

VerdictSearch

Top New York
Verdicts
of 2011

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\$350,000 Personal Injury:
Past Lost Earnings Capability
\$1,500,000 Personal Injury:
Past Loss Of Services
\$3,500,000 Personal Injury:
future loss of services (31.7 years)
Diane Manganiello
\$245,000 Personal Injury:
Past Lost Earnings Capability
\$2,500,000 Personal Injury:
Past Pain And Suffering
\$19,500,000 Personal Injury:
future medical and rehabilitative
services (31.7 years)
\$1,150,000 Personal Injury:
future lost earnings (15 years)
\$5,000,000 Personal Injury:
future pain and suffering
(31.7 years)

Post Trial: Defense counsel has moved to set aside the verdict. Bon Secours Community Hospital's counsel claimed that plaintiffs' counsel did not present a prima facie case or, in the alternative, that there were numerous errors, including plaintiffs'

counsel adding a new expert on the day of opening statements.

No 4. Dummitt v. A.W. Chesterton

Products Liability:
Former U.S. Navy man linked mesothelioma to asbestos
Verdict: (P) \$32,000,000.00
Case Type: Failure to Warn, Products Liability - Asbestos
Case Name:
Ronald Dummitt and Doris Kay Dummitt v. A.W. Chesterton et al., No. 190196/10

Venue: New York Supreme, NY
Judge: Joan A. Madden
Date: 08-17-2011
Plaintiff(s) Attorney(s):

Bryan Belasky, Belluck & Fox, L.L.P., New York, NY, for Ronald Dummitt, Doris K. Dummitt; Seth A. Dymond, Belluck & Fox, L.L.P., New York, NY, for Ronald Dummitt, Doris K. Dummitt; Jordan C. Fox, Belluck & Fox, L.L.P., New York, NY, for Ronald Dum-

mitt, Doris K. Dummitt; James C. Long, Jr., Belluck & Fox, L.L.P., New York, NY, for Doris K. Dummitt, Ronald Dummitt; William N. Papain, Belluck & Fox, L.L.P., New York, NY, for Ronald Dummitt, Doris K. Dummitt
Expert(s):

Richard Hatfield, Materials Science, Atlanta, GA called by: James Long; Jordan Fox, Bryan Belasky, Seth Dymond, William Papain, Barry Castleman Sc.D., Asbestos-related Lung Disease, Garrett Park, MD called by: James Long; Jordan Fox, Bryan Belasky, Seth Dymond, William Papain, Jacqueline Moline M.D., Occupational Medicine, New York, NY called by: James Long; Jordan Fox, Bryan Belasky, Seth Dymond, William Papain

Facts: In April 2010, plaintiff Ronald Dummitt, 67, a former boiler tender for the U.S. Navy, was diagnosed with pleural mesothelioma. Dummitt claimed that he developed mesothelioma as a result of his exposure to asbestos while serving aboard seven U.S. Navy ships between 1960 and 1977, during which he worked in the

boiler and fire rooms in each vessel. Manganiello's condition had improved significantly by the following morning, and she was sitting up in bed and talking with her family. Her condition continued to improve into the following day until approximately 2 p.m., when she told her husband that she wanted to take a nap. When she awakened, she had lost the ability to speak and developed quadriplegia. She eventually became comatose.

Dummitt sued a number of defendants, including A.W. Chesterton, Crane Co. and Elliott Turbomachinery for products liability, alleging failure to warn. A.W. Chesterton and all other defendants were either dismissed or settled.

Dummitt claimed that he was exposed to asbestos from his work repairing Crane valves, which included removing and replacing asbestos-containing lagging pads, gaskets and packing on each of the ships. He contended that he was also exposed

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Construction Accident

CASE	DATE	COURT	TYPE OF ACTION	PLAINTIFF'S COUNSEL	AMOUNT
Espin v. Gouzoz	10/21	Kings Civil	Labor Law: Worker's fall from scaffold caused face and spine fractures	Scott A. Steinberg, New York, NY of Greenberg & Stein P.C.	\$2,086,000
Chrabaszcz v. Western Loft Equities LLC	4/11	New York Supreme	Labor Law: Worker broke heel in 6-foot fall from scaffold	David H. Peregman & Steven M. Weinstein, New York, NY of The Peregman Firm, PLLC	\$2,000,000
Baker v. KeySpan Gas East Corp.	9/13	Nassau Supreme	Labor Law: Construction worker hurt when trench collapsed	Michael S. Lamonsoff, New York, NY of Law Offices of Michael S. Lamonsoff	\$1,975,000
Santana v. Union Withers Realty, LLC	8/1	Kings Supreme	Labor Law: Welder hit by falling beam, sustained fractures of arm	Jeffrey L. Goodman, New York, NY of Law Offices of Jeffrey L. Goodman, P.C.; Ronald J. Landau, New York, NY of Mirman, Markovitz & Landau	\$1,750,000
Medina v. 119 Chambers LLC	3/2	New York Supreme	Labor Law: Worker claimed 10-foot fall caused spinal injuries	James J. McCrorie, New York, NY of Fanning & McCrorie, P.C.	\$1,750,000
Alvarez vs. 1407 Broadway Real Estate, LLC	11/30	New York Supreme	Labor Law: Scaffold lacking outriggers tips as plaintiff climbs, multiple fractures sustained	Stanley A. Tomkiel, III, New York, NY, Tomkiel & Tomkiel, PC	\$1,625,000
Pleace v. Chesapeake Appalachia, LLC	9/23	Niagara Supreme	Labor Law: Worker struck by board that fell from above building's entrance	A. Angelo DiMillo & George V.C. Muscato, Lockport, NY of Muscato, DiMillo & Vona	\$1,576,000
Merriman v. Integrated Building Controls Inc.	9/7	Queens Supreme	Labor Law: Fall from ladder caused ankle, head injuries, worker claimed	Gerard N. Misk, Queens, NY of Ginsburg & Misk	\$1,500,000
Martinez v. Tishman Construction Corp.	2/16	Queens Supreme	Labor Law: Falling beam struck demolition worker, fractured leg	Frederick C. Aranki & Daniel P. O'Toole, New York, NY of Block O'Toole & Murphy, LLP	\$1,500,000
Kilenovic v. 34 Leonard Residential Construction LLC	8/18	New York Supreme	Labor Law: Laborer: Goggles didn't protect against eye injury	Michael J. Hurwitz, New York, NY of David Horowitz, P.C.	\$1,500,000
Chacha v. Carsal Associates Inc.	12/14	Kings Supreme	Labor Law: Demolition worker hurt when building's roof collapsed	Martin Grossman, New York, NY of Robert A. Cardali & Associates	\$1,475,000
Vassell v. Lexington Hotel, LLC	5/17	Kings Supreme	Labor Law: Worker claimed foreign object permanently damaged his eye	Seth A. Harris & Alison Keenan, New York, NY of Burns & Harris	\$1,200,000
Lema v. New York Hospital Medical Center of Queens	4/29	Queens Supreme	Labor Law: Demolition workers hurt when chimney collapsed	Mark Keller, Elmhurst, NY of Abramson & Keller, P.C.; Jon L. Norinsberg, Bronx, NY of Norinsberg LLP; Alex Umansky of counsel, Norinsberg LLP	\$1,200,000

Motor Vehicle Accident - No-Fault

CASE	DATE	COURT	TYPE OF ACTION	PLAINTIFF'S COUNSEL	AMOUNT
Olmo v. Ness	8/5	Rockland Supreme	No-Fault Case: Car crash caused neck, shoulder woes, plaintiff claimed	Jennifer M. Spina, Garden City, NY of Rubin & Licatesi, P.C.	\$25,000
Maalouf v. Abramchuk	4/1	Kings Supreme	No-Fault Case: Couple claimed car crash caused spinal injuries	Dennis S. Matarangas, New York, NY of Bournazos & Matarangas	\$25,000
Wood v. Perez	3/7	Dutchess Supreme	No-Fault Case: Car crash caused back, neck, shoulder injuries, plaintiff claimed	Robert Borrero, Newburgh, NY of Finkelstein & Partners LLP	\$20,000
Moore v. Korean Airport Service Inc.	4/7	Kings Supreme	No-Fault Case: Car crash caused injuries of spine, knee, plaintiff claimed	Debra Hirsch & Jeffrey Hirsch, Cedarhurst, NY	\$15,000
Malcaus v. Kagan	3/15	Queens Supreme	No-Fault Case: Car crash caused permanent shoulder injury, plaintiff claimed	Desiree Lovell Fusco, Garden City, NY of Bondi Iovino & Fusco	\$10,000
Manay v. Jones	9/22	Nassau Supreme	No-Fault Case: Couple claimed car crash caused injuries of back, neck	Kenneth M. Mollins, Melville, NY	\$10,000
Ogrodowski v. Mashtalar	2/28	Niagara Supreme	No-Fault Case: Arm and shoulder painful since car crash, plaintiff claimed	Eric B. Grossman, Niagara Falls, NY of Grossman, Levine & Civileto	\$2,500
Banks v. Ruggiero	6/15	Ulster Supreme	No-Fault Case: No explanation for plaintiff's claimed injuries, defense argued	Robert Borrero, Newburgh, NY of Finkelstein & Partners LLP	\$1,000

Motor Vehicle Accident - Rear end collision

CASE	DATE	COURT	TYPE OF ACTION	PLAINTIFF'S COUNSEL	AMOUNT
Baez v. Spitz	5/23	New York Supreme	Rear-ender: Accident will result in lifelong spinal woes, plaintiff claimed	Jeffrey A. Block, New York, NY of Block O'Toole & Murphy LLP	\$4,250,000
Nyitrai v. Terhaar	10/21	Erie Supreme	Rear-ender: Accident aggravated spinal woes, plaintiff claimed	James E. Brown & Donald P. Chiari, Lancaster, NY of Brown Chiari LLP	\$3,375,000
Tsang v. DiVito	11/16	Queens Supreme	Rear-ender: Expressway accident caused spinal injuries, plaintiff claimed	Frederick C. Aranki & Daniel P. O'Toole, New York, NY of Block O'Toole & Murphy, LLP	\$2,400,000
Kalu v. Dolah	10/7	Kings Supreme	Rear-ender: Car crash led to fusion of neck, plaintiff claimed	Frederick C. Aranki & Daniel P. O'Toole, New York, NY of Block O'Toole & Murphy, LLP	\$1,500,000
Metcalf v. Kelley	5/14	Suffolk Supreme	Rear-ender: Multi-car crash caused spinal injuries, plaintiff alleged	Mathew Marino & Christine M. Schibani, Medford, NY of Jacoby & Jacoby	\$1,500,000
Alexis v. Carr	10/25	Kings Supreme	Rear-ender: Plaintiff: sudden stop caused accident.	Sean P. Constable & Stephen J. Murphy, New York, NY of Block O'Toole & Murphy, L.L.P.	\$1,250,000
Forbes v. Jackson	3/29	Kings Supreme	Rear-ender: Car crash aggravated neck woes, led to fusion, plaintiff claimed	Stephen J. Murphy & David L. Scher, New York, NY of Block O'Toole & Murphy, LLP	\$1,200,000
Rago v. Laura	1/14	Nassau Supreme	Rear-ender: Plaintiffs injured in multi-vehicle crash on bridge	Gerard N. Misk, Queens, NY of Ginsburg & Misk; Peter G. Prisco, Westbury, NY of McAndrew, Conboy & Prisco	\$1,000,000
Jimenez v. Zambrano	8/11	Kings Supreme	Rear-ender: Expressway accident led to spinal fusion, plaintiff alleged	Stephen J. Murphy & David L. Scher, New York, NY of Block O'Toole & Murphy, L.L.P.	\$950,000
Cerulli v. Wilson	3/30	Nassau Supreme	Rear-ender: Accident led to fusion of neck, motorcyclist claimed	Kostantinos Mallas, Brooklyn, NY of Georgaklis & Mallas PLLC	\$875,000
Arieta v. MTA Bus Co.	10/30	Nassau Supreme	Rear-ender: Multi-vehicle crash caused spinal injuries, plaintiff claimed	Steven Bournazos & Dennis S. Matarangas, New York, NY of Bournazos & Matarangas	\$845,000
Gaona-Garcia v. Estate of Ruckel	5/25	Bronx Supreme	Rear-ender: Defense experts: Car crash couldn't have caused injuries	Joshua N. Stein, New York, NY of Greenberg & Stein, P.C.	\$741,944
Coster v. Williams	1/21	Erie Supreme	Rear-ender: Car accidents caused disabling spinal injuries, plaintiff claimed	John E. Ballow, Buffalo, NY of Ballow Law Firm	\$676,500
Millard v. Baptiste	5/10	Kings Supreme	Rear-ender: Crash caused knee, shoulder, spinal injuries, plaintiffs alleged	Larry Hallock, Brooklyn, NY of Wellerstein & Associates	\$562,250
Fernandes v. Jalloh	11/30	Bronx Supreme	Rear-ender: Car crash caused neck, shoulder injuries, plaintiff claimed	Liba N. Groveman, Mineola, NY of Sanders, Sanders, Block, Woycik, Viener & Grossman PC, trial counsel, Bergman, Bergman, Lamonssoff & Goldman	\$450,000
Ptach v. Lebron	11/10	Westchester Supreme	Rear-ender: Car crash caused back, knee injuries, plaintiff claimed	Scott J. Koplik & Todd J. Krouner, Chappaqua, NY of Law Office of Todd J. Krouner	\$350,000
Jarrell v. Milken	5/2	Nassau Supreme	Rear-ender: Car crashes blamed on trucker's decision to park in traffic	Glenn Auletta, Ronkonkoma, NY of Gruenberg & Kelly, P.C.; Michael DellaUniversita, Ronkonkoma, NY of Gruenberg & Kelly, P.C.	\$325,000
Polignone v. MetLife Auto & Home	12/2	Matter not filed	Rear-ender: Car crash caused spinal injuries, claimant contended	Edward J. Pavia, Jr., Staten Island, NY of Jonathan D'Agostino & Associates	\$275,000
Ianno v. Geico Insurance Co.	10/24	American Arbitration Association	Rear-ender: Claimant broke leg in hit-and-run accident	Kenneth R. Torti, Eastport, NY of Kenneth R. Torti, Esq.	\$250,000
Cruz v. Gadpaille	5/25	Kings Civil	Rear-ender: Multi-car crash's parties disputed sequence of events	Seth M. Katz, Brooklyn, NY of Law Offices of William Pager	\$250,000
Nicholas v. C & F Trading Co.	7/27	Queens Supreme	Rear-ender: Suit's parties debated crash's link to plaintiff's injured shoulder	Marius C. Wesser, Brooklyn, NY of Law Offices of Marius C. Wesser, P.C., Brooklyn, NY, of counsel, Almonte & Bratkovsky, PLLC	\$250,000