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MOTOR VEHICLE — PASSENGER — REAR END — NO-FAULT QUESTION ON HERNIATED DISC

Louise Clarke v. Jonathan Falk 3602/94 5-day trial Verdict 2/22/96 Judge Janice Bowman, Bronx Civil (325[d])

VERDICT: \$200,000 (6/0). Breakdown: \$45,000 for past pain and suffering; \$155,000 for future pain and suffering. Jury: 1 male, 5 female.

Pltf. Atty: Zave M. Unger of Harry I. Katz, P.C., Fresh Meadows

Deft. Atty: Francis J. Scahill of Picciano & Scahill, Mineola

Facts: On 7/9/91, Pltf., a 37-year-old homemaker at the time, was a passenger in a vehicle that was struck in the rear by Deft.'s car on the Whitestone Bridge. Deft. conceded liability and this trial was on damages only.

Injuries: herniated disc at L3-4; lumbar radiculopathy. Deft. denied that Pltf. sustained a serious injury under the No-Fault Law, Insurance Law § 5102(d), and disputed the existence of the herniated disc. Demonstrative evidence: MRIs. Offer: \$20,000; demand: \$100,000 (policy). Jury deliberation: 3 hours. Carrier: State Farm. Pltf. Expert: Dr. Sana Bloch, neurologist, Bronx. Deft. Experts: Dr. Angelito Tan, neurologist, Mineola; Dr. Sondra Pfeffer, radiologist, Manhattan.