

## Sample Cases:

### Schaeffer v, Stony Lodge Hospital

Medical malpractice cause of action alleging a misdiagnosis of hyponatremia (low sodium in the blood) which cause the Plaintiff a 74 year old woman to lapse into a coma. The emergency room treating neurologist and hospital settled for 1.75 million dollars before trial. The jury rendered a combined 8 million dollar verdict against the private admitting physician; 5 million for past pain and suffering for 4 years until her death from unrelated causes to the Plaintiff and 3 million for loss of consortium for the husband.

Syc v. Lesnik: This was an automobile accident rear end collision in which the Plaintiff sustained low back injuries. The case was defended upon the theory that the injuries pre-existed the accident and therefore unrelated to the incident. Case settled for 490,000.00 before trial.

Coleman v. Hayes The Plaintiff a volunteer fireman rushed to the rescue of the defendant Donald Hayes who caused an auto accident near Plaintiff's home. As a result of coming to the rescue of the Defendant the Plaintiff suffered a heart attack with extensive heart damage. The Plaintiff alleged that the Defendant's negligence invited a rescue by the Plaintiff which in turn caused the Plaintiff to suffer his heart attack. The Plaintiff's action was sustained on appeal and then settled for 1.5 million dollars.

Hoffman v. Hudson Valley Hospital: This was a medical malpractice cause of action In which it was alleged that the Defendants negligently performed a total hysterectomy during which the surgeon severed the iliac vein which caused the Plaintiff to bleed out. Case settled for 900,000.00 at jury selection.

Flannigan v. Klein: This was a medical malpractice cause of action in which it was alleged that the defendant failed to properly interpret a mammogram resulting In a delayed diagnosis of breast cancer. The case settled before trial for 1.4 million dollars.

**Gordon v. New York Thruway Authority:** The case involved a single car accident. The driver of the vehicle hydroplaned off the road way striking a guide rail protecting a bridge abutment. It was claimed by the Plaintiff Jessica Gordon that the Thruway Authority installed an improper guide rail causing the vehicle to ride up and over the guide rail striking a set of jersey barriers behind the guide rail. The Plaintiff Gordon sustained severe spinal injuries. The case settled against the driver for 1,7 million dollars and the Thruway Authority during trial in the Court of Claims for Erie County Court of Claims for 5.1 million dollars

**Fristrom v. Westchester County Medical Center:** This was an obstetrical malpractice case in which it was alleged that the Defendants improperly delivered by Cesarean section a pre-mature child believing the mother was suffering from amniocentesis ( an intrauterine infection). The mother had appendicitis and it was claimed that the appendix could have and should have been removed and the pregnancy continued to term. The defendants alleged that the extent of the abdominal infection present would have resulted in pre-mature delivery nonetheless. The case settled at jury selection for 3 million dollars.

**Bardes v. Habitat Revival, LLC:** This cause of action arose from the Plaintiff, a sole member of the Defendant LLC, being injured when an employee of the LLC struck the Plaintiff with a vehicle owned by the LLC. The Plaintiff suffered a soft tissue crush injury to his leg without any fractures. The case settled for 460,000.00 dollars. The case involved several appeals on the issue of whether the Plaintiff could bring the action against the LLC of which he was a member. The LLC's insurer disclaimed coverage alleging the Plaintiff's only recourse was Workers Compensation. The insurance coverage issue was appealed up to the Court of Appeals which affirmed the Plaintiff's right to bring the action as being exempt from Workers Compensation coverage as a member of the LLC and not an employee.

**Sudol v. Wise:** This cause of action arose out of two car accident in which the plaintiff claimed neck injuries. The defendants alleged the Plaintiffs injuries were unrelated to the accident and if related did not meet the threshold for serious

injury under New York's no-fault statute. Case settled before trial for 475,000.00 dollars.

Principato v. Crocitto Deli. This case arose out of the Plaintiff being injured as a result of a deep fat fryer spewing hot oil on the Plaintiff as a result of canned food falling into the fryer. The Plaintiff suffered burns on his back and arms. The Plaintiff at the time of the accident was employed by the Defendant Delicatessen. The defendant's insurer disclaimed coverage under an injury to employee exclusion in its policy issued to the defendant delicatessen. The case was sustained by the court and settled before trial for 550,000.00 dollars.

Fallatik v. Fein: This was a medical malpractice cause of action that alleged a negligently performed carpal tunnel tendon release resulting in a nerve injury to Plaintiff's non-dominant hand/wrist. Case settled for 750,000.00 dollars before trial