

**Reilly v. Stephan and Elrac, Inc.**  
**Auto Accident - Intersection**

Nassau County

**VERDICT** Defense

**CASE** Thomas C. Reilly v. Erica C. Stephan and Elrac, Inc. d/b/a Enterprise Rent-a-Car, No. 5123/03  
**COURT** Nassau Supreme  
**JUDGE** Thomas P. Phelan  
**DATE** 1/11/2005

**PLANTIFF**  
**ATTORNEY(S)** Bryon Lassin, Jackson Heights, NY

**DEFENSE**  
**ATTORNEY(S)** Edward J. Savidge, Brand Glick & Brand P.C., Garden City, NY

**FACTS & ALLEGATIONS** On Oct. 31, 2002, plaintiff Thomas Reilly, 17, a student, was driving on northbound Broadway, near its intersection with North Boston Avenue in North Massapequa. As Reilly's vehicle proceeded through the intersection, its passenger side was struck by a Chevrolet Cavalier that was being operated by Erica Stephan, who was traveling on eastbound North Boston Avenue. Reilly claimed that he sustained a partial fracture of his L2 vertebra.

Reilly sued Stephan and the owner of the vehicle, Elrac Inc. He alleged that Stephan was negligent in the operation of her vehicle.

Reilly claimed that his vehicle was traveling approximately 35 mph and that Stephan ignored the stop sign that governed her entry to the intersection.

Reilly's accident-reconstruction expert noted that the Cavalier's air bags deployed. As such, he concluded that the vehicle was moving at the moment of impact. He agreed that the accident occurred in the intersection, but he contended that he was unable to determine the speed of Stephan's vehicle.

Stephan contended that her Cavalier was struck while it was stopped at the stop sign. She also contended that the vehicle was entirely behind the intersection's stop line.

She claimed that Reilly was exceeding the speed limit and that his vehicle swerved across the intersection and sideswiped her Cavalier.

The defendants' accident-reconstruction expert agreed that the Cavalier was fully stopped at the moment of impact and that Reilly's vehicle initiated the contact. He opined that Reilly's vehicle was traveling 51 mph.

**INJURIES/DAMAGES** *compression fracture; fracture, L2; radiculopathy*

Damages were not before the court in this bifurcated trial on liability, but Reilly claimed that he sustained a partial compression fracture of his L2 vertebra. He contended that he also experienced cervical and lumbar radiculopathy. He was placed in a body cast, which was removed several weeks later.

**RESULTS** The jury rendered a defense verdict. It found that Stephan was not liable for the collision.

**DEMAND** \$50,000  
**OFFER** \$5,000

**TRIAL DETAILS** Trial Length: 5 days  
Jury Deliberations: 2 hours  
Jury Poll: 6-0  
Jury Composition: 3 male, 3 female

**PLANTIFF**  
**EXPERT(S)** William Deblasio, accident reconstruction, Huntington, NY

**DEFENSE**  
**EXPERT(S)** Daniel Denton, accident reconstruction, Cedar Knolls, NJ

**POST-TRIAL** Judge Thomas Phelan denied Reilly's motion to set aside the verdict.