

OGEN & SEDAGHATI, P.C.

NEW YORK'S
TOP
VERDICTS &
SETTLEMENTS
PERSONAL INJURY
LITIGATORS

OVER \$100 MILLION RECOVERED FOR OUR CLIENTS

The team of Eitan Ogen and Natalie Sedaghati have an impressive proven record of multiple 7-figure and 6-figure verdicts and settlements, many for non-surgical, "soft tissue" disputed cases with problematic liability scenarios.

In 2014, both partners were again re-selected as Super Lawyers—a designation awarded annually to only the top 5% of attorneys in New York. Additionally, Natalie Sedaghati was one (1) of only nine (9) female attorneys selected as a Super Lawyer in New York in the practice area of Personal Injury. She was also selected as one of the 2014 Super Lawyer Top Women Attorneys as also published in the *New York Times*.

In 2013, as in recent years, they had several of their "soft tissue" verdicts honored in *New York Law Journal's* Top Verdicts, as well as the fourth-highest settlement in *New York Law Journal's* Top Settlements.

In 2012 they were featured in the Top Verdicts & Settlements section in *New York Magazine* and *Newsweek's* Leaders in Personal Injury showcase.

In 2011, they achieved the second-highest verdict in NY for a motor vehicle/ no-fault case in *New York Law Journal's* Top Verdicts.

NOTEWORTHY CASES

\$4.25 Million Pre-Trial Settlement man who sustained cervical and lumbar herniations, with minimal and sporadic treatment, which ultimately required surgery. Defendants argued that these were "soft tissue" injuries, sustained in an accident that required no tow, no ambulance, and no ER, where claimant returned to work shortly after the accident. They also argued that the claimed injuries were preexisting and degenerative, and that he had made a good recovery.

\$2.5 Million Jury Verdict In a case against the MTA/NYC Transit, claiming shoulder impingement (no tear) with arthroscopic surgery. Defendant's doctors testified that there was nothing wrong with her and that any symptoms were from an untreated carpal tunnel condition for which she had surgery following the accident. Amount suggested to Jury was \$1 million. MTA's initial offer was \$2,500. Maximum offer was \$125,000.

\$2.45 Million Pre-Trial Settlement In a low-speed, minimal impact disputed liability MVA. Client had nearly identical degenerative MRI findings prior to the accident. Defendants' doctors disputed any causality and necessity of any surgery or treatment, as client had returned to work after accident, her EMGs/MRIs were normal for her age, she had minimal and sporadic therapy and she had resolved. Zurich previously had maintained a no-pay position.

\$1.5 Million Pre-Trial Settlement involving rental vehicle from a rental car company in a one car accident. Due to Graves Amendment (a Federal Law passed in 2005 that grants immunity to rental car companies from lawsuits beyond the state minimum insurance limit), the rental car company maintained that they were only liable for the \$25,000 minimum policy limits. We succeeded in compelling a settlement of \$1.5 Million despite this defense, without going to trial.

\$1.375 Million Jury Verdict For a 39-year-old unemployed man in a soft tissue accident, knee arthroscopy case with no property damage, no ER. No lost wages, minimal treatment. Defendants' doctors testified that plaintiff's examination was normal and MRI films were normal with degeneration. Client had a prior injury and surgery to same body part. Allstate maintained no-pay position through time of verdict.

\$1.3 Million Pre-Trial Settlement full policy tender, for 50-year-old undocumented immigrant in minimal impact motor vehicle accident, no injuries at scene, no ambulance, no ER, waited almost 1 month to see first doctor (while continuing to work full time), large unexplained gaps in treatment, MRI showed bulging disc. Insurance carrier USAA initially valued at \$7,500, then raised offer to \$50,000 after her surgery (which was several years after the accident), arguing that the surgery was unnecessary and not causally related to the accident. Their doctors claimed their exams were normal and any symptoms were due to degeneration or unnecessary surgery.

\$1 Million Pre-Trial Settlement Policy limits were obtained in Queens County pre-trial settlement for 2 Middle Eastern immigrants, where Defendants argued that all injuries were degenerative and pre-existed the accident.

\$875,000 Jury Verdict in MVA case with no complaints of pain at the scene, no ER. Defendants' expert opined that he did not suffer any injuries in the accident. He also had large, unexplained gaps in treatment. Defendants disputed any liability in the case. State Farm's offer after arthroscopic surgery: \$30,000; offer right before trial: \$65,000.

\$600,000 Jury Verdict for convicted felon. No complaints of pain at scene, no ER, unemployed at the time, and returned to physical work following accident without any complaints, as testified to by his employer. Defendant's experts opined that he was not injured in the accident and had large, unexplained gaps in treatment. Defendants established that Plaintiff lied on the stand, and proved that his initial doctor (prior to retaining our office) had been accused of misconduct. Defendants introduced photos showing minimal property damage. Defendants paid entire verdict, along with thousands of dollars in interest. Original offer: \$3,000, offer after arthroscopic surgery: \$50,000, offer right before trial: \$125,000.

NON-SURGICAL SOFT TISSUE/DISPUTED LIABILITY CASES

\$1.3 Million Jury Verdict In a soft tissue, non-surgical herniated disc MVA, where Defendants denied liability, plaintiff had minimal treatment, no lost wages.



From left: Natalie Sedaghati,* Eitan Alexander Ogen*

*Selected as SuperLawyers; Members of Multi-Million Dollar Advocates Forum

Defendants' doctors testified that their examinations were normal. Defendants argued he had the same injury from a prior MVA, which he failed to reveal to his doctors. State Farm valued case at \$50,000. Amount asked of the Jury was \$1 million.

\$1.2 Million Jury Verdict In a soft tissue, nonsurgical herniated disc MVA case, where Defendants denied liability, client's treatment was primarily with a chiropractor. No lost wages and minimal and sporadic treatment. Defendants' doctors testified that Plaintiff's exam and films were normal. The award was one of the highest ever for pain and suffering only for a single, non-surgical disc. App. Div. sustained \$700,000, one of the largest amounts sustained ever for such injury. NJ Manufacturers valued case at \$7,500. 100K policy tender during trial rejected as untimely. Carrier was compelled to settle a bad faith lawsuit.

\$960,000 Judicial Award For non-surgical bulging discs. There was minimal damage to both vehicles involved.

\$850,000 Jury Verdict For unemployed man in a soft tissue, non-surgical herniated disc MVA case, with minimal property damage, no ER, no lost wages. Plaintiff first sought medical attention with a chiropractor 9 days after the accident. Treatment thereafter was sporadic and minimal. Defendant's doctors testified that plaintiff's back condition was pre-existing and degenerative Plaintiff was not injured and his exam was completely normal. American Transit valued the case at \$6,000.

\$500,000 New York County Pre-Trial Settlement For immigrant residing in Suffolk who claimed non-surgical bulging and a herniated disc, and was never recommended for any surgery. Defendant's doctors stated Plaintiff's examinations were completely normal and that he was capable of working without any restrictions. Defendants argued plaintiff's alleged soft tissue injuries were minor, degenerative, and were completely resolved.

DISPUTED ON-THE-JOB CASES

\$900,000 Settlement In a case involving an employee injured on the job (ordinarily barred from suing the employer), wherein we successfully held the tenant (a separate but related corporate entity from the employer) liable for the client's injuries. St. Paul had previously maintained a no-pay position.

\$600,000 Settlement Following liability jury verdict in a disputed liability case, our client was injured while working. The tenant who operated the store was her employer. We sued the landlord, who denied any liability, and argued that he was an absentee landlord who had nothing to do with the store. Jury awarded 100% liability against the landlord, who settled immediately thereafter. Greater New York had no-pay position until liability verdict reached.

\$450,000 Settlement Hand injury in a case involving an employee injured on the job (ordinarily barred from suing the employer), wherein we successfully sued related, but separate corporate entities, despite the fact that they were owned by the same parent corporation and owners. Zurich had previously maintained a no-pay position.

COURT DECISION IN THE NEWS

\$11 million lawsuit against Madison Square Garden given go-ahead to proceed by New York State Supreme Court in widely publicized case where spectator was struck by a hockey puck at MSG. (Precedent-setting case in NY)

APPELLATE DECISION

\$550,000 After Appellate Court Triples Recovery After obtaining an award of \$168,000 for Plaintiff's soft tissue injuries (one of the top motor vehicle verdicts in New York in 2011), we appealed, requesting an increase in the amount awarded for future pain and suffering. The Appellate Court agreed with us and added an additional \$300,000 to the verdict. The value of the total recovery, as valued by the Appellate Court, inclusive of interest exceeded \$550,000. Defendants' insurer, GEICO originally valued the case at \$7,500, eventually offering \$50,000 at trial.