

(SS 44/2) GUEST VS BOTH DRIVERS--THREE INJURED IN CRASH WITH U.P.S. TRUCK (1L)

Ila Patel, Rasila Patel, Sukhwinder Parmar v United Parcel Service Inc., Colin Mulcahy, Natverlal Gandhi 96L-14182 consol. w/98L-11284 Tried May 3-15, 2001

VERDICT: \$358,391 v all defts: \$125,155 to Ila (\$20,000 disability; \$75,000 past pain & suffering; \$20,000 future pain & suffering; \$7,655 medical; \$2,000 LT); \$34,917 to Rasila (\$5,000 disability; \$20,000 pain & suffering; \$2,000 disfigurement; \$7,017 medical; \$900 LT); \$198,319 to Sukhwinder (\$50,000 disability; \$15,000 disfigurement; \$100,000 pain & suffering; \$30,175 medical; \$3,144 LT). Jury apportioned liability 50% v UPS and Mulcahy, 50% v Gandhi.

JUDGE: Michael Joseph Kelly (Law Division)

PLTF ATTYS: Allen L. Wiederer for Ila and Rasila ASKED: IP \$434,655 ASKED: RP \$55,417; Sheldon J. Aberman of Goodman & Witanen (Park Ridge) for Sukhwinder DEMAND: SP \$265,000 ASKED: SP \$608,319

DEFT ATTYS: Ellen L. Spahr and Jason B. Wagener of Meachum, Spahr for United Parcel Service Inc. and Mulcahy (LIBERTY MUTUAL) OFFERS: UPS \$5,000 to Ila, \$5,000 to Rasila, \$5,000 to Parmar; David A. Boonstra of Meade, Engelberg for Gandhi (GALLANT INS.) OFFER: none

PLTF MEDL: Dr. Paul L. Katz (Orthopedist) for Ila. Dr. V. K. Patel (Family Practice) for Rasila. Dr. Inder P. Singh (Family Practice); Dr. Jeffrey L. Visotsky (Orthopedist) for Sukhwinder.

DEFT EXPERT: Dr. Alvin Kanter (Orthopedist)

FACTS: Oct. 7, 1997, plffs were all rear seat passengers in deft Gandhi's car on their way home from work at a Wheeling factory. Gandhi was driving southbound on River Rd. in Mt. Prospect when a northbound UPS truck driven by Mulcahy made a left turn at Kensington across their path, resulting in a collision. Ila F-43 sustained bilateral shoulder fractures with right shoulder dislocation and partial tears of both rotator cuffs (\$7,656 medl., \$2,000 LT). Rasila F-48 suffered a concussion, infraorbital nerve contusion, low back pain and small scar on left cheek (\$7,017 medl., \$900 LT). Parmar F-40 suffered a comminuted and displaced fracture of right humerus which healed with a slight angular deformity, plus a right rotator cuff tear (\$14,675 past medl., \$15,500 future medl. for rotator cuff surgery, \$3,144 LT as assembler). Defense for UPS contended M-25 Mulcahy entered intersection on a green light and began his turn after light turned red, so Gandhi ran the red light. Deft M-45 Gandhi claimed his light was green when he entered intersection, but had told investigating police officer at scene that light turned yellow as he entered intersection. Two independent witnesses supported Mulcahy's contention that light was red. Defense also contested extent of injuries. Pltf counsel Wiederer notes that Mulcahy testified about the UPS bonus plan which rewards speed in completion of functions, and that Dr. Kanter testified to earning around \$200,000 per year as an expert witness. Defts filed post-trial motions: