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Publication: Monthly Arbitration Reporter Published: 6/1/2014

(REEE k/4) (1H) *Michael Carter v Christopher Ciszynski* 11M1-301790 Tried Jul. 9-10, 2013

\$4,000 Verdict after \$17,000 Arbitration Award JUDGE: Anita Rivkin-Carothers (IL Cook-1st Muni Civil)

Pltf Atty(s): David Benjamin Gorodess of Elman Law
Group DEMAND: \$17,000 ASKED: \$450,000

Deft Atty(s): Isaac R. Melton of Johnson & Bell (State Farm) OFFER: \$5,000

Pltf Medl: Dr. Bruce Montella (Orthopedist)

Deft Medl: Dr. Xavier Pareja (Anesthesiologist)

Pltf M-51 was traveling northbound on Nordica when deft M-18 struck pltf's vehicle while reversing from Roscoe to a parking spot on Nordica at 11:30 p.m. on December 31, 2009. Pltf's vehicle spun 180 degrees from the impact and pltf was taken from the scene to the hospital (herniated L4-L5 and L5-S1 and left knee sprain \$10,031 medl. expense). Defense denied liability and argued pltf was not injured in the accident. Verdict of \$8000 was reduced 50% for pltf negligence.

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**Publication: Cook County Jury Verdict Reporter Published: 5/9/2014**

(FFF 30/6) CONTRACT--INSURER REJECTS FIRE LOSS CLAIM BASED ON
DEMOLITION PLANS (16I)

Sean Murphy, Eric Murphy v State Farm Fire & Casualty Co. 07L-14481 Tried Mar. 10-12, 2014

Verdict: Not Guilty

Judge: Ronald F. Bartkowicz (IL Cook-Law)

Pltf Atty(s): Bert J. Zaczek for both pltf's DEMAND: \$55,000

Deft Atty(s): Isaac R. Melton of Johnson & Bell (State Farm) OFFER: \$5,000

Pltf's purchased a four-unit rental property in Chicago's Bucktown neighborhood in 2003, and began plans in 2004 to demolish the building and turn it into a million-dollar single family home. However, a fire damaged the structure on March 17, 2005, before any demolition work had started. Pltf's filed a claim for the loss under their State Farm homeowners' insurance policy (\$60,000+ property damage), but the claim was denied a year later based on pltf's alleged concealment and misrepresentations as to their plans to demolish the property. Pltf's sued State Farm for breach of contract in its failure to pay insurance proceeds, and also sought statutory bad faith damages. Prior to trial, the court had previously granted summary judgment to deft based on pltf's lack of an insurable interest at the time of the loss, but this ruling was reversed by the First District Appellate Court; as a result, State Farm was not permitted to argue at trial that pltf's sustained no damage based on the impending demolition.

**Publication: Monthly Arbitration Reporter Published: 8/23/2013**

(RDDD 1/10) (1F) *Veronica Figueroa v Carrera Roque v Miguel Flores* 11M1-300080 Tried Aug. 24, 2012

\$8,000 Verdict after \$4,500 Arbitration Award JUDGE: Sidney A. Jones, III (IL Cook-1st Muni Civil)

Pltf Atty(s): Frank J. Olavarria of Frank J. Olavarria
P.C. for Figueroa DEMAND: \$30,000 ASKED: \$14,457

Deft Atty(s): Isaac R. Melton of Johnson & Bell for Roque (State Farm) OFFER: \$5,000; Roque; Frank J. Olavarria of Frank J. Olavarria
P.C. for Flores

Pltf F-40 was a front seat passenger in third party deft Flores' vehicle traveling westbound on Palmer on March 21, 2009 when pltf's driver (husband) had stopped at the stop sign at Lawndale then proceeded to the middle of the intersection and was struck by southbound deft. Pltf was transported by ambulance to the hospital (closed head injury, shoulder sprain and neck/back sprain/strain \$14,457 medl. expense). Defense for Roque denied negligence and argued the accident was caused by third party deft and contended pltf was not injured or was not injured to the extent claimed. Verdict was \$6400 (80%) against deft Carrera and \$1600 (20%) against third party deft Flores and included \$5500 medl., \$2500 P&S and \$0 LNL.

**Publication: Cook County Jury Verdict Reporter Published: 2/17/2012**

(DDD 18/2) AUTO--DEFT SIDESWIPE STOPPED PLTF--CAUSATION OF
HERNIATED DISC DENIED (1B)

Abel Nunez v Irma Guzman 09L-15225 Tried Jan. 9-11, 2012

Verdict: Not Guilty

Judge: James Michael Varga (IL Cook-Law)

Pltf Atty(s): Michael J. Malatesta of Malatesta Law
Offices DEMAND: \$75,000 ASKED: \$100,932

Deft Atty(s): Isaac R. Melton of Johnson & Bell (State Farm) OFFER: none

Pltf Medl: Dr. Antoine Chami (Pain Management)

Deft Medl: Dr. Dinora Ingberman (Rehab/Physical Medicine)

Deft Expert(s): Brian T. Weaver, P.E. (Biomechanical Engineer)

Dec. 9, 2008, pltf was stopped facing southbound on Highbury Drive at Bode Road in Elgin when his vehicle was sideswiped by the deft. Pltf M-37 claimed he sustained a herniated disc at L5-S1, for which he received chiropractic treatments and an epidural injection (\$12,732 medl. bills in evidence). The defense denied liability and maintained pltf was not injured in the collision, as evidenced by a one-month gap in treatment and testimony from deft's biomechanical engineering expert.

**Publication: Cook County Jury Verdict Reporter Published: 8/5/2011**

(CCC 43/2) REAR END--CAR STRIKES TAXI DRIVER STOPPING TO PICK UP CUSTOMER (1D)

Emmanuel Benyamin v Sara Stern 10L-9751 Tried Jun. 20-23, 2011

Verdict: \$11,000 after 50% off \$22,000 (\$6,500 medical expenses; \$4,500 pain & suffering; \$0 disability).

Judge: Elizabeth M. Budzinski (IL Cook-Law)

Pltf Atty(s): Donovan S. Fechner of Lidov & Block DEMAND: \$75,000 ASKED: \$52,000

Deft Atty(s): Isaac R. Melton of Johnson & Bell (State Farm) OFFER: \$6,000

Pltf Medl: Dr. Daniel Newman (Orthopedist), Dr. Suneela Harsoor (Pain Management) and Melvin D'Souza, D.C. (Chiropractor)

Sept. 29, 2006, deft rear-ended pltf's taxi on northbound Oak Park Ave. in Oak Park. Pltf M-50 cab driver claimed the impact aggravated a prior 1998 lumbar laminectomy, requiring an epidural injection, and also caused a suspected tear of the supraspinatus tendon in his right shoulder, treated with injections (\$21,373 total medl. bills of which approximately \$2,000 was barred at trial). Deft occupational therapist contended pltf's cab stopped suddenly and without warning in an attempt to pick up a fare. The defense argued pltf was negligent in failing to pull over into the empty parking lane on his right before stopping. The defense also disputed the nature and extent of pltf's injuries and damages.

**Publication: Cook County Jury Verdict Reporter Published: 10/30/2009**

(BBB 3/7) DEFT TURNING LEFT--RETIREE BLAMES AIRBAG FOR HEARING LOSS AND TINNITUS (1B)

Carol Clark v Theresa Harden 07L-7656 Tried Sep. 22-25, 2009

Verdict: \$9,109 after 30% off \$13,013 (\$7,013 medical expenses; \$1,000 pain & suffering; \$5,000 disability).

Judge: Sheldon A. Harris (IL Cook-Law)

Pltf Atty(s): Jeremy R. Tiedt and Justin P. Hare of Andrew S. Kryder LLC DEMAND: \$100,000 policy ASKED: \$307,013

Deft Atty(s): Isaac R. Melton of Ripes, Nelson, Baggot & Kalobratsos (Hoffman Estates) (Allstate) OFFER: \$50,000

Pltf Medl: Dr. Alan Micco (Otolaryngologist/ENT)

Deft Expert(s): Dr. Charles Weingarten (Otolaryngologist/ENT)

May 8, 2006, pltf F-72 driving westbound on Higgins Road in Hoffman Estates contended eastbound deft improperly made a left turn at Governors Lane and failed to yield to oncoming traffic, causing a collision. The impact caused an airbag to release at the left side of pltf's head, resulting in permanent hearing loss and tinnitus (\$7,013 medl. bills). The defense contended pltf was contributorily negligent for failing to yield to deft's turning vehicle and failed to mitigate her damages by not using a hearing aid and obtaining treatment. Judge Harris entered a directed verdict in favor of pltf on deft's affirmative defense of failure to mitigate damages.

**Publication: Illinois Jury Verdict Reporter Published: 9/18/2009**

(09 My/9) REAR END--DEFENSE ADMITS NEGLIGENCE, DENIES INJURY
EXTENT AND CAUSATION (1D)

Nicole Null v Bruce Kain 07L-336 Tried May 11-15, 2009

Verdict: \$34,931 (\$14,931 medical expenses; \$8,000 pain & suffering; \$12,000 loss of normal life)

Judge: Robert B. Spence (IL, Kane 16th Jud Cir)

Pltf Atty(s): David D. Criter of David D. Criter LLC (Westmont) DEMAND: \$50,000
policy ASKED: \$120,000

Deft Atty(s): Isaac R. Melton of Ripes, Nelson, Baggot & Kalobratsos (Hoffman
Estates) (Allstate) OFFER: \$12,000

Pltf Medl: Dr. Michael Galle (Emergency Medicine), Eric Lukosus,
D.C. (Chiropractor) and Robert Boer, D.C. (Chiropractor)

Deft Medl: Ronald O. Williams, D.C. (Chiropractor) and Dr. Kerrie Reed (Rehab/Physical
Medicine)

Sept. 10, 2005, pltf F-21 was rear-ended by deft M-55 on westbound Bilter Road in Aurora, causing whiplash which became chronic (\$27,646 medl., \$1,700 PD). The defense admitted negligence but disputed the nature, extent and causation of pltf's injury.

20