

# Baldwin v. Thrifty Rent-a-Car

Auto – Traumatic Stress Disorder

Queens County

**CASE:** Samuel and Ernestine Baldwin v. Thrifty Rent-a-Car and Hock Ben See 020312/93 4-day trial Verdict 3/27/97

**DELIBERATION:** 3 hours.

**JURY:** 3 male, 3 female

**JUDGE:** Patricia P. Satterfield.  
**COURT:** Queens Supreme

**CARRIER:** Progressive Casualty Ins. Co.

**VERDICT:** Defense verdict on damages (6/0) Pltf: received \$30,000, pursuant to a \$75,000/\$30,000 high/low agreement.

**PLAINTIFF:**  
**EXPERT:** Dr. Irwin Schlessinger, Neurologist, Manhattan.

**PLAINTIFF ATTORNEYS:** Lawrence Bernstein for Hersham and Leicher, Manhattan

**DEFENSE:**  
**EXPERT:** Dr. Jay Rosenblum, neurologist, Manhattan; Dr. Jacob Toledano, orth. Surg., Jamaica.

**DEFENSE ATTORNEY:** David W. Brand of Brand & Brand, Garden City

**FACTS & ALLIGATIONS** This motor vehicle accident occurred on 8/22/92 at the intersection of Prince St. and 39 Ave. in Queens. Pltf., a 50-year-old motorman for the MTA, was traveling on Prince St. when, he claimed, he was struck by Deft.'s vehicle at the intersection with 39 Ave. Pltf. claimed that Deft., driving a rental car, ran a stop sign. Deft. could not produce the operator and conceded liability.

**INJURIES & DAMAGES:** (defense verdict on damages –settled for \$30,000) torn rotator cuff of the left (dominant) shoulder; post-traumatic stress disorder; cervical sprain at C6-7 with radiculopathy; lumbosacral sprain with radiculopathy, Pltf. was out of work for approximately 7 moths, at the direction of his doctor and the MTA. He returned to work for 1 year, but subsequently retired. Deft. contended that Pltf.'s retirement was not due to this accident. Deft. denied that Pltf. sustained a serious injury under the No-Fault Law, Insurance Law 5102(d). Deft.'s experts argued that Pltf.'s injuries had resolved by the time of trial.

**DEMONSTRATIVE EVIDENCE:** model of the spine; test results showing negative EMGs and EEG Initial demand: \$175,000.