

NEW YORK CITY

BRONX COUNTY

MOTOR VEHICLE

No-Fault Case — Passenger — Lane Change — Sideswipe

Car crash caused shoulder, spine injuries, plaintiff claimed

VERDICT **\$2,500,000****CASE** Michelle Trezza & Susan Giddes v. M.T.A. N.Y.C.T.A, Jason James DoDoo & Angeleasa Olsen, No. 310237/08**COURT** Bronx Supreme**JUDGE** John A. Barone**DATE** 11/22/2011**PLAINTIFF****ATTORNEY(S)** Eitan A. Ogen, Ogen & Sedaghati, P.C., New York, NY**DEFENSE****ATTORNEY(S)** Susan G. Duncan, Kay & Gray, Woodbury, NY (Angeleasa Olsen)
Gregory George, of counsel, Wallace D. Gossett, Brooklyn, NY (Metropolitan Transportation Authority, New York City Transit Authority, Jason James DoDoo)

FACTS & ALLEGATIONS On June 8, 2008, plaintiff Michelle Trezza, 25, and plaintiff Susan Giddes were passengers of a vehicle that was being driven by Angeleasa Olsen, who was traveling on Baychester Avenue, in the Bronx. Their vehicle's right side collided with the left side of a public bus that was being driven by Jason James DoDoo. Trezza claimed that she sustained injuries of her neck and a shoulder. Giddes also claimed that she sustained an injury.

Giddes and Trezza sued Olsen; DoDoo; the bus's operator, the New York City Transit Authority; and that agency's parent, the Metropolitan Transportation Authority. The plaintiffs alleged that DoDoo was negligent in his operation of the bus. The plaintiffs further alleged that the remaining defendants were vicariously liable for DoDoo's actions.

Giddes negotiated a pretrial settlement. Terms were not disclosed.

Trezza claimed that the collision occurred while DoDoo was veering into the lane that Olsen occupied. She also claimed that Olsen could have avoided the accident.

Liability was decided via summary judgment: Judge Edgar Walker determined that DoDoo and the bus's operators were entirely liable for the accident. Thus, Olsen was dismissed. The matter proceeded to a trial that addressed damages.

INJURIES/DAMAGES *arthroscopy; herniated disc at C4-5; physical therapy; shoulder impingement*

Trezza claimed that she sustained a herniation of her C4-5 intervertebral disc. She also claimed that she sustained an injury that produced impingement of her right, dominant arm's shoulder. She contended that she could not work during the five days that followed the accident. She worked during the ensuing six months, but she left her job after becoming pregnant. She has not resumed work.

Trezza initially underwent about 12 weeks of physical therapy that was typically rendered about three times a week. She claimed that the treatment did not resolve her pain. On Nov. 17, 2009, she underwent arthroscopic surgery that addressed her right shoulder's injury. In 2011, she underwent additional physical therapy that addressed her neck. She contended that diagnostic tests and additional physical therapy are necessary.

Trezza contended that she suffers residual pain that stems from her neck and her right shoulder. She claimed that her pain restricts her ability to care for her child. She sought recovery of a total of \$1 million for her future medical expenses, her past pain and suffering, and her future pain and suffering.

Defense counsel contended that Trezza did not sustain a serious injury, as defined by the no-fault law, Insurance Law § 5102(d). He claimed that Trezza did not seek immediate medical treatment, that she did not report injuries to the police officer who responded to the accident and that neither vehicle sustained significant damage. He also claimed that some 36 months separated the two courses of treatment that addressed her neck. The defense's expert neurologist opined that Trezza's injuries were results of an unrelated condition, carpal tunnel syndrome, which had necessitated surgery.

RESULT The jury found that Trezza sustained a serious injury. It determined that her damages totaled \$2.5 million.

MICHELLE

TREZZA \$500,000 future medical cost
\$500,000 past pain and suffering
\$1,500,000 future pain and suffering
\$2,500,000

DEMAND \$375,000 (by Trezza)
OFFER \$115,000 (for Trezza)

INSURER(S) Government Employees Insurance Co. for Olsen

PLAINTIFF
EXPERT(S) None reported

DEFENSE
EXPERT(S) Charles Bagley, M.D., neurology, Great Neck, NY
Carl Wilson, M.D., orthopedic surgery, Brooklyn, NY