# [***Leon Shnayder v. Lori McGrail; 2006 Mealey's Jury Verdicts & Settlements 250***](https://advance.lexis.com/api/document?collection=jury-verdicts-settlements&id=urn:contentItem:4KHY-TBM0-0223-Y0H3-00000-00&context=)

03-01959

March 15, 2006

**Headline:** New Jersey Federal Jury Refuses To Award Damages In Auto ***Accident*** Case

**Result:** Defense verdict

**Court:** D. N.J.

**Judge:** Torianne J. Bongiovanni

**Plaintiff Profile**

Leon Shnayder, Elina Lampert and Inga Bekareva

**Defendant Profile**

Lori McGrail

**Plaintiff Counsel**

David M. Freeman, Nagel, Rice, Dreifuss & Mazie, Livingston, N.J.; David Mazie, Nagel, Rice, Dreifuss & Mazie, Livingston

**Defendant Counsel**

John J. Gentile, McLaughlin & Cooper, Trenton, N.J

**Case Summary**

**Claim:** Negligence

**Background:** Leon Shnayder says his ***car*** was rear-ended by Lori McGrail's ***car*** on July 19, 2001, after he had pulled onto the shoulder of the road because he'd missed his exit. McGrail and police reports say that when McGrail moved from the right lane to the center lane she struck Shnayder, and he then moved to the side of the road. Shnayder was taken to a hospital and diagnosed with a concussion and a cut on the bridge of his nose. CT scans and X-rays were taken, and the results showed injuries not attributable to the ***accident***. Four months later, arthroscopic surgery was performed on Shnayder's right shoulder. An independent examination of Shnayder's shoulder concluded that a rear-end collision was an unlikely cause of the injury and that none of the injuries were permanent, as Shnayder claimed.

**Other:** The jury found that McGrail was negligent in operation of her vehicle and that her negligence was an approximate cause of the ***accident***. The jury also found that Shnayder was negligent in operation of his vehicle and that his negligence was an approximate cause of the ***accident***. In the final jury question, Shnayder was found 90 percent negligent and McGrail 10 percent.

**Defense:** Allegations denied. McGrail admits rear-ending Shnayder's vehicle but contends that it happened in the center lane of traffic, not on the shoulder.

**Plaintiff Expert(s)**

Carl Mercurio, M.D

**Defendant Expert(s)**

Investigating New Jersey state trooper John W. Vester, M.D., Aaron A. Sporn, M.D

**Key Related Documents**

Order on jury verdict available.Document #99-060717-215V.

Verdict sheet available.Document #99-060717-216V.

Judge's opinion available.Document #99-060717-217X.

Order denying motion for reconsideration available.Document #99-060717-218R.

Motion for reconsideration available.Document #99-060717-219M.

Brief in opposition to motion for reconsideration available.Document #99-060717-220B.

Response in opposition tor motion for reconsideration available.Document #99-060717-221M.

Order denying motion to amend answer available.Document #99-060717-222R.

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