

DRAFT

NEW YORK

BRONX COUNTY

MOTOR VEHICLE

Red Light — Motor Vehicle — Intersection

Plaintiff claimed he could not continue driving a taxi for a living after motor vehicle accident at intersection

Decision (P) \$300,000

Case Mohammad Islam v. Mohamad Khalil and Emar Service Co., No. 14370/2003

Court Bronx Supreme

Judge Wilma Guzman

Date 11/29/2006

Plaintiff

Attorney(s)

Sol Kodsi, ESQ., Manhattan, NY

Defense

Attorney(s)

Kenneth LaBarca, Baker, McEvoy, Morrissey & Moskovits, P.C., Manhattan, NY

Facts & Allegations

On September 28th, 2002, Plaintiff Mohammad Islam was heading east on 23rd street in Manhattan. He claimed his vehicle was struck on the passenger side by another yellow cab driven by defendant Mohamad Khalil and owned by defendant Esmar Service, Co. Islam claimed the collision happened at the intersection of 23rd Street and 6th Avenue after the defendant ran a red light. The Plaintiff sued Mohamad Khalil and Esmar Service Co., for vehicle negligence and contended that he suffered from herniated discs and lost range of motion due to the accident. Islam also gave up driving a taxi for a living claiming that he was unable to work the same long hours as prior to the accident.

Injuries/Damages

herniated disc at C4-5; herniated disc at C5-6; herniated disc at L3-4; lumbar disc injury; cervical disc injury

Plaintiff, Mohammad Islam claimed he suffered three herniated discs which were confirmed by a MRI at C4-5, C5-6 and L3-4. Islam also claimed he lost significant range of motion in the cervical and lumbar spine after the accident, and was unable to work for 4 months. The plaintiff contended that when he returned back to work as a taxi cab driver he could only drive part time and could not continue to work the same long hours prior to the accident. The plaintiff eventually gave up driving a taxi for a living and now works in a grocery store.

Result

The jury determined that the plaintiff suffered from a permanent consequential loss of use of body part or member and awarded the plaintiff for past pain and suffering.

Plaintiff(s)

Mohammad Islam
\$300,000, past pain and suffering
\$300,000 plaintiff's total award

Demand 85,000

Offer 35,000

Insurer(s)

American Transit Insurance Company

Plaintiff

Expert(s)

Dr. Ivan Milit, chiropractic, Bronx, NY
Lyzette Velazquez, neurology, Bronx, NY

Defense

Expert(s)

Marianna Golden, neurology,

Post-Trial

The defense motioned for a new trail which was denied.

Editor's Note

None reported

Plaintiff(s)

Demographics

Mohammad Islam

Age: 51 s

Occupation: Former Cab Driver

Gender: Male

Married: Yes

Children: Yes

Children Description: 3 children

Written By –Maria Tidwell