

Verdicts & Settlements

Monday, November 10, 2003

MOTOR VEHICLE

VERDICT: \$2 million. Post-trial motions are pending.

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.

Oct. 17

Kings Supreme

JUSTICE: Martin Schneier

ATTORNEYS: George Catlett of Kenneth A. Wilhelm, New York, for plaintiff;

Harvey Brown of Michael F.X. Manning, New York, for defense.

FACTS: On July 20, 2001, Mohammed Ashiq Khan, 8, was struck by a van while riding a motor scooter on the sidewalk of Crescent Avenue in Queens. Mohammed was crossing a construction yard's driveway when the van was leaving the yard.

Mohammed's father, Mohammed Anar Khan 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: 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 Hospital Center. He wore a body cast for 68 days.

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