEXIS 199 (August 14, 2015)

CASE NUMBER: HUD-L-4108-13

JUDGE: Not published

EXPERTS: Kristin Kuczma, economics, Livingston, NJ, Michael Natoli, engineer, Totowa, NJ Dr. Sean Lager, orthopedic surgeon, Jersey City, NJ, Albert Griffith, EdD, vocational expert, Newark, NJ for the plaintiff; name of the defendant's expert not published

ATTORNEYS: John J. Scura, III of Scura, Wigfield, Heyer & Stevens, LLP, Wayne, NJ for the plaintiff; name of the defendant's attorney not published

INJURED PARTY: 32 year old female

§ 2.01

ANKLE INJURIES

EVENT: The plaintiff fell down a flight of stairs in her landlord's apartment
SPECIFIC INJURY: Trimalleolar Fracture

PERTINENT INFORMATION: The case settled prior to trial for the landlord's policy limit

AMOUNT: \$1,570,000 (Hudson Co., NJ)

CASE: Marino v. PATH, 2015 NJ Jury Verdicts Review LEXIS 281 (July 9, 2015)
CASE NUMBER: HUD-L-599-13

JUDGE: Not published

EXPERTS: George Widas, PE, engineer Medford, NJ, Dr. Alfred Steinberger, neurosurgeon, Engelwood, NJ. Dr. Avrill Berkman, orthopedic surgeon, West Caldwell, NJ, Dr. Richard Kang, pain management, Fort Lee, NJ for the plaintiff; name of the defendant's expert not published

ATTORNEYS: Jaclyn A. Gannon and Charles A. Cerussi of Cerussi & Gunn, Shrewsbury, NJ for the plaintiff; name of the defendant's attorney not published

INJURED PARTY: Male railroad worker in his early 50s

EVENT: The plaintiff fell from a step ladder while attempting to climb down into a rail car for transport for inspection and repair

SPECIFIC INJURY: Ankle fracture; Lumbar herniation

PERTINENT INFORMATION: The case settled prior to trial for \$1,000,000 cash and a waiver of the \$570,000 lien for past lost earnings and medical bills

AMOUNT: \$1,250,000 (Hudson Co., NJ)

CASE: Evteeva v. Kennedy, et al., 2013 NJ Jury Verdicts Review LEXIS 241 (July 2013)

CASE NUMBER: HUD-L-3905-12

JUDGE: Not published

EXPERTS: Dr. Boris Mordkovich (plastic surgery) Englewood, NJ for the plaintiff; name of the defendant's expert not published

ATTORNEYS: Martin Wolf of Ginsberg & Wolf, PC, New York, NY for the plaintiff; name of the defendant's attorney not published

INJURED PARTIES: Female in her mid-30s and female infant

EVENT: As the plaintiff's mother was wheeling her daughter across the roadway, she was struck by the defendant's van. The carriage was dragged approximately ten to 15 feet by the van

SPECIFIC INJURIES:

Infant—First degree traumatic burns to the upper cheek and ankle; Leg injury; Scarring

Mother—Two rib fractures; lumbar and cervical soft tissue injuries; Severe emotional distress

PERTINENT INFORMATION: The case settled prior to trial for \$1,250,000. which included \$1,000,000 to the infant plaintiff and \$250,000 to the plaintiff mother.

AMOUNT: \$700,000 (Middlesex Co., NJ)

CASE: Leisentritt v. ABS Diner; 2013 NJ Jury Verdicts Review LEXIS 236 (August 23, 2013)

CASE NUMBER: MID-L-6067-10

JUDGE: Not published

EXPERTS: James Kennedy, PE (engineering) Red Bank, NJ, Dr. Gregory Lane (orthopedic surgeon) Edison, NJ, Dr. Ronald Karnaugh (pain management) Edison, NJ for the plaintiff; name of the defendant's experts not published

ATTORNEYS: Mark V. Kuminski of Levinson Axelrod, Edison, NJ for the plaintiff; name of the defendant's expert not published

INJURED PARTY: Adult female

EVENT: The plaintiff slipped and fell on a puddle of clear liquid at the defendant's diner

SPECIFIC INJURY: Ankle injury; complex regional pain syndrome (CRPS)

PERTINENT INFORMATION: The parties settled before trial

AMOUNT: \$400,000 (Middlesex Co., NJ)

CASE: Gittelman v. Edison Glen Condominiums, et al.; 2013 NJ Jury Verdicts Review LEXIS 233 (August 2013)

CASE NUMBER: MID-L-5261-11

EXPERTS: Dr. Gregory Charko (orthopedics) Woodbridge, NJ for the plaintiff; name of the defendant's experts not published

ATTORNEYS: Nicholas J. Leonardis of Stathis & Leonardis, Edison, NJ for the plaintiff; name of the defendant's attorney not published

INJURED PARTY: Male in his late 60s

EVENT: The plaintiff he slipped and fell on clear ice the day following a snow storm

SPECIFIC INJURY: Ankle injury; bimalleolar fracture

PERTINENT INFORMATION: The case settled before trial

§ 2.01

ANKLE INJURIES

AMOUNT: \$500,000 (Monmouth Co., NJ)

CASE: Hines v. Arnold, 2014 NJ Jury Verdicts Review LEXIS 276 (Oct. 2014)

CASE NUMBER: MON-L-3398-14

JUDGE: Not published

EXPERTS: Not published

ATTORNEYS: Paul K. Caliendo of Gill & Chamas, Woodbridge, NJ for the plaintiff; name of the defendant's attorney not published

INJURED PARTY: 33 year old male

EVENT: The plaintiff alleged that the defendant driver turned into his path and collided with his motorcycle. The plaintiff fell under the car and was dragged for approximately 50 feet

SPECIFIC INJURY: Fractures to the right dominant wrist and hand, right ankle, clavicle and scapula

PERTINENT INFORMATION: The parties settled for the policy limits of \$500,000. The plaintiff made no income claims.

AMOUNT: \$550,000 (Monmouth Co., NJ)

CASE: Hartung v. Mahaney, 2014 NJ Jury Verdicts Review LEXIS 209 (Aug. 21, 2014)

CASE NUMBER: MON-L-2862-13

JUDGE: John J. Keefe

EXPERTS: Dr. David Levine, orthopedist, ankle fusion, Hospital for Special Surgery, NY, NY, Dr. David Weiss, orthopedics, North Brunswick, NJ, Dr. Dominick Menkowitz, orthopedist, surgery, Dr. David Dickerson, orthopedist, surgery for the plaintiff; John Deutch, accident reconstruction, Abington, PA for the defendant

ATTORNEYS: Randolph H. Wolf of Law Office of Randolph H Wolf, Red Bank, NJ for the plaintiff; name of the defendant's attorney not published

INJURED PARTY: 29 year old male

EVENT: The plaintiff bicyclist alleged that the defendant driver failed to make adequate observations when turning left at an intersection controlled by a stop sign and struck the plaintiff

SPECIFIC INJURY: Pilon fracture; Medial malleolus fracture; Shoulder separation

PERTINENT INFORMATION: The parties settled prior to trial for \$550,000. The plaintiff made no income claims

AMOUNT: \$385,000 (Monmouth Co., NJ)

CASE: McPeek v. Bayshore Bar & Grill, et al., 2014 NJ Jury Verdicts Review LEXIS 106 (March 10, 2014)

CASE NUMBER: MON-L1038-11

JUDGE: Not published

EXPERTS: Wayne Nolte, PE, engineering, Hazlet, NJ for the plaintiff; name of the defendant's expert not published

ATTORNEYS: Michael J. Hanus of Gill & Chamas, Woodbridge, NJ for the plaintiff; name of the defendant's attorney not published

INJURED PARTY: Female in her early 30s

EVENT: The plaintiff tripped and fell several steps on a portion of a drape that was attached to the stairway banister to separate the upstairs and downstairs portion of the tavern

SPECIFIC INJURY: Ankle fracture

PERTINENT INFORMATION: The parties settled prior to trial

AMOUNT: \$1,700,000 (Monmouth Co., NJ)

CASE: Plaintiff v. Defendant Contractor, 2013 NJ Jury Verdicts Review LEXIS 277 (October 18, 2013)

CASE NUMBER: MON-L-2136-09

JUDGE: Not published

EXPERTS: Not published

ATTORNEYS: Peter Chamas of Gill & Chamas, Woodbridge, NJ for the plaintiff; name of the defendant's attorney not published

INJURED PARTY: 38 year old male construction worker

EVENT: While working on a construction site, the plaintiff fell some 24 feet to the ground below when a decking piece that he and his co-worker previously laid out, cantilevered as he walked on it

SPECIFIC INJURY: Left wrist fracture; tear to left ankle tendon; Thoracic and lumbar compression fractures; left transverse fracture in lumbar area; Pubic remi fracture

PERTINENT INFORMATION: The case settled prior to trial for \$1,700,000

AMOUNT: \$1,000,000 (Monmouth Co., NJ)

CASE: Nogueira v. Farm Family Cas. Ins. Co., 2012 NJ Jury Verdicts Review LEXIS 214 (June 29, 2012)

CASE NUMBER: Not published

§ 2.01

ANKLE INJURIES

JUDGE: Not published

EXPERTS: Not published

ATTORNEYS: John E. Keefe, Jr. of Keefe Bartels, LLC, Red Bank, NJ for the plaintiff; name of the defendant's attorney not published

INJURED PARTY: Male landscaper in his late 50s

EVENT: The defendant driver struck the plaintiff while he was working on the shoulder of the road

SPECIFIC INJURY: Left ankle, lower left leg, several ribs and right shoulder fractures

PERTINENT INFORMATION: The plaintiff received a \$900,000 underinsured motorists (UIM) arbitration award and the case settled for \$1,000,000, including the policy limits from the underlying defendant driver

AMOUNT: \$300,000 (Morris Co., NJ)

CASE: Picone v. Estate of Riker, 2013 NJ Jury Verdicts Review LEXIS 286 (November 2013)

CASE NUMBER: MRS-L-0936-13

JUDGE: Not published

EXPERTS: Not published

ATTORNEYS: John E. Molinari of Blume Goldfaden Berkowitz Donnelly Fried & Forte PC, Jersey City, NJ for the plaintiff; name of the defendant's attorney not published

INJURED PARTY: Female in her mid 80s

EVENT: As the plaintiff was crossing a rural road, the defendant's vehicle struck her. The plaintiff was propelled over the vehicle and landed behind it

SPECIFIC INJURY: Facial fractures; Fractures to the left ankle and tibia, compound fractures to the right tibia and fibula; several fractured ribs; Fracture to the left non-dominant clavicle pelvic and sacral fractures and a tendon injury in the right arm

PERTINENT INFORMATION: The case settled prior to trial for the \$300,000 policy limits

AMOUNT: \$1,700,000 (Morris Co., NJ)

CASE: Mann v. March Assoc. Construction Co., et al., 2013 NJ Jury Verdicts Review LEXIS 302 (October 17, 2013)

CASE NUMBER: MRS-L-002074-11

JUDGE: Not published

EXPERTS: Anthony J. Luisi, Jr. (cranes), Dr. Christopher Wagner (general surgery) Allentown, PA, Wayne Nolte (safety engineer) Hazlet, NJ, Robert Wolf (vocational) Cherry Hill, NJ for the plaintiff; name of the defendant's expert not published

ATTORNEYS: Jack Wurgaft of Javerbaum Wurgaft Hicks Kahn Wikstrom & Sinins, PC, Springfield, NJ for the plaintiff; name of the defendant's attorney not published

INJURED PARTY: 53 year old male iron worker

EVENT: A large beam struck the structure on which the plaintiff was standing and he fell some 28 feet. The plaintiff was standing on the steel shell and connecting beams that were being lifted to the structure by a crane

SPECIFIC INJURY: Severe ankle fracture; Lumbar and cervical herniations and fusions

PERTINENT INFORMATION: The case settled prior to trial for \$1,700,000

AMOUNT: \$225,000 (Ocean Co., NJ)

CASE: Benjamin v. India Head Plaza, Inc., et al., 2014 Nat. Jury Verdict Review LEXIS 169 (May 2014)

CASE NUMBER: OCN-L-2187-12

JUDGE: Not published

EXPERTS: Wayne Nolte, PE, engineering, Hazlet, NJ for the plaintiff; John W. Frisch, PE, engineering, Bridgewater, NJ for the defendant

ATTORNEYS: William V. Kelly of Starkey Kelly Kenneally Cunningham & Turnbach, Toms River, NJ for the plaintiff; name of the defendant's attorney not published

INJURED PARTY: 54 year old female

EVENT: The plaintiff fell on a curb cut out created by the defendant to accommodate wheelchairs used by disabled patrons

SPECIFIC INJURY: Ankle fracture

PERTINENT INFORMATION: The parties settled prior to trial

AMOUNT: \$1,200,000 (Ocean Co., NJ)

CASE: Lemig, et al v. Strungis, et al., 2014 NJ Jury Verdicts Review LEXIS 139 (April 2014)

CASE NUMBER: OCN-L-2344-12

JUDGE: Arnold Goldman

EXPERTS: Dr. Arthur Vasen, orthopedist, Ocean, NJ, Dr. Cary Skolnick,

§ 2.01

ANKLE INJURIES

orthopedist, Manalapan, NJ for the plaintiff; name of the defendant's attorney not published

ATTORNEYS: Kevin M. Stankowitz of Rosenberg Kirby Cahill Stankowitz & Richardson, n Toms River, NJ, Dennis M. Donnelly of Blume Donnelly Fried Forte Zerres & Molinari, PC, Chatham, NJ for the plaintiff; name of the defendant's attorney not published

INJURED PARTIES: Male and female in their 70s

EVENT: The plaintiffs, a driver and passenger, were struck head-on when the defendant on-coming driver lost control and swerved across the double yellow line

SPECIFIC INJURY:

Driver: Left right leg femur fractures, heel fracture, lacerations to the liver, lung, diaphragm; severe closed head trauma; degloving injuries to her left and right leg

Passenger: Ankle, right, dominant pinky, left wrist and several rib fractures; non-fracture injury to the left shoulder

PERTINENT INFORMATION: The parties settled prior to trial for \$1,200,000, including the full \$1,000,000 insurance policy limit. The plaintiffs made a claim for punitive damages stemming from the inebriated defendant driver. The plaintiff driver would receive \$660,000 and the plaintiff passenger would receive \$540,000

AMOUNT: \$300,000 (Ocean Co., NJ)

CASE: Woods v. Montgomery, 2012 NJ Jury Verdicts Review LEXIS 260 (Dec. 12, 2012)

CASE NUMBER: OCN-L980-12

JUDGE: Not published

EXPERTS: Dr. David Polonet (orthopedic surgery) Wall, NJ for the plaintiff; name of the defendant's expert not published

ATTORNEYS: Kevin M. Stankowitz of Rosenberg Kirby Cahill & Stankowitz, Toms River, NJ for the plaintiff; name of the defendant's attorney not published

INJURED PARTY: 50 year old male

EVENT: The plaintiff alleged that the defendant negligently lost control of his vehicle and crossed over the centerline, causing it to collide head-on with the plaintiff's vehicle

SPECIFIC INJURY: Abdominal scarring; ankle fracture; wrist fracture; rib fractures

PERTINENT INFORMATION: The defendant had \$250,000 coverage and the plaintiff had \$300,000 in underinsured motorist (UIM) coverage of which \$50,000 remained available. The case settled during discovery for the \$300,000 policy

limits

AMOUNT: \$1,041,600 (Passaic Co., NJ)

CASE: A.P. v. Taract Management, Inc., et al., 2015 NJ Jury Verdicts Review LEXIS 235 (September 2015)

CASE NUMBER: PAS-L-3603-13

JUDGE: Raymond A. Reddin

EXPERTS: Michael Natoli PE, engineer, Totowa, NJ, Dr. Julie Kessler, orthopedic reconstruction surgeon, Ridgewood, NJ for the plaintiff; name of the defendant's expert not published

ATTORNEYS: Nicholas A. Mattera of Nicholas A. Mattera, LLC, Paterson, NJ for the plaintiff; name of the defendant's attorney not published

INJURED PARTY: 64 year old female

EVENT: The defendant tripped and fell on a broken sidewalk as she entered a sneaker store

SPECIFIC INJURY: Fracture of the right ankle

PERTINENT INFORMATION: The case settled prior to trial including \$735,000 from the sneaker store owner and \$306,600 from the landlord

AMOUNT: \$988,000 (Passaic Co., NJ)

CASE: Hiraldo v. Esquire Travel Corp., 2014 NJ Jury Verdicts Review LEXIS 235 (Sept. 2014)

CASE NUMBER: PAS-L-2651-14

JUDGE: Not published

EXPERTS: Not published

ATTORNEYS: Damon A. Vespi of The Vespi Law Firm, Totowa, NJ for the plaintiff; name of the defendant's attorney not published

INJURED PARTY: 29 year old unemployed male

EVENT: The plaintiff's vehicle was involved in a head-on collision with the defendant intoxicated driver

SPECIFIC INJURY: Fracture/dislocation right ankle and tibia; lumbar tear

SPECIFIC INFORMATION: The defendant had \$1,000,000 in coverage. A passenger previously settled for \$11,200 and the plaintiff settled for the remaining \$988,800 prior to trial. The plaintiff exhausted his \$250,000 in personal injury protection (PIP) medical benefits after the initial hospital stay and established approximately \$150,000 in outstanding medical bills

§ 2.01

ANKLE INJURIES

AMOUNT: \$1,500,000 (Union Co., NJ)

CASE: King v. Combar Co., LLC, 2014 NJ Jury Verdicts Review LEXIS 170 (May 27, 2014)

CASE NUMBER: UNN-L-0074-12

JUDGE: Kenneth Grispin

EXPERTS: Frank Tinari, Ph.D., economics, Livingston, NJ, Alan Meade, PE. safety engineering, Lancaster, IL for the defendant

ATTORNEYS: Cornelius W. Caruso, Jr. of Tobin Kessler Greenstein Caruso Wiener & Konray, PC, Clark, NJ for the plaintiff; name of the defendant's attorney not published

INJURED PARTY: 60 year old male

EVENT: The plaintiff, who was employed in a building undergoing temporary renovations, tripped while assembling a table and fell though plastic sheeting used for temporary wall

SPECIFIC INJURY: Right ankle fractures; fractures to the right calcaneous; compression lumbar fracture; fracture/dislocation to the right dominant thumb

PERTINENT INFORMATION: The parties settled prior to trial. The plaintiff asserted a combined past and future income loss claim of approximately \$300,000

AMOUNT: \$1,800,000 (U.S. Dist. Ct. S.D. N.Y.)

CASE: Kiewitz v. Mullarkey, 2015 NY Jury Verdicts Review LEXIS 136 (May 2015)

CASE NUMBER: 14 cv 4528

JUDGE: Not published

EXPERTS: Not published

ATTORNEYS: Joel H. Robinson of Robinson & Yablon,PC, New York, NY for the plaintiff; name of the defendant's attorney not published

INJURED PARTY: Female in her later 70s

EVENT: The plaintiff, a German tourist, was standing on the sidewalk when the defendant driver lost control of his vehicle, mounted the sidewalk and struck her

SPECIFIC INJURY: Degloving injury to ankle; pubic fractures; fractures in the sacral areal leg fractures

PERTINENT INFORMATION: The case settled prior to trial

AMOUNT: \$839,000 (U.S. Dist. E.D. NY)

CASE: Brill v. Queens Lumber Co., 2013 NY Jury Verdicts Review LEXIS 73 (June 2013)

CASE NUMBER: 10-CV-1975 (MKB)

JUDGE: Margo Brody

EXPERTS: Not published

ATTORNEYS: Stanley K. Shapiro of Law Offices of Stanley K. Shapiro, New York, NY for the plaintiff; name of the defendant's attorney not published

INJURED PARTY: 60 year old male

EVENT: As he returned to his truck opposite the lumber yard driveway, the plaintiff was struck from behind by the defendant's forklift backing from driveway into the roadway

SPECIFIC INJURY: Multiple fractures to both feet; a fracture to the right ankle; Tear of the medial meniscus

PERTINENT INFORMATION: The case settled before the damages trial for \$839,000. The defendant had \$1,000,000 in coverage

AMOUNT: \$3,750,000 (Kings Co., NY)

CASE: Lisco v. Courtlandt Crescent Housing Development Fund, et al., 2015 NY Jury Verdicts Review LEXIS 175 (July 2015)

CASE NUMBER: 17167/12

JUDGE: Not published

EXPERTS: Thomas K. Fitzgerald, PhD., economics, Bronxville, NY, Dr. Menachem Epstein, orthopedic surgeon, New York, NY, Dr. Didier Demesmin, pain management, New York, NY, Dr. Cary Chapman, sports medicine, New York, NY, Dr. Andrew Kaufman, surgeon, New York, NY, Charles Kincaid, PhD, vocational expert, Hackensack, NJ for the plaintiff; name of the defendant's expert not published

ATTORNEYS: Philip A. Russotti and Kenneth Halperin of Wingate, Russotti, Shapiro, & Halperin, LLP, New York, NY for the plaintiff; name of the defendant's attorney not published

INJURED PARTY: 50 year old male construction worker

EVENT: The plaintiff was injured on a construction site

SPECIFIC INJURY: Bilateral crush fractures to the feet; Ankle fracture

PERTINENT INFORMATION: The plaintiff was earning approximately \$45,000 per year at the time of the accident and claimed that he is unemployable in the construction field

AMOUNT: \$3,250,000 (Kings Co., NY)

CASE: Dimaggio v. NYCTA, et al., 2015 NY Jury Verdicts Review LEXIS 102 (Jan. 2015)

§ 2.01

ANKLE INJURIES

CASE NUMBER: 28349/2011

JUDGE: Debra Silber

EXPERTS: Not published

ATTORNEYS: S. Joseph Donahue and Jeffrey A. Block of Block, O'Toole & Murphy, New York, NY for the plaintiff; name of the defendant's attorney not published

INJURED PARTY: Male union laborer in his mid-30s
EVENT: The plaintiff fell at work when temporary plywood flooring collapsed

SPECIFIC INJURY: Bilateral rotator cuff tears; Left elbow and right ankle injuries; fracture the right patella

PERTINENT INFORMATION: The parties settled on the fifth day of the trial

AMOUNT: \$2,100,000 (Kings Co., NY)

CASE: Tolpa v. One Astoria Square, LLC, et al., 2013 NY Jury Verdicts Review LEXIS 176 (October 2013)

CASE NUMBER: 21622/09

JUDGE: Kenneth Sherman

EXPERTS: Not published

ATTORNEYS: David H. Perekman, Adam M. Hurwitz of Perekman Firm PLLC, New York, NY for the plaintiff; name of the defendant's attorney not published

INJURED PARTY: 47 year old male plumber's assistant

EVENT: As the plaintiff was inspecting pipes in the ceiling, he stepped back and tripped over a cinder block. The plaintiff alleged that he lost his balance and that his right foot fell into the hole created by the absence of a covering over the sump pump

SPECIFIC INJURY: Fracture of right ankle

PERTINENT INFORMATION: The case settled after jury selection for \$2,100,000. Prior to the accident, the plaintiff was earning \$32,000 per year

AMOUNT: \$650,000 (Kings Co., NY)

CASE: Natasha King v. 230 Park Owners Corp., 2012 LexisNexis Jury Verdicts & Settlements 157 (Oct. 18, 2012)

CASE NUMBER: 27825/09

JUDGE: Gloria M. Dabiri

EXPERTS: Not published

ATTORNEYS: Kenneth A. Wilhelm, The Law Offices of Kenneth A. Wilhelm,