

AS PUBLISHED IN

## The New York Jury Verdict Reporter

**XVII/35-46** MOTOR VEHICLE — PEDESTRIAN — FRACTURED TIBIAL PLATEAU, WRIST, PUBIC RAMUS, AND RIB

**SETTLEMENT:** Paul Gagliano v. Andrea Maiorano, Angela and Dominic Cavagnuolo, and Mercedes Benz Leasing Corporation 42283/98 Date of Settlement 11/5/99 Kings Supreme

**Pltf. Atty:** Joseph J. Giarmita, Jr., Brooklyn

This action settled for \$260,000 at a pretrial conference as part of a case management program to help fast-track cases. Pltf., age 77, claimed that on 10/7/98 at 3:50 PM, he was hit by Def't.'s car as he crossed Gold St. at its intersection with Fulton St. in Manhattan. Pltf. claimed that he was in the crosswalk at the time. Def't., who was traveling in the left turn lane, testified at his pretrial deposition that he did not see Pltf. prior to the impact.

Injuries: fractures of the tibial plateau, left (nondominant) wrist, pubic ramus, and one rib. Demonstrative evidence: photos of the accident scene with an "x" mark made by Def't. to indicate where accident occurred; X-rays of the wrist, pubic ramus, rib, and tibia. Carriers: Allstate for Maiorano; Allianz for Mercedes. Settlement apportionment: Allstate paid \$100,000 (policy); Allianz paid \$160,000.

**Pltf. Expert:** Pltf. would have called Dr. Michael Marrone, orth. surg., Brooklyn; Dr. Jeffrey Andrew Goldstein, treating orth. surg., Manhattan. **M**