



## Brief Insights

A PERSONAL INJURY NEWSLETTER—FEBRUARY 2022 • BASCHKEEGAN.COM

### Two Verdicts in Two Hours, Totaling \$2.6 Million

2022 is off to a great start at Basch & Keegan! In the last week of January, Partner Derek J. Spada received two favorable verdicts within two hours of each other. This unprecedented sequence of events amounted to a total recovery in excess of \$2,600,000 for Basch & Keegan clients.

#### **The First Verdict:**

The first verdict that Derek won resulted from a non-jury trial where our client was awarded \$888,500. This figure will increase to approximately \$945,000 with interest.

Our client was driving on Hurley Avenue when a NY State Trooper struck her vehicle head on. The judge found that the trooper was driving recklessly by speeding and crossing the double yellow line as he responded to a non-emergency call.

Hurley Avenue, in the location of the collision, is a two-lane roadway with one lane in each direction. Hurley Avenue has many curves and a speed limit of 35 miles an hour. The NY State Trooper was traveling in the opposite direction of our client while going between 55 and 62 miles per hour. The Trooper had his lights on, but no siren. As soon as our client saw the oncoming Trooper's SUV, it appeared that he began to lose control. He started to fishtail while traversing a sharp curve and entered her lane. Our client immediately slammed on her brakes and steered to the right. She moved her vehicle as far to the right as she could, driving onto the shoulder. Unfortunately, the Trooper was traveling too fast to recover once he lost control. His SUV crossed the double yellow line and struck our client head-on. Notably, his SUV crossed the entire lane and was partially on the shoulder to the right of her lane when the impact occurred. Our client did all that she could to avoid the collision, but there was nothing more that she could do.

This collision was captured on a surveillance video from a private home on Hurley Avenue. Derek hired an engineer to analyze the video and determine the speed of the Trooper's vehicle, which was calculated to be 58 to 62 miles per hour.

Our client was rushed the hospital with severe injuries, including severe tears to her left shoulder. Her shoulder injuries required surgery. Our client also sustained injuries to her neck, back and right hip. Our client's shoulder injuries improved after surgery, but she did not make a complete recover and has some permanent deficits.

Furthermore, our client was the CEO of a business and suffered economic losses resulting from her time missed from work due to her injuries.

Derek presented the facts to the court with eyewitnesses, experts and surveillance video of the collision. Basch & Keegan held a reckless driver accountable, and our client received a favorable verdict that will help ease her pain and suffering while recouping her economic losses.

#### **The Second Verdict:**

The second case was a jury verdict in the amount of \$1,620,000 for our client. The matter involved a slip & fall on ice in a parking lot. Our client, a 35-year-old woman in good health, was a tenant in the building who went out to start her car at 8:50am. The parking lot surface was sloped, and our client had to walk uphill to start her car. When she attempted to return downhill to her apartment to make sure that everything was locked, she slipped and fell on ice.

The landlord routinely neglected the property during the winter months. There was rarely any salt, sand or ice melt applied to the parking lot surface. There was a light snowfall on the night before the incident, which covered old ice on the parking lot surface.

Significantly, this was not the first time our client had problems with the condition of the parking lot. In court, Derek showed multiple exhibits proving that the owner of the parking lot neglected the safety of his tenants. Our client damaged her car once (without injury) and filed a police report because she slid off the parking lot surface due to ice. She also messaged the property manager on multiple occasions regarding the state of the parking lot due to ice/snow. Derek also subpoenaed

two other tenants from the apartment building who testified at trial that the parking lot was frequently icy in the wintertime. One tenant missed several days of work due to the condition of the parking lot because the ground was too icy to drive his truck out of the parking lot to go to work.

Based on the evidence Derek presented, it was a clear that the landlord collected rent from eight apartments while regularly doing little to nothing to address winter maintenance at the property.

Following the incident our client went to Vassar Brothers Medical Center ER due to pain in her right shoulder and right arm. At the hospital she had x-rays taken, was examined, given medications and advised to follow up with a primary care physician and an orthopedic surgeon, then discharged. As time progressed, her symptoms progressively worsened and her condition severely deteriorated.

She was diagnosed with Reflex Sympathetic Dystrophy (RSD) leaving her right arm non-functional. She also sustained neck injuries and a frozen shoulder.

Although the defense attorney disputed the extent of our client's injuries, medical evidence from both our client's treating physicians and the defense doctors confirmed that she suffered a severe injury due to this fall. The RSD and neck injuries are permanent, and she will almost certainly require medications throughout the duration of her lifetime in an effort to diminish the symptoms of her injuries.

After an extensive legal battle demanding the settlement our client deserves to no avail, Derek took the matter to trial. With his knowledge of the courtroom, expert witnesses and extensive exhibits, the jury found the owner liable and awarded our client \$1,620,000. This verdict amount will increase because the jury designated \$1,500,000 for future pain and suffering. Post-trial calculations will cause this figure to grow.

# Pandemic Changes to Litigation



This past year has permanently redefined litigation. The legal industry was pushed to become quick thinking in the face of a global pandemic. Basch & Keegan adapted and believes there are two changes that have surprisingly been positive and are here to stay.

## Virtual Meetings and Depositions

Basch & Keegan has learned and mastered virtual depositions along with so many other opportunities to serve our clients in a technology-driven environment.

Clients now have an option to meet our attorneys virtually if they prefer, such as by using Zoom, making it easier for those seriously injured. Will virtual depositions be a staple in litigation moving forward? This will depend on the deponent and the subject matter of the deposition, along with the proximity of the witnesses. Still, virtual depositions in some capacities are here to stay.

## Electronic Filing & Reduced Paper

Another trend we are seeing which is great for the environment: litigators are not obligated to send, receive and retain paperwork to litigate.

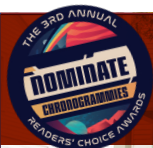
Basch & Keegan is officially paperless. Since March 2020, all the firm's files are on a cloud-based system, which allows attorneys to review files more efficiently. We can file paperwork with the courts and hold correspondence with defense counsel virtually. Managing and litigating matters through technology is by far the most significant trend, and it will only become more popular as time goes on.

These changes have made it easier for our injured clients by enabling them to meet with our attorneys virtually and send and receive documents electronically.

## Delivering Basch & Keegan Swag!

We started offering hand-delivered or mail ordered Basch & Keegan merchandise on our social media accounts, and the response has been phenomenal!

Here are some snapshots of this fun campaign. If you or your business would like to support Basch & Keegan by wearing or displaying our merchandise, reach out to our Marketing Coordinator Marianne Greaves at [mg@baschkeegan.com](mailto:mg@baschkeegan.com) for your own swag bag!



## Nominate Basch & Keegan for the 2022 Chronogrammes!



It's that time of year again to for you to vote on the Hudson Valley's most outstanding establishments, organizations & people with Chronogram Magazine!

The nomination round closes on February 15th. Time is running out to nominate Basch & Keegan in the "Best Law Firm of the Hudson Valley". The more nominations we get, the closer we are too moving into the voting round!

Please take a minute to nominate Basch & Keegan, LLP in the "Law Firm" category, and consider nominating our partners for "Best Attorney": Eli Basch, Maureen Keegan, Derek Spada & John DeGasperis.

**Nominate us now here:**

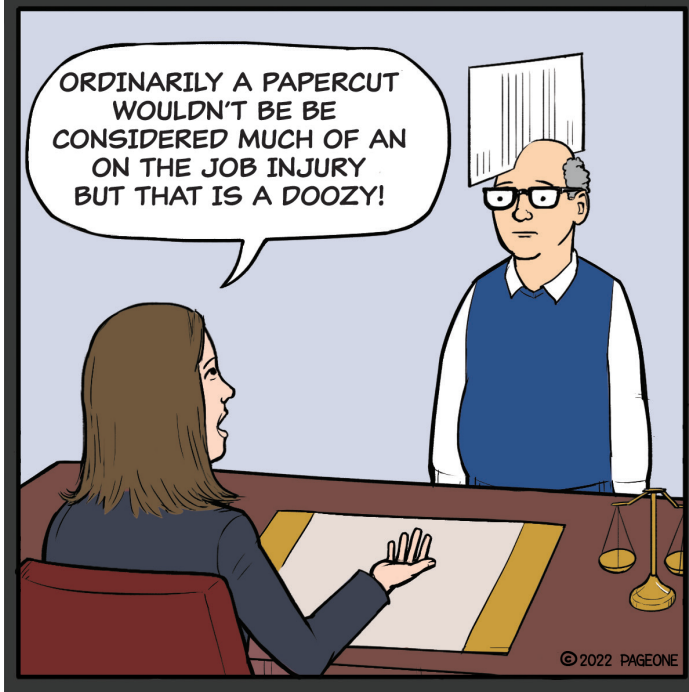


Click the green nominate button next to our law firm/ attorneys name and follow the prompts to confirm your selection.

We appreciate your support to help Basch & Keegan make it into the final five. The next round is VOTING round, and that opens 4/1/2022 – 5/15/2022. Winners are published in the July 2022 issue of Chronogram.

Thank you, and we appreciate your support!

## A Brief Relief



## BASCH & KEEGAN

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