

**XVII/22-28 MOTOR VEHICLE CENTER LINE LEG, HIP, AND ELBOW FRACTURES**

Michele Ott v. Peter Schuyler 2530/97 4-day trial Verdict 9/30/99  
Orange Supreme

**Judge:** Jeffrey G. Berry

**Verdict:** **Defense verdict on liability** (6/0). Jury: 3 male, 3 female. Note: Prior to any suits being filed by Pltf. or Deft., Pltf. s carrier paid Deft. \$25,000 (policy) for injuries he suffered in the accident.

**Pltf. Atty:** David Goldstein, Nanuet

**Deft. Atty:** Richard G. Corde of Boeggeman, George, Hodges & Corde, White Plains

**Facts:** On 8/1/96, Pltf., then 16 years old, was traveling south on St. Andrews Rd. in Montgomery when her vehicle collided head- on with Deft. s car, which was traveling in the opposite direction. The speed limit was 30 mph and there were no markings painted on the roadway. Pltf. testified that as she came out of a curve in the road, her car encountered Deft. s car, which was driving on her side. Pltf. s expert testified that stains on the road and the position of the cars indicated that the accident occurred on Pltf. s side of the road . Deft. claimed that Pltf. was on his side of the road. He argued that the accident took place 1 foot onto his side and that Pltf. was driving 45 mph as she exited the curve, making it difficult to control her vehicle.

**Injuries:** fractures to the hip, femur, and elbow. Pltf. had three surgeries performed on the femur with the insertion of rods due to nonunion. She suffered a 1-inch leg shortening, and she claimed that she walks with a limp. She also claimed that she will require a future hip replacement. Demonstrative evidence: surveys; 50 photos of scene and vehicles. Jury deliberation: 40 minutes. **Carrier: New York Central Mutual.**

**Pltf. Expert:** C. Bruce Gambardella, accident reconstruction, Spring Valley.

**Deft. Expert:** Richard Hermance, accident reconstruction, Tillson.