

**PLAINTIFF**

**EXPERT(S)** Conrad Berenson, Ph.D., economics, Woodbury, NY  
 Bruce D. Charash, M.D., cardiology, New York, NY

**DEFENSE**

**EXPERT(S)** John Fallon, M.D., pathology, Valhalla, NY  
 Stanley J. Schneller, M.D., cardiology, New York, NY

**EDITOR'S NOTE** This report is based on information that was provided by plaintiff's and defense counsel.

-Christine Barcia

**WESTCHESTER COUNTY**

**MOTOR VEHICLE**

Broadside — Intersection — Multiple Vehicle

**Defense: Motorist ignored stop sign, caused crash**

**VERDICT** Defense

**CASE** Esther Ventura v. Mario Ramirez, No. 67919/14  
**COURT** Westchester Supreme  
**JUDGE** Lawrence H. Ecker  
**DATE** 2/3/2017

**PLAINTIFF ATTORNEY(S)** Thomas DeSimone, New York, NY, of counsel, Paul Carmona & Associates PLLC, Brewster, NY

**DEFENSE ATTORNEY(S)** Thomas J. Keane, Keane & Bernheimer, PLLC, Valhalla, NY

**FACTS & ALLEGATIONS** On Oct. 15, 2011, plaintiff Esther Ventura, 37, a paralegal, was driving on the westbound side of Highland Street, near its intersection at Willett Avenue, in the village of Port Chester. While she was proceeding through the intersection, her car's right side was struck by a van that was being driven by Mario Ramirez, who was traveling on the southbound side of Willett Avenue. Ventura claimed that she sustained injuries of her back, a knee, her neck and a shoulder.

Ventura sued Ramirez. Ventura alleged that Ramirez was negligent in the operation of his vehicle.

Ventura acknowledged that a stop sign governed her entrance to the intersection, but she claimed that she executed a full stop upon reaching the intersection. She claimed that she had nearly cleared the intersection when Ramirez, whose

course was not governed by a traffic-control device, initiated the collision. Ventura's accident-reconstruction expert opined that Ramirez could have braked and avoided the accident.

Defense counsel contended that Ventura failed to ensure that she could safely proceed through the intersection. He produced a witness who claimed that Ventura did not stop upon reaching the intersection. The witness was driving on Highland Street, behind Ramirez's van, during the moments that preceded the accident. Ventura's accident-reconstruction expert opined that the witness would not have been able to observe Ventura's approach to the intersection.

**INJURIES/DAMAGES** arthroscopy; bulging disc, lumbar; glenoid labrum, tear; herniated disc at C6-7; herniated disc at L4-5; knee derangement; nerve impingement; physical therapy; radiculopathy; rotator cuff, injury (tear); shoulder impingement

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

Ventura claimed that she sustained a tear of her right, dominant shoulder's glenoid labrum, a tear of the same shoulder's rotator cuff, and trauma that produced impingement of the same shoulder. She also claimed that she sustained internal derangement of her right knee, herniations of her C6-7 and L4-5 intervertebral discs, and trauma that produced a bulge of her L5-S1 disc. She further claimed that her bulging and herniated discs caused impingement of spinal nerves and resultant radiculopathy.

On Jan. 21, 2016, Ventura underwent arthroscopic surgery that addressed her right shoulder. She also underwent an extensive course of physical therapy.

Ventura claimed that she suffers residual pain and limitations. She sought recovery of damages for past and future pain and suffering.

**RESULT** The jury rendered a defense verdict. It found that Ramirez was not liable for the accident.

**DEMAND OFFER** \$25,000 (insurance coverage's limit)  
 \$10,000

**INSURER(S)** Progressive Casualty Insurance Co.

**TRIAL DETAILS** Trial Length: 3 days  
 Trial Deliberations: 40 minutes  
 Jury Vote: 6-0

**PLAINTIFF EXPERT(S)** Bradford R.T. Silver, P.E., accident reconstruction, Wynantskill, NY

**DEFENSE EXPERT(S)** None reported

**EDITOR'S NOTE** This report is based on information that was provided by plaintiff's and defense counsel. Additional information was gleaned from court documents.

-Christine Barcia