

## PENNSYLVANIA

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### FEATURED VERDICT

#### Motor Vehicle

Motorcyclist's death  
blamed on trucker  
with drug history

**\$1,500,000**

*Estate of Burke v. Hatterer*

U.S. District Court, Eastern  
District of Pennsylvania,  
Philadelphia, Pa.

**Plaintiff Counsel** Michael J. Pisanchny Jr.; The  
Pisanchny Law Firm; Scranton, Pa.

**Defense Counsel** James DeCinti and John T.  
Pion; Pion, Nerone, Girman, Winslow & Smith, PC;  
Pittsburgh, Pa. (John Hatterer, Lily Transportation  
Corp.)

Full report on page 19

### CASES of NOTE

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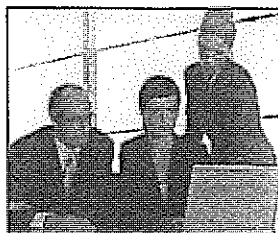
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Noonan on claims of excessive force and violations of his constitutional rights. Gracey's counsel faulted the officers for using unnecessary and excessive force when they could have easily used less violent and more effective techniques, like using a stun-gun or pepper spray. Gracey's counsel further faulted Noonan, as police commissioner, for permitting a culture of brutality to exist.

Counsel for the police maintained that the force used against Gracey was appropriate and accorded with police procedures and protocol.

**INJURIES/DAMAGES** *abdomen; back; contusion; face, bruise; fracture, orbit; head; kidney; rib, pain; shoulder; soft tissue; unconsciousness*

Gracey claimed that he was rendered unconscious. He was taken by ambulance to a hospital, where he was stabilized. Gracey was then transferred to a hospital with a trauma unit, where it was determined that he suffered multiple fractures in his left orbital bone.

On May 23, Gracey underwent surgery to his left eye. He sought damages for past and future pain and suffering.

**RESULT** The parties settled for \$300,000, during discovery.

**EDITOR'S NOTE** This report is based on information that was provided by plaintiff's counsel and on court documents. Defense counsel declined to contribute.

-Aaron Jenkins

**LANCASTER COUNTY**

**MOTOR VEHICLE**

Rear-ender — Multiple Vehicle

**Rear-ender aggravated lumbar disc injuries, claimed plaintiff**

**VERDICT** \$320,000

**CASE** [REDACTED] v. Joan Saunders  
No. CI-14-03616

**COURT** Lancaster County Court of Common Pleas

**JUDGE** Jeffrey D. Wright

**DATE** 3/31/2016

**PLAINTIFF**

**ATTORNEY(S)** Michael P. McDonald, McDonald at Law, Lancaster, PA

**DEFENSE**

**ATTORNEY(S)** John P. Stengel, Eager, Stengel, Quinn & Sofilka, Lancaster, PA

**FACTS & ALLEGATIONS** On May 3, 2012, plaintiff [REDACTED] 31, a realtor, was driving on Columbia

Avenue in Lancaster when he was rear-ended. He claimed he injured his lower back.

[REDACTED] sued the driver, Joan Saunders, alleging she was negligent in the operation of a vehicle.

Saunders conceded negligence.

The trial proceeded on the issues of causation and the extent of [REDACTED] claimed injuries.

**INJURIES/DAMAGES** *aggravation of pre-existing condition; herniated disc at L5-S1; laminectomy, lumbar; radiculopathy*

[REDACTED] presented to a medical clinic later on the day of accident with complaints of lower back pain, which radiated down his left leg. He followed up with his family doctor and was ultimately diagnosed with an intervertebral lumbar disc herniation at L5-S1. He underwent a laminectomy at L5-S1. He claimed that he had limitations performing activities of daily living.

[REDACTED]'s treating neurosurgeon opined that the accident aggravated a pre-existing L5-S1 herniation and related radiculopathy. Prior to the accident, [REDACTED] had only experienced limited, isolated instances of radicular-type symptoms, but afterward, he had claimed constant radiculopathy, until the time of the lumbar surgery. The expert also said that [REDACTED] would need lumbar fusion at L5-S1 sometime in the future.

[REDACTED] sought to recover damages for future medical expenses and for past and future pain and suffering.

The defense counsel's expert orthopedist opined that [REDACTED] had a good result from surgery with no restrictions and that there was no need for a future fusion.

**RESULT** The jury determined that [REDACTED] damages totaled \$320,000.

**ALEXANDER REEDY** \$120,000 future medical cost  
~~\$200,000 past and present pain and suffering~~  
\$320,000

**INSURER(S)** State Farm Insurance Cos. (\$250,000 primary; \$1 million excess for Joan Saunders)

**TRIAL DETAILS** Trial Length: 2 days

**PLAINTIFF EXPERT(S)** Keith R. Kuhlengel, M.D., neurosurgery, Lancaster, PA (treating doctor)

**DEFENSE EXPERT(S)** Michael L. Fernandez, M.D., orthopedic surgery, Camp Hill, PA

**EDITOR'S NOTE** This report is based on information that was provided by plaintiff's and defense counsel.

-Gary Raynaldo