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Motor Vehicle

Rushing motorist caused crash, plaintiff alleged

Verdict: Defense

Case Type: Left Turn, Motor Vehicle - Broadside, Motor Vehicle - Multiple Vehicle

Case: Carmela Larosa-Roselli v. Karin & Ralph Meyer, No. 650/07

Venue: Orange Supreme, NY

Judge: John K. McGuirk

Date: 10-09-2008

PLAINTIFF(S)

Attorney:

- Michael Mahon; of counsel, Deprosop, Petrizzo & Longo; Goshen, NY, for Carmela Larosa-Roselli

Expert:

- None

DEFENDANT(S)

Attorney:

- Robert S. Ondrovic; Boeggeman, George & Corde, P.C.; White Plains, NY, for Karin Meyer, Ralph Meyer

Expert:

- None

Insurer:

- New York Central Mutual Fire Insurance Co. for both defendants

Facts:

At about 1 p.m. on Oct. 28, 2005, plaintiff Carmela Larosa-Roselli, 77, was driving on Dolson Town Road, in Wawayanda. When she reached the office of her physical therapist, she began to execute a left turn onto the facility's driveway. Before she could complete her turn, her vehicle was struck by an oncoming vehicle that was being driven by Karin Meyer. Larosa-Roselli sustained an injury of an arm.

Larosa-Roselli sued Meyer and the owner of Meyer's vehicle, Ralph Meyer. Larosa-Roselli alleged that Karin Meyer was negligent in the operation of her vehicle. Larosa-Roselli further alleged that

Ralph Meyer was vicariously liable for Karin Meyer's actions.

Larosa-Roselli acknowledged that she saw Karin Meyer's vehicle approaching. She estimated that the vehicle was about 100 feet away, and she claimed that she believed that she could safely complete her turn.

Meyer contended that she was maintaining a speed of about 45 mph, which represented the posted speed limit. She claimed that she saw Larosa-Roselli's vehicle stopped about 150 feet away from her, with its directional signal flashing, but that Larosa-Roselli did not turn until 10 to 15 feet separated the two vehicles. She claimed that her vehicle struck the front of the passenger side of Larosa-Roselli's vehicle, and she contended that she could not have avoided the collision.

Meyer acknowledged that the accident occurred while she was driving home to change clothing in advance of a 2 p.m. gathering at another location. Plaintiff's counsel suggested that Meyer was rushing and, therefore, distracted.

Injury:

The parties stipulated that Larosa-Roselli's damages totaled \$125,000. They also stipulated that the damages would be reduced by any percentage of comparative negligence that the jury assigned to Larosa-Roselli. Thus, damages were not before the court.

Larosa-Roselli sustained a fracture of her left, nondominant arm's humerus. The fracture was addressed via open reduction and the internal fixation of an intramedullary rod.

Larosa-Roselli claimed that she suffers residual weakness of her left arm. She sought recovery of damages for her past and future pain and suffering.

Verdict Information The jury found that Meyer was negligent, but it determined that her negligence was not the proximate cause of the accident. According to plaintiff's counsel, the jurors acknowledged that Meyer should have driven more defensively and that she may have been distracted by her desire to reach the gathering on time.

Editor's Comments This report is based on information that was provided by defense counsel. Plaintiff's counsel did not respond to the reporter's phone calls.