

# Verdicts & Settlements

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## MOTOR VEHICLE

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### Man Hit by Car Sustained Fractures, Torn Urethra

**Settlement: \$1,750,000**

*Jeronimo Ardon Perez v. State of New York, No. 121793*

**Court/Judge:** Rochester Court of Claims/Debra Martin

**Plaintiffs' Attorney:** Eliot Schuman, DelBello Donnellan Weingarten Wise & Wiederkehr

**Defense Attorneys:** Dian Kerr McCullough, New York Attorney General's Office, White Plains

**Facts & Allegations:** On Jan. 19, 2012, day laborer Jeronimo Ardon Perez, 50, was struck by a police vehicle on North Bedford Road, near Brookside Avenue in the village of Mount Kisco.

He sued the vehicle's owner, the state of New York, alleging negligence and vicarious liability.

Perez's counsel said his client was struck in an unmarked crosswalk. He also said the vehicle's

driver acknowledged that, at the time of the accident, he was talking on a hands-free telephone.

Defense counsel argued that Perez failed to exercise due caution in dark conditions.

**Injuries/Damages:** Perez sustained a severing tear of his urethra; fractures of his sacrum, pelvis, left hip, left leg, left wrist, and left thumb; dislocated knees; torn ligaments and a hernia.

He had surgery to repair of his urethra and his fractured bones. He was hospitalized for 41 days and had another 41 days of inpatient rehabilitation.

On Sept. 25, 2012, his hernia ruptured. During his hospitalization, he developed narrowing of his urethra, which led to sepsis. He received sporadic physical therapy and required repeated catheterizations. His treatment concluded in July 2013.

Perez said his repeated catheterizations caused extreme penile pain and discomfort. He also said he suffers permanent incontinence and a complete loss of his sexual functionality. He also said he suffers ongoing instability of his pelvis, diminished use of his left wrist and his knees, and cannot resume any type of work. He also said he remains susceptible to urethral stricture that would require more surgery.

He sought recovery of damages for past and future pain and suffering.

Defense counsel contended that Perez's incontinence is not related to the accident.

**Result:** The parties negotiated a pretrial settlement within days of the scheduled start of trial. The state agreed to pay \$1.75 million.

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