

Motor Scooter — Driveway

Boy was struck by van while riding scooter on driveway

VERDICT (P) **\$2,000,000**

CASE Mohammed Ashiq Khan, an Infant, by His Father and Natural Guardian, Mohammed Anar Khan, and Mohammed Anar Khan, Individually v. K.D. Leasing Equipment Corp., No. 29878/01

COURT Kings Supreme
JUDGE Martin Schneier
DATE 10/17/2003

PLAINTIFF ATTORNEY(S) George Catlett, **Kenneth A. Wilhelm**, New York, NY

DEFENSE

ATTORNEY(S) Harvey Brown, Michael F.X. Manning, New York, NY

FACTS & ALLEGATIONS On July 20, 2001, infant plaintiff Mohammed Ashiq Khan, 8, was struck by a van while riding a motor scooter on the sidewalk of Crescent Avenue in Queens, N.Y. Khan was crossing a construction yard's driveway at the time of the accident. The van left the yard and struck Khan on its way to the street.

Khan's father, plaintiff Mohammed Anar Khan, acting individually and on behalf of his son, sued K.D. Leasing Equipment Corp., which owned the van involved in the accident. The defense conceded liability, and the trial proceeded on damages.

INJURIES/DAMAGES *fracture, femur*

Mohammed Ashiq Khan sustained a transverse fracture of his left femur. He underwent closed reduction and pinning. He spent one month in Bryant's traction at Elmhurst [N.Y.] Hospital Center. He wore a body cast for 68 days.

Khan claimed that his injuries resulted in a limp that arises upon exertion. His expert orthopedic surgeon testified that he would always have a permanent partial disability — including the limp — and that the external rotation of the boy's left lower extremity was limited to 10 degrees. The expert's X-rays revealed an angulation of the boy's femur.

The plaintiffs asked the jury to award \$3 million.

The defense contended that Khan did not have a limp. Its expert orthopedist opined that Khan's femur angulation would subside when the boy reached maturity.

RESULT The jury awarded Mohammed Ashiq Khan \$2 million.

MOHAMMED

ASHIQ KHAN \$1,000,000 past pain and suffering
\$1,000,000 future pain and suffering
\$2,000,000

DEMAND \$2,000,000
OFFER \$350,000

INSURER(S) Travelers

TRIAL DETAILS Trial Length: 3 days
 Jury Deliberations: 2 hours
 Jury Poll: 6-0
 Jury Composition: 1 male, 5 female

PLAINTIFF EXPERT(S) Leonard Harrison, M.D., orthopedic surgery, New York, NY

DEFENSE EXPERT(S) Richard Ulin, M.D., orthopedics, New York, NY