

JVR No. 1311130004, 2013 WL 6001070 (N.Y.Sup.) (Verdict and Settlement Summary)

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Supreme Court, First Judicial District, New York County, New York.

BRIGNOL v. RECKLER

0112165/2010

DATE OF INCIDENT: May 29, 2010

DATE OF FILING: September 14, 2010

DATE OF TRIAL: September 23, 2013

TOPIC:

LIABILITY:

General: Motorcycle and Vehicle

Specific: Defendant Turning

SUMMARY

Outcome: Plaintiff Verdict

Total Verdict: \$325,000

Judge Reduced Award To: \$

HIGH AMOUNT: \$500,000

LOW AMOUNT: \$20,000

EXPERT-WITNESSES:

Plaintiff:

Orthopedist: Lubliner, Jerry, M.D., New York, NY

Accident Reconstructionist: Genna, Robert, Commack, NY

Defendant:

Accident Reconstructionist: Coulon, Stephen, New Haven, CT

ATTORNEY:

Plaintiff: John P. Bostany, New York, NY

Defendant: Thomas G. Carton, Brooklyn, NY

JUDGE: Wright

RANGE AMOUNT: \$200,000 - 499,999

STATE: New York

COUNTY: New York

PRIMARY INJURY: Fractures of Both Legs

General Fracture of One Hand

Thumb Fracture

SUMMARY

PLAINTIFF:

Sex: Male

Age: Adult, 59

DECEDENT:

DEFENDANT:

Sex: Female

Age: Adult, 77

Defendant general occupation: Retired

Organization Type: Reckler

Policy Limit: \$5,000,000

DAMAGES:

Compensatory Pain And Suffering Award: \$325,000

Total Compensatory Award: \$325,000

Punitive Damages: \$0

Hedonic Damages: \$0

Property Damages: \$0

Other Damages: \$0

Interest: \$0

Loss of Service: \$0

Comparative Negligence Percentage: 0

FACTS:

Alix Brignol, a 59-year-old male, allegedly suffered right patella and medial tibial plateau fractures which required surgery and resulted in permanent impairment, a left tibia/fibula fracture, a right metacarpal fracture which required internal fixation surgery, and a left thumb fracture, when his westbound motorcycle was struck by a westbound vehicle owned and operated by defendant Siri Reckler as she executed a left turn across the plaintiff's lane of travel in an attempt to enter a parking lot located on the east side of the roadway. The plaintiff contended that Reckler made an improper left turn, crossed a double solid yellow line, failed to obey traffic laws and proximately caused the collision and resulting injuries by negligently, carelessly, and recklessly operating her vehicle. Further, the plaintiff claimed that he had suffered serious injuries as defined by § 5102(d)

of New York insurance law, which qualified him to bring this action. The defendant reportedly denied liability and contended that the plaintiff was speeding and attempted to pass the plaintiff in the same lane of traffic. The jury returned a verdict in favor of the plaintiff. The information for this report was provided by a plaintiff attorney of record, with supporting documentation, including expert testimony and the complaint.

Jury Verdict Research

COURT: Supreme

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THE EAST HAMPTON STAR

SHINES FOR ALL

The East Hampton Star, June 3, 2010

POLICE & COURTS



Southampton Town police said a Smart car rolled over and hit a tree after the driver swerved to avoid a deer on Middle Lane Highway in Noyac on Tuesday at 4:40 p.m. Ronald Hammond of Shirley and his passenger were taken to Southampton Hospital.

Taylor K. Vecsey

Motorcyclist Is Airlifted After Collision

BY TAYLOR K. VECSEY

A motorcyclist was airlifted to Stony Brook University Medical Center Saturday night after trying to pass on the left a car that was turning left into the Amagansett Square parking lot on Montauk Highway.

East Hampton Town police said Alix Brignol of New York City was passing a 1995 Toyota when his 2003 Honda motorcycle collided with the driver's side of the car at 7:38 p.m. Siri Reckler, the driver, told police as much, and two people confirmed her story.

Mr. Brignol, 51, fractured or dislocated his lower arm, a police report said. He had been wearing a helmet. The Amagansett Ambulance Company drove him to a South...

of head pain but had no visible injuries. Drucilla Raley, 69, was in the passenger seat but was not injured, police said. No tickets were issued, according to an accident report.

Another on Napeague

Less than a month after a wreck on the Napeague stretch in front of the Lobster Roll restaurant, there was another two-car accident that sent two more people to the hospital.

Diana Tacuri, 20, of East Hampton told police she was stopped in her 2007 BMW sedan with her blinker on to make a left turn into the Lobster Roll when her car was rear-ended by a 2008 Nissan minivan on Sunday at about 6:45 a.m.

Ms. Tacuri, who was given a ticket for driving without a license, was taken to Southampton Hospital with a possibly broken or dislocated arm. It was not clear whether she was wearing a seat belt.

A pedestrian was hit at the Empire gas station in Montauk last Thursday at 10:05 p.m.

John H. Pluenneke of Belle Meade, N.J., said he was turning his 2000 Honda left into the station, which is on the corner of Montauk Highway and South Emery Avenue, when he struck Maia Kopaieichvili, who was walking there. Police said Ms. Kopaieichvili had minor bleeding on her arm. The Montauk Ambulance...

onto Stephen Hand's Path at 5:10 p.m.

Olga V. Armijos, 45, of East Hampton, who was behind the wheel of the Lexus, said she had neck pain. The East Hampton Ambulance Association took her to Southampton Hospital. Mr. Jimenez, 56, who was not hurt, was not issued a summons. His passenger, Roberto Herrera, 35, and Ms. Armijos's passenger, Saldana Garlarza, 28, also were not hurt.

Having fallen asleep behind the wheel of a taxi, H.R. Stevenson III was injured and taken to Southampton Hospital after he drove into some trees on Cedar Street just past Miller Lane last Thursday at about 3:30 a.m.

Mr. Stevenson, who had been driving a 2002 Toyota owned by Amagansett Taxi, complained of back pain. The East Hampton Ambulance Association took the 51-year-old to the hospital. He had not been wearing a seat belt.