

# MARTINEZ & ASSOCIATES, LLP

## Personal Injury Attorneys

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**July 10, 2025**

Ms. Jennifer Walsh  
Claims Adjuster  
Empire State Insurance Company  
500 Fifth Avenue  
New York, NY 10110

**Re:** Sarah Chen v. Michael Rodriguez

**Claim No.:** ESI-2025-047821

**Date of Loss:** March 15, 2025

Dear Ms. Walsh:

This letter constitutes a demand for settlement in the above-referenced matter.

### Statement of Facts

On March 15, 2025, at approximately 2:30 PM, our client, Sarah Chen, was lawfully crossing Madison Avenue at East 42nd Street in Manhattan when she was struck by a vehicle operated by your insured, Michael Rodriguez. The intersection was controlled by traffic signals, and Ms. Chen was crossing with the pedestrian walk signal when Mr. Rodriguez, traveling southbound on Madison Avenue, failed to yield the right-of-way and made a left turn onto East 42nd Street, striking Ms. Chen in the crosswalk.

The accident was witnessed by multiple pedestrians and was captured on nearby surveillance cameras. The responding NYPD officer issued Mr. Rodriguez a citation for failure to yield to a pedestrian in a crosswalk (VTL § 1151). Weather conditions were clear and dry, and there were no obstructions to visibility. Mr. Rodriguez admitted to the investigating officer that he "didn't see" Ms. Chen before making the turn, demonstrating his failure to exercise reasonable care.

### Injuries Sustained

As a direct and proximate result of this collision, Ms. Chen sustained significant injuries including:

- **Fractured left tibia and fibula** requiring surgical repair with titanium plates and screws
- **Severe soft tissue injuries** to her left leg, hip, and lower back
- **Traumatic brain injury** with post-concussion syndrome symptoms including headaches, dizziness, and cognitive difficulties
- **Multiple contusions and abrasions** throughout her body

Ms. Chen was transported by ambulance to NewYork-Presbyterian Hospital where she underwent emergency surgery on her leg fractures. She remained hospitalized for six days and subsequently required extensive physical therapy and rehabilitation. Her orthopedic surgeon has advised that she will likely require additional surgery to remove the hardware in 12-18 months, and she continues to experience chronic pain and limited mobility. Her neurologist has indicated that her post-concussion symptoms may persist for an additional 6-12 months.

## **Damages Claimed**

Ms. Chen's damages as a result of this preventable accident include:

1. **Medical Expenses (Past):** \$127,450.00
  - Emergency room treatment and hospitalization
  - Surgical procedures and hardware
  - Physical therapy and rehabilitation
  - Neurological treatment and testing
2. **Medical Expenses (Future):** \$35,000.00
  - Anticipated hardware removal surgery
  - Ongoing physical therapy
  - Continued neurological treatment
3. **Lost Wages (Past):** \$18,200.00
  - 10 weeks of missed work as a graphic designer
  - Salary: \$52,000 annually
4. **Lost Wages (Future):** \$12,800.00
  - Estimated 6 additional weeks of reduced capacity
5. **Pain and Suffering:** \$350,000.00
  - Severe physical pain and ongoing discomfort
  - Permanent scarring and disfigurement

- Loss of enjoyment of life activities

6. **Emotional Distress:** \$25,000.00

- Anxiety and depression following the trauma
- Fear of crossing streets and walking in the city

**Total Damages:** \$568,450.00

## **Settlement Demand**

Based on the clear liability of your insured and the significant damages sustained by Ms. Chen, we demand the sum of **\$485,000.00** to settle this matter in full. This demand is reasonable considering the severity of Ms. Chen's injuries, the permanent nature of some of her conditions, and the substantial impact this accident has had on her life and livelihood.

## **Liability Analysis**

Your insured's liability is clear and indisputable. Under New York Vehicle and Traffic Law § 1151, drivers must yield the right-of-way to pedestrians crossing within a crosswalk. Mr. Rodriguez's failure to observe Ms. Chen before making his turn constitutes negligence per se. Additionally, his violation of the traffic law, as evidenced by the citation issued, establishes his breach of duty to exercise reasonable care. The causation between his negligent conduct and Ms. Chen's injuries is direct and undeniable.

## **Supporting Documentation**

Enclosed please find the following supporting documentation:

- Complete medical records from NewYork-Presbyterian Hospital
- Physical therapy records and reports
- Neurological examination reports and test results
- Police accident report and citation
- Witness statements
- Photographs of the accident scene and Ms. Chen's injuries
- Employment records and wage loss documentation
- Expert medical reports regarding prognosis and future care

## **Time Limit for Response**

Please review this demand letter carefully and respond with your settlement offer within **30 days** of receipt. If we do not receive a reasonable settlement offer by August 9, 2025, we will be forced to pursue

additional legal action to protect our client's interests, including filing a lawsuit in the appropriate court.

## **Closing Statement**

We believe this matter can be resolved amicably through reasonable negotiations. Ms. Chen has suffered tremendously due to your insured's negligence, and she deserves fair compensation for her injuries and losses. We look forward to your prompt response and hope that Empire State Insurance Company will act reasonably and in good faith to resolve this claim.

Sincerely,

**Robert Martinez, Esq.**

Senior Partner

Martinez & Associates, LLP

New York Bar #1234567

**Enclosures:** Medical records, police report, witness statements, photographs, employment records, expert reports