



the reporter's phone calls.

— *This report was first published in VerdictSearch Pennsylvania, a publication of IncisiveMedia.*

Jury Gives Passenger Six-Figure Verdict for Collision Injuries

Beach v. Diaz

\$310,000 Verdict

Date of Award:

June 12, 2009.

Court and Case No.:

C.P. Pike 76 CV 2005.

Judge:

Gregory Chelak.

Type of Action:

Motor vehicle crash.

Injuries:

Torn meniscus, herniated disc.

Plaintiff's Attorneys:

Danielle M. Mulcahey, Wright & Reihner, Scranton, Pa.

Expert Witness:

Kenneth Gentilezza, medical, Scranton, Pa.

Defense Counsel:

Kevin Hayes, Scanlon, Howley & Doherty, Scranton, Pa., for Schaefers; Kevin Harchar, Byrne Neyhart & Higgins, Scranton, Pa., for Diaz.

Comment:

After a two-day trial, jurors returned a \$310,000 verdict June 12 in favor of plaintiff Aurora Beach who was 17 when she was injured in an auto accident involving drivers Delby Diaz and Christine Schaefers.

The crash occurred Feb. 14, 2003, while defendant Diaz, 21, was operating his motor vehicle on Route 6 in Westfall Township, Pike County. His girlfriend at the time of the accident, Beach, was sitting in the passenger seat of the car.

According to a statement from plaintiff's counsel, defendant Schaefers, 58, was driving ahead of Diaz and "came to an abrupt stop in the travel lane which had a green light, while attempting to make a left hand turn onto Interstate 84."

Plaintiff's counsel also stated that dur-

ing trial it was undisputed that "the left hand turning lane had a red light while the remaining straight lanes of traveled in which Schaefers' vehicle was stopped had a green light."

Plaintiff's attorney Danielle Mulcahey said Schaefers admitted she was in the wrong lane, but during trial said she did not realize she was in the wrong lane because the median next to the left turn lane was covered in snow.

Plaintiff counsel stated defendant Diaz rear-ended defendant Schaefers car and, as a result, plaintiff suffered "right knee, lower back, right shoulder and neck injuries."

In addition to the knee injuries, plaintiff's counsel said Beach suffered a "herniated disc in her lower back." Beach, 23 at the time of the trial, "had a life expectancy of 64.9 years."

During trial, Kenneth Gentilezza testified Beach had two surgeries on her knee two months apart and said she was continuing to have ligament problems. Gentilezza testified, despite the surgeries, Beach was still at risk for knee replacement.

He also spoke of the damage to Beach's lumbar spine. According to Mulcahey, although surgery was mentioned, Beach decided against it for various reasons.

Mulcahey said knew knee surgery was more important and she began suffering panic attacks in anticipation of the risks associated with the lumbar spine surgery.

According to a statement from Mulcahey, the jury found Schaefers 80 percent negligent "for stopping in the wrong lane of travel" and ordered her to pay \$248,000; the jury found Diaz 20 percent negligent for rear-ending the Schaefers vehicle" and ordered him to pay \$62,000.

Mulcahey said plaintiff made no claims for lost wages; however, she did file a motion for delay damages

Schaefers filed post trial motion, which was later denied.

Defense counsel for Diaz said he could not comment. Counsel for Schaefers could not be reached.

— *Stephanie Zielinski, of the Law Weekly*

Firms Shock Case Settles for \$9 Million

Workers' Comp Lien Waives

ore faulted as jury awards \$11.3 million in shooting

Accident Case

jured PECO Worker Awarded \$4.5 Mln.

