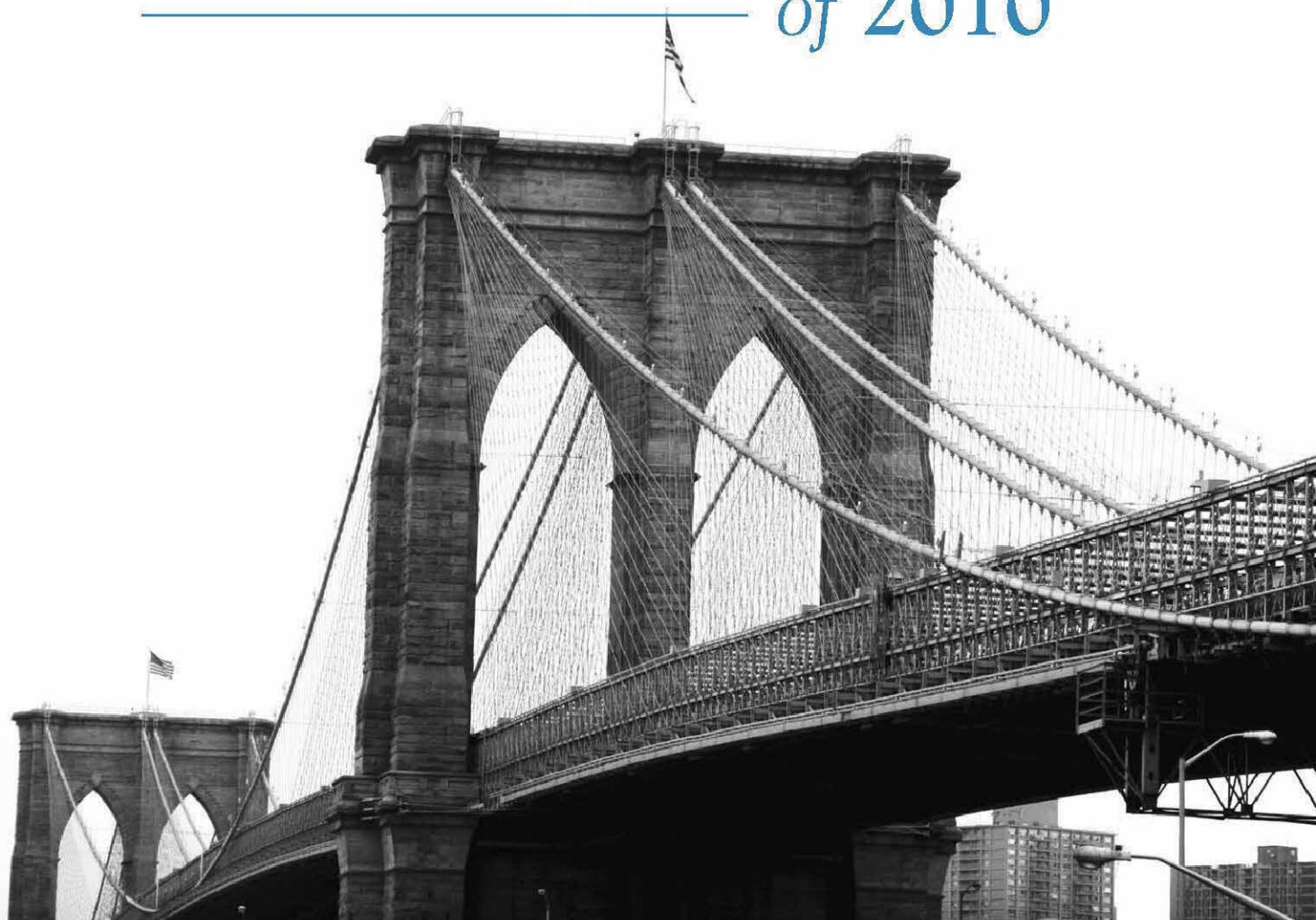


 VERDICTSEARCH

VERDICT SEARCH'S
TOP NY
VERDICTS

of 2010



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being discharged.

Barnhard's injury left her without control of her bladder and bowels, and she requires around-the-clock care. Her suit argued that her quadriplegia has left her unable to experience the joys of parenthood and grow the massage-therapy business she was in the process of founding at the time of her accident.

Barnhard's economics expert estimated future medical costs of nearly \$28.9 million, based on an anticipated age-of-death of 72 years. The parties stipulated that past medical expenses totaled nearly \$1.69 million. In addition to damages for future care of potential children, lost earnings and future medical costs, plaintiff's counsel asked the jury to award Barnhard \$8 million in damages for past pain and suffering and \$25 million in damages for future pain and suffering.

Defense counsel argued that Barnhard's condition meant she would likely live no longer than 64 years. The defense also contended there was no proof that Barnhard's massage-therapy business would have been as financially successful as plaintiff's counsel claimed.

Verdict Information The jury found that Barnhard, Amherst Orthopedic and Cybex were all negligent. Cybex was assigned 75 percent of the liability; Amherst Orthopedic was assigned 20 percent of the liability; and Barnhard was assigned 5 percent of the liability.

The jury determined that Barnhard's damages totaled \$65,994,304, but the comparative-negligence reduction produced a net recovery of \$62,694,588.80.

According to plaintiff's counsel and Amherst Orthopedic's counsel, Cybex does not have enough insurance to satisfy the company's share of the verdict via its policy coverage. Amherst Orthopedic's counsel reported that Cybex's \$5 million reducing policy currently contains roughly \$2.5 million, after attorney fees and litigation costs. Plaintiff's counsel reported that they are prepared to seek company assets in satisfaction of Cybex's share of the verdict. Amherst Orthopedic's counsel suggested that Cybex will have to fulfill the entire judgment before it can seek indemnification from his client.

Natalie M. Barnhard
\$1,689,439 Personal Injury: Past Medical Cost

\$28,563,128 Personal Injury: Future Medical Cost
\$151,690 Personal Injury: Past Lost Earnings Capability
\$1,797,612 Personal Injury: Future-Lost Earnings Capability
\$8,000,000 Personal Injury: Past Pain And Suffering
\$25,000,000 Personal Injury: Future Pain And Suffering
\$792,435 Personal Injury: future care for potential children

Post-Trial: Cybex's counsel intends to seek post-trial relief from the jury's verdict.

Editor's Comments This report is based on information that was provided by plaintiff's and defense counsel.

#3

Worker's 12-foot fall caused paralyzing injury

Verdict: (P) \$50,591,035.87

Case Type: Labor Law, Construction - Accidents, Slips, Trips & Falls - Fall from Height, Civil Practice - Summary Judgment

Case: Daniel J. Savillo v. Greenpoint Landing Associates LLC., and Greenpoint Storage Terminal, LLC. / Greenpoint Landing Associates, LLC., and Greenpoint Storage Terminal v. All Safe Heights Contracting, Corp. No. 114418/07; 590014/08
Venue: New York Supreme, NY
Judge: Emily Jane Goodman
Date: 12-21-2010

PLAINTIFF(S) Attorney:

- David B. Golomb; Law Offices of David B. Golomb; New York, NY, for Daniel J. Savillo
- Roy R. Jaghab; Jaghab, Jaghab & Jaghab, P.C.; Mincola, NY, for Daniel J. Savillo

Expert:

- Joseph Carfi; Physical Rehabilitation; Lake Success, NY called by: David Golomb, Roy Jaghab
- Anthony Frempong-Boadu M.D.; Neurosurgery; New York, NY called by: David Golomb, Roy Jaghab
- David Payne M.D.; Neuroradiol-

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TOP 2010 VERDICTS BY CATEGORY

Animals

CASE	DATE	COURT	TYPE OF ACTION	PLAINTIFF'S COUNSEL	AMOUNT
Lettenello v. Zimmardi	10/1	Suffolk Supreme	Animal control : Girl bitten by pit bull claimed facial scar	Kenneth A. Wilhelm, New York, NY of Law Offices of Kenneth A. Wilhelm	\$750,000
Caliendo v. Bridbord	7/19	Queens Supreme	Animal control : Vicious dogs not adequately restrained, bitten plaintiff alleged	Gregory S. Gennarelli, New York, NY of Salenger, Sack, Kimmel & Bavaro, LLP	\$110,000
Chappell v. Mather	6/1	Steuben Supreme	Animal control : Kennel's owners not careful with vicious dog, worker alleged	Philip C. Learned, Elmira, NY of Learned, Reilly, Learned & Hughes, LLP	\$92,500
Torres v. Jackson	5/26	Nassau Supreme	Animal control : Man bitten by neighbor's dog sought reimbursement for fence	David A. Bythewood, Garden City, NY of David A. Bythewood, Esq.	\$75,000

Antitrust

CASE	DATE	COURT	TYPE OF ACTION	PLAINTIFF'S COUNSEL	AMOUNT
Stand Up MRI of the Bronx PC, v. Carecore National LLC	11/30	U.S. District Court, Eastern District	Antitrust : Radiology practices accused benefits managers of antitrust	Axel Bernabe, Axel A. Bernabe, Matthew L. Cantor, and Gary J. Malone, New York, NY of Constantine Cannon LLP	\$35,101,797

Banking

CASE	DATE	COURT	TYPE OF ACTION	PLAINTIFF'S COUNSEL	AMOUNT
Leikowitz v. Capital One Bank (USA), N.A.	11/29	Westchester Supreme	Banking : Bank refused to pay off valid CD, plaintiff alleged	Gary A. Friedman, Armonk, NY of Gary A. Friedman Esq.; Lawrence Horowitz, Armonk, NY of of counsel, Gary A. Friedman Esq.	\$15,601