

XVI/28-34

**MOTOR VEHICLE FOLLOWING TOO CLOSELY**  
**DEFENSE VERDICT ON LIABILITY**

Cherylann and Joseph DiLauro v. Arnold Rothman 245/97 1-week trial  
Verdict 11/13/98 Putnam Supreme

**Judge:** Vincent Gurahian

**Verdict:** Defense verdict on liability (5/1).

**Pltf. Atty:** Michael S. Feldman of Jacoby & Meyers, Manhattan

**Deft. Atty:** Howard G. Frederick of Fixler & Associates, L.L.P., Carmel

**Facts:** Pltf., a 41-year-old bus driver at the time, claimed that on 7/2/95 at approximately 4:30 PM, she was injured in a motor vehicle accident that took place at the intersection of Rte. 9 North and South Mountain Pass Rd. in Cortland. Pltf. testified that she was traveling north on Rte. 9 and had stopped at South Mountain Pass to make a left turn when Deft.'s vehicle collided with her driver's side door. Pltf. claimed that Deft. was traveling too closely, and veered into the passing lane when Pltf. stopped in preparation for her left-hand turn.

Deft. argued that Pltf. had exited a parking lot adjacent to the intersection and cut in front of his vehicle, causing him to strike her car. The police report cited Deft. as following too closely. Deft. argued, however, that the police officer and Pltf. knew one another because Pltf. was employed at a Dunkin Donuts that the officer frequented on a regular basis.

**Injuries:** (not before the jury) torn rotator cuff of the right ( dominant) shoulder; internal derangement of the cervical spine; spinal stenosis at L4-5. Demonstrative evidence: photographs of Pltf. 's vehicle; photographs prepared by accident reconstruction expert. Offer: \$7,500; demand: \$50,000. Jury deliberation: 1 hour. Carrier: New York Central Mutual.

**Pltf. Expert:** There was no expert testimony for Pltf. on liability.

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