

Quinn v. Inserra

Auto Accident - Intersection

Suffolk County

CASE TYPE Broadside, Motor Vehicle-Multiple Impact, Motor Vehicle-No-Fault Case
CASE Gail Quinn v. Richard Inserra, Regina M. Lundy, and Scott E. Lundy, No. 1551/01
COURT Suffolk Supreme, NY
JUDGE Peter Fox Cohalan
DATE 3/8/2004

Quinn sued Inserra, Lundy and the owner of Lundy's vehicle, Scott Lundy. Quinn claimed that she entered the intersection under a green traffic signal.

The Lundy's conceded liability prior to the trial, and Quinn discontinued the cause of action against Inserra. The trial addressed damages.

PLAINTIFF(S)
ATTORNEY **Steven P. Bertolino;** East Islip, NY, for Gail Quinn

INJURIES/DAMAGES: Quinn claimed to have sustained a tear of her right knee's medical meniscus. She underwent arthroscopic surgery, which included a partial meniscectomy and a lateral retinacular release.

EXPERT **Donald Goldman M.D.;** Orthopedics; Baldwin, NY called by Steven Bertolino

Quinn also claimed to have sustained a tear of her right shoulder's subscapularis muscle. The tear extended from the muscle-tendon junction to the proximal tendon.

DEFENDANT(S)
ATTORNEY **Edward J. Savidge;** Brand & Brand; Garden City, NY, for Regina Lundy, Scott Lundy

Quinn's expert orthopedist testified that Quinn suffers from a permanent right-knee disability, which included a 25% loss of range of motion, and a permanent right – shoulder disability, which includes a 40% loss of range of motion.

EXPERT **Craig Ordway M.D.;** Orthopedic Surgery; Huntington, NY called by: Edward Savidge

Quinn asked the jury to award: \$150,000 to \$350,000 for past pain and suffering and \$420,000 to \$840,000 for 42 years of future pain and suffering.

INSURER Progressive Casualty insurance Co. for the Lundys

The Lundys argued that Quinn was an active, athletic person, and thus, that the injuries might not be causally related to the collision. They contended that she did not complain of any injuries immediately after the collision. They also argued that she did not sustain a significant limitation of use of a body function or system, or a permanent, consequential limitation of use of a body organ or member, and thus, that her injuries were not serious, as defined by the no-fault law, Insurance Law 5102(d).

On Oct. 7, 1999, plaintiff Gail Quinn, 36, a teacher, sustained injuries in a motor vehicle collision on the Sunrise Highway service road. As she proceeded through the intersection, the passenger side of her vehicle was struck by a vehicle driven by Regina Lundy, who entered the intersection via southbound Route 112. The collision pushed Quinn's vehicle into an adjacent lane, where it was struck by a westbound vehicle driven by Richard Inserra.

VERDICT INFORMATION The jury rendered a defense verdict.