

AS PUBLISHED IN

The New York Jury Verdict Reporter

QUEENS COUNTY — SUPREME COURT

XI/44-16 MOTOR VEHICLE — REAR END — PASSENGER — MULTIPLE-CAR COLLISION — HERNIATED LUMBAR DISC

Pearl Johns v. James Armstrong/James Armstrong v. Charles Henderson and Saxton Equity Corp./Charles Henderson and Saxton Equity Corp. v. Clifton Black 13274/91 2-week trial Verdict 3/22/94 Judge John A. Milano, Queens Supreme

VERDICT: Liability: Armstrong 100% negligent (6/0). The case settled after Pltf.'s testimony during damages trial for \$200,000. Jury: 2 male, 4 female.

Pltf. Atty: Harry I. Katz, Fresh Meadows
Def't. Atty: J. Rhodes O'Reilly, Jr. of Purcell, Fritz & Ingrao, Commack, for Armstrong
Irwin Newman for Benjamin Purvin, Lake Success, for Henderson and Saxton Equity
Anne D. Pope of Richard J. Baldwin, Hauppauge, for Black

Facts: Pltf., age 38 at the time, testified that on 11/17/90 she was a passenger in Def't. Black's vehicle when it was involved in a multiple-car collision at the intersection of Northern Blvd. and Great Neck Rd. in Hempstead. Def't. Black (not liable) claimed that he was stopped at a light when his vehicle was struck in the rear by Def't. Armstrong's car (100% liable). Armstrong contended that soon after the first impact his vehicle was struck in the rear by Def't. Henderson's vehicle (not liable) which caused him to hit Black's car a second time. Black argued that he felt only one impact. Henderson testified that the first incident occurred moments before he struck Def't. Henderson's vehicle in the rear.

Injuries: (not before the jury — settled for \$200,000 during damages trial) herniated lumbar disc. Pltf. claimed that she had eight visits with a sports rehabilitative specialist. Def't. Armstrong contested the injury, arguing that the impact was minor and that Pltf. could not have sustained a herniation. Jury deliberation: 15 minutes. Carrier: Hertz Claim Management Corp.