

JVR No. 1311130004, 2013 WL 6001070 (N.Y.Sup.) (Verdict and Settlement Summary)

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Supreme Court, First Judicial District, New York County, New York.

BRIGNOL v. RECKLER

0112165/2010

DATE OF INCIDENT: May 29, 2010

DATE OF FILING: September 14, 2010

DATE OF TRIAL: September 23, 2013

TOPIC:

LIABILITY:

General: Motorcycle and Vehicle

Specific: Defendant Turning

SUMMARY

Outcome: Plaintiff Verdict

Total Verdict: \$325,000

Judge Reduced Award To: \$

HIGH AMOUNT: \$500,000

LOW AMOUNT: \$20,000

EXPERT-WITNESSES:

Plaintiff:

Orthopedist: Lubliner, Jerry, M.D., New York, NY

Accident Reconstructionist: Genna, Robert, Commack, NY

Defendant:

Accident Reconstructionist: Coulon, Stephen, New Haven, CT

ATTORNEY:

Plaintiff: John P. Bostany, New York, NY

Defendant: Thomas G. Carton, Brooklyn, NY

JUDGE: Wright

RANGE AMOUNT: \$200,000 - 499,999

STATE: New York

COUNTY: New York

PRIMARY INJURY: Fractures of Both Legs

General Fracture of One Hand

Thumb Fracture

SUMMARY

PLAINTIFF:

Sex: Male

Age: Adult, 59

DECEDENT:

DEFENDANT:

Sex: Female

Age: Adult, 77

Defendant general occupation: Retired

Organization Type: Reckler

Policy Limit: \$5,000,000

DAMAGES:

Compensatory Pain And Suffering Award: \$325,000

Total Compensatory Award: \$325,000

Punitive Damages: \$0

Hedonic Damages: \$0

Property Damages: \$0

Other Damages: \$0

Interest: \$0

Loss of Service: \$0

Comparative Negligence Percentage: 0

FACTS:

Alix Brignol, a 59-year-old male, allegedly suffered right patella and medial tibial plateau fractures which required surgery and resulted in permanent impairment, a left tibia/fibula fracture, a right metacarpal fracture which required internal fixation surgery, and a left thumb fracture, when his westbound motorcycle was struck by a westbound vehicle owned and operated by defendant Siri Reckler as she executed a left turn across the plaintiff's lane of travel in an attempt to enter a parking lot located on the east side of the roadway. The plaintiff contended that Reckler made an improper left turn, crossed a double solid yellow line, failed to obey traffic laws and proximately caused the collision and resulting injuries by negligently, carelessly, and recklessly operating her vehicle. Further, the plaintiff claimed that he had suffered serious injuries as defined by § 5102(d)

of New York insurance law, which qualified him to bring this action. The defendant reportedly denied liability and contended that the plaintiff was speeding and attempted to pass the plaintiff in the same lane of traffic. The jury returned a verdict in favor of the plaintiff. The information for this report was provided by a plaintiff attorney of record, with supporting documentation, including expert testimony and the complaint.

Jury Verdict Research

COURT: Supreme

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