

## Published Decisions

### **Joel Gillespie v. Ronald Goetz**

MOTOR VEHICLE - REAR-ENDER - MOTOR VEHICLE - MULTIPLE IMPACT - MOTOR VEHICLE - MULTIPLE VEHICLE | Supreme Court, Eleventh Judicial District, Queens County, New York. March 11, 2009 No. 8778/06 | 2009 WL 1677144

RESULT: Verdict-Plaintiff Award Total: \$30,000 The jury found that Goetz was liable for the accident. It determined that Gillespie's damages totaled \$30,000.

...determined that Gillespie's damages totaled \$30,000. EXPERT WITNESSES: ATTORNEYS: Plaintiff: Andrew P. Wiese ; Sacco & Fillas; Whitestone, NY (Joel Gillespie) Defendant: James J. Shortt...

### **Raul Mejia v. C.C. McCuffrey, T & L Drills & Equipment Inc.**

MOTOR VEHICLE - STOP SIGN - MOTOR VEHICLE - BROADSIDE - MOTOR VEHICLE - INTERSECTION - MOTOR VEHICLE - MULTIPLE VEHICLE | Civil Court, City of New York, Queens County, New York. | October 06, 2009 | No. 301870-QTS-2005 | 2009 WL 6303072



RESULT: Verdict-Plaintiff Award Total: \$200,000 The jury found that the defendants were liable for the accident. It determined that Mejia's damages totaled \$200,000, all for his past pain...

...NY Ken Seslowe , M.D.; Orthopedic Surgery; Elmhurst, NY ATTORNEYS: Plaintiff: Andrew P. Wiese ; Sacco & Fillas; Whitestone, NY (Raul Mejia) Defendant: Patricia K. Rech...

### **Joshua Chacon, Orlando Harris and Ricky Stuart v. Serge Mbaye, KR Express Cab Corporation and Jesus ManuelGuivas**

MOTOR VEHICLE - PASSENGER - MOTOR VEHICLE - WEATHER CONDITIONS | Supreme Court, Twelfth Judicial District, Bronx County, New York. | February 11, 2010 | No. 15262/2006 | 2010 WL 2695572



RESULT: Verdict-Plaintiff Award Total: \$307,000 A jury found the defendants 100 percent liable for the accident and awarded Joshua Chacon \$187,500, Orlando Harris \$80,000 and Richy Stuart...

...J. Fijan , Ph.D.; Injury Biomechanics; West Chester, PA ATTORNEYS: Plaintiff: Andrew P. Wiese ; Sacco & Fillas; Whitestone, NY ( Joshua Chacon Orlando Harris , Richy Stuart...

### **Dionisios Manolatos, an Infant by Her m/n/g, Victoria Manolatos, and Victoria Manolatos, Individually v. HersheyEntertainment and Resorts Inc. a/k/a HERCO d/b/a Hershey Park**

PREMISES LIABILITY - NEGLIGENT REPAIR AND/OR MAINTENANCE - PREMISES LIABILITY - DANGEROUS CONDITION - PREMISES LIABILITY - TRIP AND FALL - PREMISES LIABILITY - AMUSEMENT PARK/PLACE OF ENTERTAINMENT | Supreme Court, Eleventh Judicial District, Queens County, New York | October 25, 2006 | No. 27078/04 | 2006 WL 3259151

RESULT: Verdict-Plaintiff The jury found that the defendant was liable for Dionisios' injury, but Dionisios was assigned 30% comparative negligence. The jury determined that Dionisios'...

...Village, NY Len McCuen , P.E.; Engineering; Oreland, PA ATTORNEYS: Plaintiff: Andrew P. Wiese ; Sacco & Fillas; Whitestone, NY ( Dionisios Manolatos , Victoria Manolatos) Defendant: Joseph...

### **Jason Torres and Sabrina DiBernardo v. Khalid Iqbal**

MOTOR VEHICLE - MOTORCYCLE - MOTOR VEHICLE - LANE CHANGE - MOTOR VEHICLE - SIDESWIPE  
| Supreme Court, Eleventh Judicial District, Queens County, New York. | June 23, 2009 | No. 20074/07 | 2009 WL 3134889

RESULT: Settlement The jury found that Iqbal was liable for the accident. Prior to the scheduled start of the trial's damages phase, the parties negotiated a \$100,000 settlement.

...the parties negotiated a \$100,000 settlement. EXPERT WITNESSES: ATTORNEYS: Plaintiff: Andrew P. Wiese ; Sacco & Fillas; Whitestone, NY ( Jason Torres , Sabrina DiBernardo) Defendant: Frank...

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### **Fekry v. New York City Transit Authority**

Supreme Court, Appellate Division, Second Department, New York. | July 27, 2010 | 75 A.D.3d 616 | 906 N.Y.S.2d 297 | 2009-08226, 20259/05

LITIGATION - Summation. Supreme court correcting any prejudice caused by improper comments by plaintiff's counsel during summation.

...for appellants. Sacco & Fillas, LLP, Whitestone, N.Y. ( Luigi Brandimarte and Elias N. Fillas of counsel), for respondent. PETER B. SKELOS , J.P., DANIEL D...

### **Maragos v. Getty Petroleum Corp.**

Supreme Court, Appellate Division, Second Department, New York. | March 24, 2003 | 303 A.D.2d 652 | 757 N.Y.S.2d 316 | 2002-04518, 2002-08038, 14509/91

LITIGATION - Motion Practice. Plaintiffs were entitled to leave to renew their motion to restore action to trial calendar.

...of prejudice to the defendants. Tonino Sacco, P.C. , Whitestone, N.Y. ( Elias N. Fillas of counsel), for appellants. Robert G. Del Gadio , East Meadow...

### **Seo v. Kamedulski**

Vehicle Negligence • Motor Vehicle v. Motor Vehicle | Supreme Court, Eleventh Judicial District, Queens County, New York. | October 13, 2004 | Docket/File Number: 16809/2001 | 2004 WL 6031162

Jury Awards \$250K for Queens MVA

...Date: Oct. 13, 2004 Judge: Peter J. O'Donoghue Attorneys: Plaintiff: Tonino Sacco , Whitestone, N.Y. Defendant: Shapiro, Beilly, Rosenberg, New York, N.Y. Trial...

### **Yahya v. Schwartz**

Supreme Court, Appellate Division, Second Department, New York. | June 15, 1998 | 251 A.D.2d 498 | 674 N.Y.S.2d 430 | 97-06117, 98-00603

TRANSPORTATION - Motor Vehicles. Genuine issues of material fact precluded summary judgment as to whether plaintiffs suffered "serious injury" under the No-Fault Act.

...d) Finamore & Sacco, L.L.P. , Great Neck ( Richard J. Finamore and Tonino Sacco, of counsel), for appellants. Rivkin, Radler & Kremer , Uniondale ( Evan H...

### **Karadhimas v. Allstate Ins. Co.**

Supreme Court, Appellate Division, Second Department, New York. | July 19, 2004 | 9 A.D.3d 429 | 781 N.Y.S.2d 41 | 2003-05586, 6044/03

INSURANCE - Arbitration and Appraisal. Arbitrator exceeded his powers when he considered contractual coverage defense waived by insurer.

...upon the mere possibility that the arbitrator exceeded his authority. Tonino Sacco, P.C. , Whitestone, N.Y. ( Luigi Brandimarte of counsel), for appellant. Robert...

### **Rose v. Hartford Ins. Co.**

Supreme Court, Appellate Division, Second Department, New York. | July 12, 2004 | 9 A.D.3d 402 | 779 N.Y.S.2d 368 | 2004-00538, 616/03

In an action, inter alia, for a judgment declaring that the defendant Hartford Insurance Company is obliged to defend and indemnify the defendants Nandanine W. Seedo and Ramesh R. Toulisram...

...P. Calabria and Robert B. Churbuck of counsel), for appellant. Tonino Sacco, P.C. , Whitestone, N.Y. ( Luigi Brandimarte of counsel), for plaintiffs—respondents...

### **Affleck v. County of Nassau**

Supreme Court, Appellate Division, Second Department, New York. | June 16, 1997 | 240 A.D.2d 569 | 660 N.Y.S.2d 131 | 96-05627

ESTATE PLANNING AND PROBATE - Claims. Administrator would be allowed to serve late notice of claim against county.

...for Appellant (one brief filed). Richard J. Finamore , Great Neck (Tonino Sacco, of counsel), for Respondent. Before O'BRIEN , J.P., and THOMPSON PIZZUTO...

### **Singer Asset Finance Co., LLC v. Melvin**

Supreme Court, Appellate Division, First Department, New York. | October 05, 2006 | 33 A.D.3d 355 | 822 N.Y.S.2d 68 | 8738, 8739, 123044/02

COMMERCIAL LAW - Contracts. Agreement for sale of right to future payments pursuant to structured settlement agreement was valid and enforceable.

...of valid and enforceable written contract. Sacco & Fillas, LLP , Whitestone (Tonino Sacco of counsel), for appellant. MARLOW , J.P., WILLIAMS GONZALEZ SWEENEY , JJ...

### **Sforza v. Big Guy Leasing Corp.**

Supreme Court, Appellate Division, Second Department, New York. | May 06, 2008 | 51 A.D.3d 659 | 858 N.Y.S.2d 233 | 2007-11447, 34428/05

TRANSPORTATION - Motor Vehicles. Fact issues remained as to whether restrictions of range of motion of plaintiff's spine were caused by accident.

...Sacco & Fillas, LLP, Whitestone, N.Y. (Andrew Wiese of counsel), for respondent....

### **Davranov v. 470 Realty Associates, LLC**

Supreme Court, Appellate Division, Second Department, New York. | December 07, 2010 | 79 A.D.3d 697 | 911 N.Y.S.2d 912 | 2009-08389, 31373/07

In an action to recover damages for personal injuries, the plaintiff appeals from an order of the Supreme Court, Kings County (Knipel, J.), dated July 15, 2009, which granted the...

...Sacco & Fillas, LLP, Whitestone, N.Y. (Lamont K. Rogers of counsel), for appellant...

### **Karnikolas v. Wengert**

Supreme Court, Appellate Division, Second Department, New York. | February 15, 2011 | 81 A.D.3d 782 | 916 N.Y.S.2d 836 | 11624/08, 2010-04034

In an action to recover damages for personal injuries, the defendant appeals from an order of the Supreme Court, Queens County (McDonald, J.), entered March 3, 2010, which denied her motion...

...Sacco & Fillas, LLP, Whitestone, N.Y. (Larry I. Badash of counsel), for respondent...

### **Salomon v. Prainito**

Supreme Court, Appellate Division, Second Department, New York. | June 24, 2008 | 52 A.D.3d 803 | 861 N.Y.S.2d 718 | 2007-05746, 15434/05

REAL PROPERTY - Landlord and Tenant. Whether cylindrical pipe was inherently dangerous when lying in walkway was triable fact issue in tenant's tort action.

...Sacco & Fillas, LLP, Whitestone, N.Y. (Lamont K. Rodgers of counsel), for appellants...

### **Quizhpe v. Luvin Const.**

Supreme Court, Appellate Division, Second Department, New York. | February 16, 2010 | 70 A.D.3d 912 | 895 N.Y.S.2d 490 | 2009-01539, 21761/06



TRANSPORTATION - Motor Vehicles. Trial court committed reversible error in granting relief based upon arguments not raised in motion for summary judgment.

...Sacco & Fillas, LLP, Whitestone, N.Y. (Andrew Wiese of counsel), for appellant...

### **Jan Chrostowski v. City of New York**

NEGLIGENCE - NEGLIGENT MAINTENANCE - DANGEROUS CONDITION OF PUBLIC PROPERTY - PREMISES LIABILITY - TRIP AND FALL - PREMISES LIABILITY - SIDEWALK - GOVERNMENT - MUNICIPALITIES  
| Supreme Court, Second Judicial District, Kings County, New York. | July 03, 2008 | No. 35876/97 | 2008 WL 3853228

RESULT: Verdict-Plaintiff The jury found that the city was liable for Chrostowski's fall. It determined that Chrostowski's damages totaled \$330,000.

...J. Zimmerman, M.D.; Orthopedic Surgery; Long Beach, NY ATTORNEYS: Plaintiff: Larry I. Badash; Napoli, Bern & Ripka, LLP; New York, NY (Jan Chrostowski) Defendant...

### **Blagrove v. Metropolitan Transp. Authority**

Supreme Court, Appellate Division, Second Department, New York. | November 15, 2011 | 89 A.D.3d 880 | 933 N.Y.S.2d 84 | 2010-09059, 19880/08

TORTS - Premises Liability. Transit authority was properly denied summary judgment in trip and fall case.

...Seeman of counsel), for appellants. Sacco & Fillas, LLP, Whitestone, N.Y. ( Lamont K. Rodgers of counsel), for respondent. MARK C. DILLON , J.P., RUTH C...

### **Quick v. G.G.'s Pizza & Pasta, Inc.**

Supreme Court, Appellate Division, Second Department, New York. | July 08, 2008 | 53 A.D.3d 535 | 861 N.Y.S.2d 762 | 15856/04, 2007-03785

TORTS - Premises Liability. Strip mall tenant owed no duty to bicyclist who was allegedly injured in mall parking lot.

...have constructive knowledge of defect. Sacco & Fillas, LLP, Whitestone, N.Y. ( Lamont K. Rodgers of counsel), for appellant. Loccisano & Larkin, Hauppauge, N.Y. ( Erica L...

### **Resciniti v. Fairfax Partners**

Supreme Court, Appellate Division, First Department, New York. | October 21, 2003 | 309 A.D.2d 627 | 765 N.Y.S.2d 622 | 1915N

LITIGATION - Venue. Motion to transfer venue was timely.

...that venue had not been properly placed in transferor county. Luigi Brandimarte , for Plaintiffs–Appellants. David I. Grauer and Thomas G. Connolly...

### **Crespo v. Elrac, Inc.**

Supreme Court, Appellate Division, Second Department, New York. | May 22, 2007 | 40 A.D.3d 907 | 837 N.Y.S.2d 182 | 2006-01813, 2006-06719, 46438/02

TRANSPORTATION - Motor Vehicles. Summary judgment motion in personal injury action was untimely.

...motion. McKinney's CPLR 3212 (a). Sacco & Fillas, LLP, Whitestone, N.Y. ( Luigi Brandimarte of counsel), for appellant. Carmen, Callahan & Ingham, LLP, Farmingdale, N.Y...

### **Sonia M Marroquin v. Ramon A. Ruiz, 77 Deerhurst Corp., d/b/a Servico Industries, and Joseph M. Sclafani Jr.**

MOTOR VEHICLE - REAR-ENDER - MOTOR VEHICLE - MULTIPLE IMPACT - MOTOR VEHICLE - MULTIPLE VEHICLE | Civil Court, City of New York, Queens County, New York. September 12, 2008 No. 301330-QTS-07 | 2008 WL 5119870



RESULT: Verdict-Plaintiff The jury found that the accident caused Marroquin's injuries. It determined that Marroquin's damages totaled \$150,000.

### **William P. Carder v. Joseph P. Lucke and Jennifer C. Lucke**

MOTOR VEHICLE - INTERSECTION | Supreme Court, Tenth Judicial District, Nassau County, New York | October 24, 2007 | No. 7405/05 | 2007 WL 4247087

RESULT: Verdict-Plaintiff The jury found Jennifer Lucke negligent and awarded William Carder \$100,000, the full insurance policy amount.

...insurance policy amount. EXPERT WITNESSES: ATTORNEYS: Plaintiff: Bret L. Myerson ; Sacco & Fillas, LLP; Whitestone, NY (William P. Carder) Defendant: Eileen S. Lobelson Robert...

### **Morales v. Checkout Stores Inc.**

Premises Liability • Slip/Trip & Fall | Supreme Court, Second Judicial District, Kings County, New York. | March 22, 2011 | Docket/File Number: 853/2009 | 2011 WL 4379767

\$20K Settlement for Minor's Trip, Fall at Retail Store

...March 22, 2011 Judge: Laura Lee Jacobson Attorneys: Plaintiff: Tonino Sacco and Joseph Randazzo , Sacco & Fillas, Whitestone, N.Y. Defendant: Cohen, Kuhn & Associates, New York, N.Y. Trial...