

Approo v. Maitland
(Civil, Queens)
Index #4857/12

Facts: This case involved a pedestrian knockdown that occurred on September 15, 2011 at the intersection of Liberty Avenue and 115th Street in Queens County. The owner and operator of the defendant's vehicle was Ellis Maitland and Elizabeth Seemungal, respectively.

The operator contends that although the plaintiff, who was crossing Liberty Avenue, did in fact fall to the ground, there was no contact to her and she either tripped or was startled and fell to the ground. The plaintiff, on the other hand, contends that while crossing the street in the crosswalk with the "walk" sign activated in her favor, the defendant struck her causing her to be propelled into the air and violently strike the ground.

Injuries: As a result of the accident, the plaintiff claimed injuries to the cervical and lumbar spine, as well as internal derangement of the left knee and left shoulder resulting in two separate surgical procedures. The plaintiff underwent an arthroscopic procedure to the left knee as a result of meniscal tears and a partial tear of the anterior cruciate ligament. There was also a claim of chondromalacia and supra patella plica. The injury to the left shoulder was a subacromial rotator cuff impingement and a partial tear, also resulting in a surgical procedure performed arthroscopically. The injuries to the cervical spine include disc herniations at C3-4, C4-5, C5-6 and C6-7. The injuries to the lumbar spine were bulging discs at L1-2, L2-3, L3-4 and L4-5. There was also a claim of a disc herniation at L5-S1 with thecal sac and nerve root impingement.

Verdict: The case was tried in the Civil Court, Queens County commencing on September 30, 2016 and concluding on October 3, 2016. The case was tried on the issue of liability only with an agreed value pending on the outcome of liability in the amount of \$150,000. The jury ultimately returned a verdict in favor of the defense and no appeal was taken.