

NEW YORK'S
TOP
VERDICTS &
SETTLEMENTS™

**PERSONAL
& INJURY
LITIGATORS 2012**

When one is searching for a qualified attorney, it can be difficult to differentiate between the good and the great. Let *New York Law Journal Presents: New York's Top Verdicts & Settlements* will guide you in your search as it ranks lawyers and their extraordinary accomplishments by one of the most clear-cut quantifications of talent possible—the monetary value of their jury verdict awards. Working in conjunction with VerdictSearch, the following section lists the top verdicts in New York from 2011 in practice areas ranging from Labor & Employment Law to Medical Malpractice and Negligence. VerdictSearch is the nation's leading publisher of verdict and settlement news and research, with over 40 years of experience and an online accessible database of over 175,000 detailed case reports from across the nation [www.verdictsearch.com].

Someone you love is injured and you find yourself needing a Personal Injury Attorney—you will settle for nothing but the best. This month, we proudly present *New York Law Journal Presents: Personal Injury Litigators 2012*, bringing you New York attorneys who handle all types of personal injury cases—slips and falls, burns and disfigurements, brain injuries, asbestos poisoning, and much more. Read about the talented individuals profiled here who are raising the bar for success in their field, and next time you are in need of an attorney, consider what they could achieve representing you.



Natalie Sedaghati,* Eitan Alexander Ogen*

*Selected as SuperLawyers; Members of Multi-Million Dollar Advocates Forum and Newsweek's Top Leaders in Personal Injury Law 2012

BASED ON DATA FROM

 VERDICTSEARCH

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. This year, as in recent years, they have had several of their "soft tissue" verdicts honored in this year's NY Top Verdicts & Settlements section. In fact they achieved the second-highest verdict in NY for a motor vehicle/no-fault case in 2011.

Both partners were selected as Super Lawyers—a designation awarded to only the top 5% of attorneys in New York—and are Members of the Multi-Million Dollar Advocates Forum. Additionally, Natalie Sedaghati is one (1) of only nine (9) female attorneys selected as a Super Lawyer in New York in the practice area of Personal Injury.

Natalie Sedaghati and Eitan Ogen have also been featured in Newsweek's Top Leaders in Personal Injury 2012, as well as Fox 5 News, UPN 9 News, the Montel Williams Show, NY Times, NY Daily News and NY Post for their very successful and unprecedented litigation in high profile cases.

NOTEWORTHY CASES

\$4.25 Million Pre-Trial Settlement A 44-year-old man in motor vehicle accident, who sustained cervical and lumbar herniations, with minimal and sporadic treatment, which ultimately required surgery. Defendants argued that these were mere "soft tissue" injuries, sustained in an accident that required no tow, no ambulance, and no emergency room care, where claimant returned to work shortly after the accident. They also argued that the surgery was not related to the accident as the claimed injuries were pre-existing and degenerative, and that he had made a good recovery. Nevertheless, a recovery of \$4,250,000.00 was obtained for the client.

\$2.5 Million Jury Verdict In a case against the MTA/NYC Transit Authority, a woman sustained a shoulder impingement (no tear) with arthroscopic surgery resulting from MVA. She also had a disputed disc/bulge protrusion. 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. This was the second highest verdict in NY for a motor vehicle/No Fault case in 2011 NY Verdicts.

\$2.45 Million Pre-Trial Settlement A 42-year-old 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 MVA, 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.

\$1.375 Million Jury Verdict A 39-year-old unemployed man in a soft-tissue MVA, 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 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.

NON-SURGICAL SOFT TISSUE/DISPUTED LIABILITY CASES

\$1.3 Million Jury Verdict A 35-year-old, in a soft tissue, non-surgical herniated disc MVA, where Defendants denied liability, plaintiff had minimal treatment, no lost wages. 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 A 43-year-old driver, in a soft tissue, non-surgical 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 examination and films were normal. Jury determined 100% liability. Amount suggest to Jury was \$1 million. 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. Bad faith lawsuit pending.

\$960,000 Judicial Award A 37-year-old driver with non-surgical bulging discs. There was minimal damage to both vehicles involved.

\$850,000 Jury Verdict A 49-year-old 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 A 43-year-old 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 hotly 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)



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