

**XII/10-21 MOTOR VEHICLE ONE-CAR COLLISION
DEFENSE VERDICT ON LIABILITY**

Mary Ann Carleo-Culletto v. Rockland County Sewer District, County of Rockland, and **Town of Ramapo** 6229/91 4-day trial Verdict 6/24/94
Judge Howard Miller, Rockland Supreme

VERDICT: **Defense verdict for County and Town on liability** (6/0). The Sewer District was dismissed during trial. Jury: 4 male, 2 female.

Pltf. Atty: Richard V. Licata, New City

Def. Atty: Jeffrey S. Rovins, Manhattan, for Sewer District and County of Rockland
Joseph A. Maria, White Plains, for Town of Ramapo

Facts: Pltf., a 42-year-old medical secretary, claimed that on 12/16/88 at 8:30 PM she was traveling east on Lime Kiln Rd. in Ramapo when she lost control of her vehicle on a stretch of road torn up due to construction, and struck a pole on the opposite side of the road. She testified that she was traveling 20 mph and applied her brakes prior to the impact. Deft. Town of Ramapo had been installing a sewer line for several days prior to the incident. Pltf. argued that the road was dangerous and that Defts. failed to put up warning signs about the construction and condition of the road.

Deft. Town of Ramapo testified that on the day of the accident a section of the road had been excavated, the pipes installed, and the road filled with gravel and compacted. It claimed that it had placed warning signs about the road's condition. Deft. County of Rockland argued that since the construction was completed 15 minutes prior to the accident, it had no notice of the road's condition and was unable to timely repair it. The case against Rockland County Sewer District was dismissed by the court. The jury found that the County of Rockland and the Town of Ramapo weren't negligent.

Injuries: (not before the jury) fractured ribs; laceration along the hairline; neurological problems. Demonstrative evidence: photographs; crew foreman log entry, Town documents. Offer: \$17,500; demand: \$37,500. Jury deliberation: 2 hours.

Pltf. Expert: There was no expert testimony for Pltf. or Deft. County of Rockland.

Def. Expert: **Richard Hermance, accident reconstruction, Collision Research, Ltd., Tillson, testified for Town of Ramapo.**