DEFENSE VERDICT -- DEFENDANT TURNING LEFT -- PLAINTIFF PARTIALLY AT FAULT FOR NO HEADLIGHTS

TRIAL ATTORNEYS: ***MICHAEL E. KUJAWA & ERIKA G. BALDONADO***
JUDGE, JAMES & KUJAWA, LLC

RISK POOL: ***PARK DISTRICT RISK MANAGEMENT AGENCY (PDRMA)***
ANN TRACZEK

(UU 50/11) DEFT TURNING LEFT--PLTF PARTIALLY AT FAULT FOR NO HEADLIGHTS (1B)
Layla Toma Braga DaSilva v Theodore Zide, Skokie Park District 00L-11105 Tried July 17-28, 2003

VERDICT: $19,164 after 20% off $23,955 v both defts ($9,397 past medical; $9,397 pain & suffering; $5,160 past LT; $0 disability; $0 future LT)
JUDGE: James S. Quinlan, Jr. (Law Division)
PLTF ATTYS: David B. Nemeroff of Nemeroff Law Offices DEMAND: $150,000 ASKED: $450,000
DEFT ATTYS: Michael E. Kujawa and Erika G. Baldonado of Judge, James & Kujawa (Park Ridge) for both defts (PDRMA) OFFER: $50,000
PLTF MEDL: Dr. Michael S. Lewis (Orthopedist); David J. Scanlon, D.C. (Chiropractor)
DEFT EXPERT: Dr. Thomas Gleason (Orthopedist)

FACTS: July 25, 2000, pltf was driving westbound on Howard St. in Skokie when deft's eastbound park district truck made a left turn at Kenneth and they collided. Accident occurred at 5:30 a.m. and pltf did not have her headlights on. Pltf F-37 suffered a fractured left patella ($9,397 medl., $5,160 LT 3 months as restaurant customer service). Deft M-79 said he did not see any more oncoming headlights after he had stopped to let traffic pass, so he believed it was safe to make his turn. Defense contended pltf was contributorily negligent in failing to illuminate her headlights, and that her fracture and symptoms had fully resolved before she suffered an unrelated fall onto her left knee at work on March 9, 2001.