

GREATER METRO AREA**NASSAU COUNTY****MOTOR VEHICLE****Speeding — Sideswipe — Multiple Vehicle****Motorist's hasty lane change caused crash, defense argued****VERDICT** Defense

CASE Mehmet Nacaroglu v. Barron J. Weber,
No. 23015/07

COURT Nassau Supreme

JUDGE Karen V. Murphy

DATE 8/17/2010

PLAINTIFF

ATTORNEY(S) David Taller, Taller & Wizman, P.C.,
Forest Hills, NY

DEFENSE

ATTORNEY(S) David J. Sobel, David J. Sobel, P.C.,
Smithtown, NY

FACTS & ALLEGATIONS On Aug. 22, 2006, plaintiff Mehmet Nacaroglu, 42, an automobile repair shop's employee, was driving in the left westbound lane of the Grand Central Parkway, in the Queens Village section of Queens. As he approached the interchange at the Clearview Expressway, his vehicle's right side collided with the left side of a vehicle that was being driven by Barron Weber, who occupied the center westbound lane. Nacaroglu's vehicle rolled several times, and he claimed that he sustained injuries of his back, his neck, his nose and several ribs.

Nacaroglu sued Weber. Nacaroglu alleged that Weber was negligent in the operation of his vehicle. The matter proceeded to a summary jury trial.

Nacaroglu claimed that the collision occurred while he was attempting to merge into the center lane, from the left lane. He contended that Weber's vehicle appeared to be safely behind his vehicle, but that Weber was speeding. Weber acknowledged that Nacaroglu's vehicle was ahead of his vehicle, and he estimated that at least half of a car length initially separated the two vehicles. As such, Nacaroglu's counsel argued that Weber should have been able to avoid the collision.

Weber contended that he was maintaining a speed of 45 to 50 mph, which would have been within the speed limit. He claimed that Nacaroglu was weaving in and out of lanes. Defense counsel presented photographs of damage of the right rear quarter panel of Nacaroglu's vehicle and the left side of

the front fender of Weber's vehicle. He argued that the damage established that Nacaroglu tried to change lanes before his vehicle had fully cleared the front end of Weber's vehicle.

INJURIES/DAMAGES *bulging disc, cervical; bulging disc, lumbar; chiropractic; fracture, nose; fracture, rib; herniated disc at C4-5; open reduction; osteotomy*

Nacaroglu claimed that he sustained a herniation of his C4-5 intervertebral disc, fractures of three ribs and a fracture of his nose. He also claimed that he developed bulges of his C5-6, C6-7 and L5-S1 discs. In September 2006, his nose's fracture was addressed via surgery that included open reduction and an osteotomy, which involved cutting of his nasal bone. His spinal injuries were addressed via chiropractic manipulation.

Nacaroglu contended that he suffered about six months of residual pain, but he acknowledged that his injuries have resolved. He sought recovery of damages for his past and future pain and suffering.

Defense counsel contended that Nacaroglu's nasal fracture occurred in 1987, when a falling mirror struck Nacaroglu's nose. In his operative notes, Nacaroglu's treating surgeon indicated that Nacaroglu could not determine whether the fracture was caused or merely exacerbated by the instant accident.

RESULT The jury rendered a defense verdict. It found that Weber was not negligent.

INSURER(S) Progressive Casualty Insurance Co.

TRIAL DETAILS Trial Length: 1 day
Trial Deliberations: 2 hours
Jury Vote: 6-0

EDITOR'S NOTE This report is based on information that was provided by defense counsel. Plaintiff's counsel received a pre-publication draft of the report, but he did not contribute.

—Jaclyn Stewart