

MOTOR VEHICLE

Multiple Vehicle

Defense: Motorist swerved across highway, caused crash**Verdict** , Defense**Case** Kim Krummenacker v. Gina M. Boneri and Debra A. Boneri, No. 7540/10**Court** Suffolk County**Judge** James P. Flanagan**Date** 9/23/2013**Plaintiff Attorney(s)**

Peter Bongiorno, The Bongiorno Law Firm, PLLC, Mineola, NY

Defense Attorney(s)

John R. Ferretti, Nicolini, Paradise, Ferretti & Sabella, Mineola, NY

Facts & Allegations On Dec. 10, 2009, plaintiff Kim Krummenacker, 41, a nurse, was driving on the westbound side of Sunrise Highway, near its interchange with Belmont Avenue, in West Babylon. Her sport utility vehicle collided with a westbound vehicle that was being driven by Gina Boneri. Krummenacker's vehicle rolled, and Krummenacker claimed that she sustained injuries of her back, her left shoulder, her neck and several ribs.

Krummenacker sued Boneri and the owner of Boneri's vehicle, Debra Boneri. Krummenacker alleged that Gina Boneri was negligent in the operation of her vehicle. Krummenacker further alleged that Debra Boneri was vicariously liable for Gina Boneri's actions.

Krummenacker claimed that the incident began when she attempted to veer onto an exit ramp, from the highway's right westbound lane. She claimed that a speeding motorist forced her back onto the highway's right lane and that, a moment later, her SUV's rear end was struck by Gina Boneri's vehicle.

Boneri claimed that she occupied the left westbound lane. She claimed that Krummenacker veered out of the right lane, crossed the center lane, entered the left lane and initiated the collision. A witness corroborated Boneri's claims.

Injuries/Damages *arthroscopy; back; epidural injections; fracture, rib; neck; physical therapy; shoulder impingement; sprain, cervical; sprain, lumbar; strain, cervical; strain, lumbar*

The trial was bifurcated. Damages were not before the court.

Krummenacker was placed in an ambulance, and she was transported to a hospital, where she underwent minor treatment.

Krummenacker ultimately claimed that she sustained sprains and strains of her back and neck, fractures of two ribs, and trauma that produced impingement of her left shoulder. During the latter part of 2010, her back's injury was addressed via the administration of epidural injections of steroid-based painkillers. On Sept. 10, 2010, her left shoulder's injury was addressed via arthroscopic surgery. She subsequently underwent physical therapy that addressed her left shoulder.

Krummenacker claimed that she suffers residual pain. She sought recovery of past medical expenses and damages for past and future pain and suffering.

Result The jury rendered a defense verdict.

Demand \$250,000

Offer None

Insurer(s) State Farm Mutual Automobile Insurance Co. for both defendants

Trial Details

Trial Length: 4 Days

Jury Deliberations: 2 Hours
Jury Poll: 5-1
Jury Composition: 3 male, 3 female

Post-Trial Judge James Flanagan denied plaintiff's counsel's motion to set aside the verdict.

Editor's Note This report is based on court documents and information that was provided by defense counsel. Plaintiff's counsel did not respond to the reporter's phone calls.

Written By –Dan Israeli