
CLIENT ALERT: Abrams Fensterman, LLP Wins Defense Verdict in First In-Person Jury Trial

FEATURED ATTORNEY



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Plaintiff was a 30-year-old who was hit in the rear by our insured's vehicle. Liability had previously been determined on a motion for summary judgment. She claimed neck, back and left shoulder injuries – all soft tissue – no injections or surgeries (although both had been recommended by her doctor). After jury selection, the case was assigned to Hon. Richard Velasquez.

The plaintiff testified regarding her injuries and the activities she could no longer do or had difficulty doing now. Our attorney crossed her on same and brought out that she had not treated since 2016, been on vacation, and takes Tylenol now when she has pain 1-2 times a week. Both parties then presented medical packets to the jury. Plaintiff's packet consisted of MRI reports, doctor's treating records, and physical therapy records. Defendant's packet consisted of IME reports and photos of the minimal damage to plaintiff's vehicle. Our attorney argued both in opening and closing that plaintiff's injury was not a serious injury that would allow her to recover under the threshold law. She did not have a significant limitation of a body part or a permanent consequential limitation of a body part and that they should listen to the judge's instructions on the law.

The jury deliberated for about 45 minutes and came back with a question as to whether the plaintiff's treating doctor was a board-certified orthopedic surgeon (as all the defendant's IME doctors were board certified.) The jury was advised that the plaintiff's doctor was not board certified and the jury resumed deliberations and came back 15 minutes later with a defense verdict that the plaintiff's injuries did not meet threshold.

There was a high/low in place (\$60,000/\$7,500). The day before trial commenced, our client had offered \$20,000 to settle which was rejected. Plaintiff will receive \$7,500 in accordance with the summary jury trial parameters.

The defendant was represented by Abrams Fensterman, LLP partner [Melanie I. Wiener](#).