

NEW YORK CITY

MOTOR VEHICLE**Passenger — Rear-ender — Multiple Impact****Chain collision blamed for foot and spine injuries****SETTLEMENT****\$775,000****CASE**Manana Mamukelashvili v. Milton Witchel
Zahid Ishaq, Millburn Cab Corp., Taxi
Wheels to Lease, Inc., & Kakhaver
Antadze, No. 12687/04**COURT**

Kings Supreme

JUDGE

Lawrence S. Knipel

DATE

9/15/2007

PLAINTIFF**Kenneth A. Wilhelm**, New York, NY**ATTORNEY(S)****DEFENSE****ATTORNEY(S)****Richard B. Brown**, Picciano & Scabill P.C.,
Westbury, NY (Kakhaver Antadze)**Andrew C. Lang**, Friedman, Harfenist,
Langer & Kraut, New Hyde Park, NY (Taxi
Wheels to Lease Inc.)**Thomas P. Murphy**, Philip J. Rizzuto P.C.,
Carle Place, NY (Millburn Cab Corp.,
Zahid Ishaq)**David Weiser**, Law Offices of Vincent P.
Crisci, New York, NY (Milton Witchel)

FACTS & ALLEGATIONS On March 4, 2004, plaintiff Manana Mamukelashvili, 42, a foreign businesswoman, was a passenger of a vehicle that was being driven by Kakhaver Antadze, who was traveling on an eastbound access road that joined the Grand Central Parkway and the Long Island Expressway, in Brooklyn. The vehicle's rear end was struck by a trailing vehicle that was being driven by Milton Witchel. A moment earlier or later, Witchel's vehicle was struck by a trailing vehicle that was being driven by Zahid Ishaq. Mamukelashvili claimed that she sustained injuries of her back, a foot and her neck.

Mamukelashvili sued Antadze, Witchel, Ishaq and the owners of Ishaq's vehicle, Millburn Cab Corp. and Taxi Wheels to Lease Inc. Mamukelashvili alleged that Antadze, Witchel and Ishaq were negligent in the operation of their respective vehicles and that the remaining defendants were vicariously liable for Ishaq's actions.

Mamukelashvili claimed that her vehicle was traveling at a normal rate of speed when it was struck by Witchel's vehicle. She contended that she subsequently detected a second impact.

Antadze did not appear at a scheduled deposition. Thus, he was not permitted to testify during the trial.

Ishaq and Witchel contended that Antadze came to a sudden stop for no reason, creating an emergency situation. Witchel also contended that there was minimal damage to the rear of his vehicle and to the front of Ishaq's taxi. He claimed that there was heavy damage to the front of his vehicle.

INJURIES/DAMAGES *discectomy; foot drop; herniated disc at C4-5; herniated disc at C5-6; herniated disc at L4-5; laminotomy; nerve impingement; orthosis; physical therapy*

The trial was bifurcated, so damages were not before the court.

Mamukelashvili claimed that she sustained a herniation of her L4-5 intervertebral disc, with deformity of the thecal sac and the L5 nerve roots. She also claimed that she sustained herniations of her C4-5 and C5-6 discs, with deformation of the thecal sac and spinal cord. She further claimed that she developed foot drop—weakness or paralysis of the muscles that control the front part of a foot. The affected foot hangs limply. The condition produces a noticeable limp, and Mamukelashvili must use a cane and an ankle-foot orthosis.

In 2004, Mamukelashvili underwent a discectomy—surgical excision of a disc. The procedure addressed her L4-5 disc. In 2006, she underwent a hemilaminotomy—partial excision of a vertebra's posterior arch. The procedure addressed her L4 and L5 vertebrae. She also underwent physical therapy.

Mamukelashvili sought recovery of damages for her past and future pain and suffering.

Witchel's counsel contended that he produced a surveillance videotape that established that Mamukelashvili can walk, bend and perform various activities. Thus, he claimed that Mamukelashvili exaggerated the severity of her foot drop.

RESULT The jury rendered a mixed verdict. It found that Witchel was liable for the crash, and the remaining defendants were not assigned liability. Prior to the scheduled start of the trial's damages phase, Mamukelashvili and Witchel agreed to a \$775,000 settlement.

INSURER(S)State Farm Mutual Automobile Insurance
Co. for AntadzeAmerican Transit Insurance Co. for Ishaq,
Millburn Cab and Taxi Wheels to Lease

The Hanover Insurance Co. for Witchel