



**GUEST VS OTHER DRIVER--PUNITIVE AWARD AGAINST INTOXICATED MOTORIST**

(ZZ 11/2) *Monica Totah v Pavel Nozdrachev* 02L-15499 Tried Nov. 7-9, 2007 (1L)

Verdict: \$975,000: \$875,000 compensatory (\$300,000 pain & suffering; \$400,000 loss of normal life; \$50,000 disfigurement; \$125,000 future medical expenses), \$100,000 punitive damages.

Judge: Lynn M. Egan (IL Cook-Law)

Pltf Atty: Mark V. Ferrante Demand: \$900,000; \$450,000 - \$850,000 high/low Asked: \$1,390,000

Deft Atty: Ximen J. Januszyk of *Magnani & Buck* (Zurich; Empire Fire & Marine) Offer: \$135,000

Deft Medl: Howard Sokoloff, D.P.M. (Podiatrist)

Pltf Expert: Dr. Heather Nath (Pain Management)

Feb. 10, 2001, pltf was a passenger in a van traveling northbound on Interstate 94 when it was rear-ended by deft near Tower Road in Northfield. The force of the impact propelled the front of the van up and onto the three-foot concrete median divider, where the van slid until it smashed into a light pole and bounced back down onto the left shoulder of the expressway. Pltf F-20 sustained blunt trauma bruising and abrasions, back and neck pain, and chronic/permanent complex regional pain syndrome in the left foot and ankle (\$11,703 past medl. not in evidence, \$125,000 future medl. expenses). Deft M-33 was intoxicated at the time of the collision, and he failed to appear for discovery, deposition, and the trial. Court entered summary judgment against deft on the negligence count. Defense argued pltf's injuries were not as extensive as claimed, contending she suffered a hallux valgus deformity and subtalar joint synovitis, not CRPS. Defense counsel notes the judge barred deft from presenting expert medical testimony because the defense experts refused to provide detailed financial background information ordered by the court. Three co-pltfs including pltf's driver settled out prior to trial.

**CARRIER--CTA BUS PASSENGER INJURED IN INTERSECTION COLLISION WITH CAR**

(XX 13/4) *Nina Ahmed v Chicago Transit Authority, Robert O. Anderson, Vernon K. Fleming* 01L-16449 Tried Nov. 16-22, 2005 (4)

Verdict: \$450,000 v all defts (\$200,000 pain & suffering; \$200,000 loss of normal life; \$48,700 medical expenses; \$1,300 LT). Jury apportioned liability 99.75% v CTA/Anderson, 0.25% v Fleming.

Judge: Edward R. Burr (IL Cook-Law)

Pltf Atty: Mark V. Ferrante Demand: \$564,000 - \$300,000 (indicated) Asked: \$818,000

Deft Attys: Aretha R. Bright-Hobbs and Daniel Dever of C.T.A. Law Dept. for Chicago Transit Authority, Anderson (Self-Insured) Offer: CTA \$50,000 - \$100,000 (indicated); Pro Se for Fleming (Uninsured)

Pltf Medl: Dr. George R. Cybulski (Neurosurgeon)

Deft Expert: Dr. Terence Lichtor (Neurosurgeon) for Chicago Transit Authority

Jan. 10, 2001, pltf was a passenger on an eastbound CTA bus being operated by deft Robert Anderson at 69th and Wentworth which collided with a northbound vehicle driven by deft Vernon Fleming. Pltf contended the bus entered the intersection on a yellow or red light. Pltf F-61 sustained trauma to her shoulder, back and knee; the back injury progressed to a herniated disc at L3-4 which required laminectomy and microdiscectomy surgery (\$66,000 medl., \$1,340 LT 14 days as administrative assistant). Defense for CTA contended its driver never left the bus stop and that co-deft Fleming lost control of his car at high speed and flew sideways into the front of the bus. Fleming claimed he entered the intersection on a green light and that the bus blindsided him within the intersection, although he admitted he did not look to his left before entering the intersection. Defense for CTA/Anderson further argued that pltf's surgery was unnecessary and her back pain was caused by pre-existing degenerative disc disease and spinal stenosis. Pltf's counsel suggested to the jury that they apportion 70% fault to CTA/Anderson and 30% to Fleming.