

MOTOR VEHICLE

Stop Sign — Broadside — Intersection — Multiple Vehicle

Motorist ignored stop sign, caused crash, plaintiff alleged**VERDICT** \$75,000**CASE** Arturo Willis v. Holly Millington,
No. 30436/08**COURT** Kings Supreme**JUDGE** Herbert Kramer**DATE** 6/13/2011**PLAINTIFF****ATTORNEY(S)** Karen Emma, Gary Kauget, P.C.,
Brooklyn, NY**DEFENSE****ATTORNEY(S)** Lisa Comack, Cheven Keely & Hatzis,
New York, NY

FACTS & ALLEGATIONS On Nov. 3, 2007, plaintiff Arturo Willis, 36, a counterterrorism detective, was driving on Stanley Avenue, near its intersection at Alabama Avenue, in the New Lots section of Brooklyn. While he was proceeding through the intersection, his vehicle was struck by a vehicle that was being driven by Holly Millington, who was traveling on Alabama Avenue. Willis claimed that he sustained injuries of his back and neck.

Willis sued Millington. Willis alleged that Millington was negligent in the operation of his vehicle.

Willis noted that his course was not governed by a traffic-control device, but that a stop sign governed Millington's entrance to the intersection. He claimed that Millington apologized for the incident, and his counsel noted that Millington pleaded guilty to a charge of ignoring a traffic-control device.

Millington contended that he was fleeing from a motorist who had threatened him. He claimed that he suspected that the other motorist may have possessed a gun. Defense counsel argued that Millington's actions were a prudent response to a sudden emergency that was created by the threatening motorist. However, Willis' counsel contended that the emergency was created by Millington and that it was not a sudden occurrence.

INJURIES/DAMAGES *bulging disc, cervical; bulging disc, lumbar; chiropractic; depression; herniated disc at C3-4; herniated disc at C4-5; herniated disc at C5-6; herniated disc at C6-7; herniated disc at L4-5; herniated disc at T1-2; herniated disc at T2-3; nerve impingement; radiculopathy; spasms; sprain, lumbar; stenosis; strain, lumbar; swelling*

Willis was placed in an ambulance, and he was transported to Jamaica Hospital Medical Center, in Queens. He underwent minor treatment.

Willis ultimately claimed that he sustained sprains and strains of his back and herniations of his C3-4, C4-5, C5-6, C6-7, T1-2, T2-3 and L4-5 intervertebral discs. He also claimed that he developed bulges of his C2-3, L3-4 and L5-6 discs; impingement of the roots of nerves of his spine's cervical region; spasms; radiculopathy; and stenosis—narrowing—of his spine's cervical region.

Willis underwent about seven months of chiropractic treatment. Willis' chiropractor reviewed the results of an MRI scan and determined that Willis' herniations were traumatically induced and results of the accident.

Willis contended that his injuries prevented his performance of about 10 weeks of work. He claimed that he suffers residual injuries that include pain, weakness, swolleness and depression, and he contended that he cannot endure prolonged periods in which he is seated, standing or walking. He further claimed that he cannot resume some of the more physical aspects of his job, such as climbing bridges. Willis' chiropractor opined that Willis' residual pain is permanent.

Willis sought recovery of damages for his past and future pain and suffering.

The defense's expert radiologist opined that Willis' injuries stemmed from degenerative conditions that were not related to the accident, and defense counsel suggested that the injuries were products of an accident that occurred within the course of Willis' work. Willis contended that the work-related accident merely resulted in an injury of one of his hands.

RESULT The jury found that Millington was liable for the accident. It determined that Willis' damages totaled \$75,000.

ARTURO WILLIS \$50,000 past pain and suffering
\$25,000 future pain and suffering
\$75,000

TRIAL DETAILS Jury Vote: 6-0**PLAINTIFF****EXPERT(S)** Jeff Friedman, chiropractic, Brooklyn, NY**DEFENSE****EXPERT(S)** Richard Heiden, M.D., radiology,
Jamaica, NY

EDITOR'S NOTE This report is based on information that was provided by plaintiff's counsel. VerdictSearch was not able to solicit feedback from defense counsel.

-Jaclyn Stewart