

2006 WL 1493701 (N.Y.Sup.) (Verdict and Settlement Summary)

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Supreme Court, Tenth Judicial District, Suffolk County, New York.

Peggy J. & Robert Iacono v. Alfredo Martinez & Thomas A. Martinez

No. 30749/02

DATE OF VERDICT/SETTLEMENT: April 20, 2006

TOPIC: MOTOR VEHICLE - REAR-ENDER - MOTOR VEHICLE - MULTIPLE VEHICLE LOW-IMPACT CRASH
AGGRAVATED BACK PROBLEM, PLAINTIFF CLAIMED

SUMMARY:

Award Total: \$900,000

RESULT: Settlement

Shortly before the scheduled start of jury selection, the parties agreed to a settlement. The defendants' insurer agreed to contribute \$900,000 from its \$1.1 million policy.

EXPERT WITNESSES:

Plaintiff: [Richard A. Johnson](#), M.D.; Neurosurgery; Rego Park, NY

Defendant: [A. Robert Tantleff](#), M.D.; Radiology; East Hills, NY [Edwin M. Weiland](#), M.D.; Neurology; Great Neck, NY [Sandy Farkas](#), M.D.; Orthopedic Surgery; New York, NY

ATTORNEYS:

Plaintiff: [Daniel P. O'Toole](#); Block & O'Toole; New York, NY

Defendant: [Scott M. Cacciabaud](#); the Law Offices of Robert P. Tusa; Hauppauge, NY

JUDGE: [James J. Golia](#)

RANGE AMOUNT: \$500,000-999,999

STATE: New York

COUNTY: Suffolk

INJURIES:Iacono made no complaints of pain at the scene of the accident and did not seek medical attention of any kind until 13 days later. She had been involved in a prior motor vehicle accident in 1997 resulting in a cervical fusion at C6-7 and a disc herniation at C5-6. She contended that she had not treated with any doctors for cervical pain during the 20 months that preceded the instant accident.

SUMMARY:

Insurance Carrier:Allstate Insurance Co. for both defendants

FACTS:

On July 30, 2002, plaintiff Peggy Iacono, 42, a homemaker, was driving on the westbound Long Island Expressway, near its exit at Route 112, in Medford. She encountered police activity, so she was forced to stop in the expressway's right lane. While her car was stopped, its rear panel was struck by a westbound vehicle that was being driven by Alfredo Martinez. Iacono claimed that she sustained a neck injury.

Iacono sued Martinez and the owner of Martinez's vehicle, Thomas Martinez. She alleged that Alfredo Martinez was negligent in the operation of his vehicle and that Thomas Martinez was vicariously liable for Alfredo Martinez's actions.

Iacono claimed that Martinez should have avoided the collision.

Martinez contended that Iacono's vehicle was in reverse and moving toward him at the time of impact.

Both parties agreed that the collision produced a mild impact. There was no damage to the defendants' vehicle, and the plaintiff's vehicle sustained a partial imprint of the defendant's license plate.

Iacono claimed that the instant accident aggravated a previously quiescent condition and necessitated cervical fusion surgery at C5-6 on Oct. 7, 2003. She contended that her pain continues to be so severe that she spends the majority of her day in bed and will require pain medication for the remainder of her life. She further contended that the pain disrupts her sleep. She sought recovery of damages for her past and future pain and suffering. Her husband presented loss-of-consortium and loss-of-services claims.

The defendants' examining neurologist opined that, if the history provided by Iacono was accurate, the instant accident aggravated her prior quiescent condition.

The defendants' expert radiologist determined that the 2002 accident did not cause any structural change to Iacono's spine.

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Suffolk Supreme.

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