

AS PUBLISHED IN

The New York Jury Verdict Reporter

BRONX COUNTY — CIVIL COURT

X/25-4 MOTOR VEHICLE — ELDERLY PASSENGER — LEFT TURN BY HOST VEHICLE — FRACTURED NOSE

Hugh Barry v. Cora Wright and Kevin Barry 2361/92 4-day trial Verdict 12/18/92 Judge Barbara R. Kapnick, Bronx Civil

VERDICT: \$262,500 (6/0). Breakdown: \$75,000 for past pain and suffering; \$187,500 for future pain and suffering. Deft. Kevin Barry 100% negligent. Jury: 3 male, 3 female.

Pltf. Atty: Zave M. Unger of Harry I. Katz, Fresh Meadows
Deft. Atty: Douglas S. Goldberg of Kelly & Flanagan, Elmsford, for Wright
David M. Heller of William K. Capshaw, Elmsford, for Kevin Barry

Facts: This motor vehicle accident occurred on 10/21/89 on East Gun Hill Rd. in the Bronx. Pltf., age 75 at the time, was a passenger in a car driven by Deft. Kevin Barry (100% liable), his son. The collision occurred when Deft., who was heading east on Gun Hill, made a left turn in front of a car driven by Deft. Wright, who was heading west. At issue was whether Deft. Barry had a green light or a left-turn arrow. Deft. Barry claimed that he had a left-turn arrow and that Deft. Wright's light was red. Deft. Wright claimed that she had a green light. The jury found that Deft. Barry was 100% negligent. Injuries: fractured nose; deviated septum. Pltf. received emergency room care and made two visits to a doctor. He was left with scarring and a deformity to the nose. Pltf.'s expert claimed that due to Pltf.'s age he is unable to undergo surgery. Demonstrative evidence: photos; hospital record. Offer: \$30,000. Jury deliberation: 25 minutes. Carrier: Royal for Cora Wright; Nationwide for Kevin Barry. Pltf. Expert: Dr. Dev Panigrahi, otolaryngologist, Bronxville. There was no expert testimony for Defts.