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XIX/12-34 MOTOR VEHICLE - PEDESTRIAN - QUESTION AS TO WHETHER PLAINTIFF WAS IN CROSSWALK-MULTIPLE FRACTURES-BRAIN DAMAGE

SETTLEMENT: Ethel and Alfred Natter v. Benjamin Solowitz 8539/00 Date of Settlement 7/23/01 Kings Supreme

Plft. Atty: Joseph Giaramita, Jr., Brooklyn, trial counsel to Lorin Duckman, Brooklyn
Def. Atty: Ellen M. Spodek of Sponek & Barrett, L.L.P., Manhattan

This case settled at a pre-trial conference for \$300,000.00. On 2/17/00 at approximately 9:50 AM, Plft., an 85 year-old woman, was crossing the street at the intersection of Ave. R and East 16th Street in Brooklyn when she was struck by Deft.'s vehicle.

Plft. claimed that she was in the crosswalk and had looked both ways, and was hit as she crossed the street pushing a shopping cart. Plft. claimed that Deft. failed to see what was there to be seen, since she had walked across the front of his car pushing a shopping cart and was hit by the left front part of the vehicle.

Def. contended that Plft. was not in the crosswalk as she claimed. Def. also claimed that Plft. had walked into the left front of his car after he had completed a left turn.

Injuries: fractured right calcaneus; fractured left tibial plateau; fractured left occipital bone; chip fracture of one finger on the left hand; post-traumatic subarachnoid hemorrhage; loss of cognitive function. Def. contended that the loss of cognitive function was pre-existing condition. Demonstrative Evidence: photographs of the location of the accident. Offer: \$200,000; demand: \$400,000. Carries: Electric Insurance, primary, paid \$250,000; Allstate, excess, paid \$50,000.

Plft Experts: Dr. Michael Marrone, orth. surg., Brooklyn; Dr. Jay Rosenblum, neurologist, Manhattan.

Def. Experts: Dr. John Buckner, orth. surg., Brooklyn; Dr. Naunihal Singh, neurologist, Brooklyn.