

# AS REPORTED IN THE NEW YORK JURY VERDICT REPORTER

## MOTOR VEHICLE

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### Bicycle - Question of Lights - Intersection

PARTIES TO BIKE-CAR CRASH BOTH  
CLAIMED RIGHT OF WAY

**Settlement**    **\$945,000**

**Case**            Nina Gibson as Mother & Natural Guardian of Monique Zandomenego, a  
Minor v. Simcha Levi Hurwitz Isaac D. Hurwitz,  
No. 14996/06

**Court**            Kings Supreme  
**Judge**            Allen Hurkin-Torres  
**Date**              3/10/2008

### **Plaintiff**

**Attorney(s)**    Joseph Giaramita, Law Office of Joseph Giaramita, Brooklyn, NY

### **Defense**

**Attorney(s)**    Alana J. Szemer, Morris, Duffy, Alonso & Faley, New York, NY

**FACTS & ALLEGATIONS** On April 18, 2006, plaintiff Monique Zandomenego, 17, a student, was bicycling on Brooklyn Avenue, near its intersection at Maple Street, in Brooklyn. As she proceeded through the intersection, she was struck by the front of a jeep that was being driven by Simcha Hurwitz, who was traveling on Maple Street. Monique claimed that she sustained injuries of an ankle, her head, her neck and her pelvis.

Monique's mother, Nina Gibson, acting individually as Monique's mother and natural guardian, sued Hurwitz and the owner of Hurwitz's vehicle, Isaac Hurwitz. Gibson alleged that Simcha Hurwitz was negligent in the operation of her vehicle. Gibson further alleged that Isaac Hurwitz was vicariously liable for Simcha Hurwitz's actions.

Monique claimed that a green traffic signal permitted her entrance to the intersection. She contended that Simcha Hurwitz should have yielded the right of way.

Hurwitz contended that a green traffic signal permitted her entrance to the intersection. She contended that Monique should have yielded right of way.

**INJURIES/DAMAGES** *coma; contusion; diminished cognitive ability; fracture ankle; fracture, cervical; fracture, malleolus; fracture, pelvis; meatoma; internal fixation; open reduction; plate; subarachnoid hemorrhage*

Monique was placed in an ambulance and transported to the emergency room of a local hospital. She was comatose during the 10 days that followed the accident.

Monique ultimately claimed that she sustained fractures of her pelvis; a fracture of her

left ankle's malleolus, which is the ankle's boney protuberance; a fracture of her spine's C7-C8 level; a subarachnoid hemorrhage; a cerebral hematoma; and a cerebral contusion. Her pelvis fractures were treated via open reduction, surgical reconstruction and the insertion of fixation plates. Her left ankle's fracture was treated via open reduction and internal fixation. Her hospitalization lasted about six weeks.

Monique claimed that she suffers mild, residual impairment of her cognitive functions.

Monique's mother sought recovery of damages for Monique's past and future pain and suffering.

**RESULT** Shortly before the scheduled start of jury selection, the parties agreed to a \$945,000 settlement. The settlement included an immediate payment of \$243,000, and the remaining money was placed in an investment vehicle that will yield a total payment of at least \$1,444,278. However, the investment is expected to yield a total payment of about \$1,706,000.

**INSURER(S)** Government Employees Insurance Co. for both defendants

**PLAINTIFF**

**EXPERT(S)** Ali E. Guy, M.D., physical rehabilitation,  
New York, NY  
Jerry Lubliner, M.D., orthopedics,  
New York, NY  
Thomas Mayer, neuropsychiatry,  
Brooklyn, NY  
Jay A. Rosenblum, M.D. psychiatry,  
New York, NY

**EDITOR'S NOTE** This is based on information that was provided by plaintiff's and defense counsel.

-Elizabeth Peterson