

New York – Western



Andrew Kowalewski

NO-CAUSE IN A MOTOR VEHICLE ACCIDENT

Andrew Kowalewski obtained a defense verdict in a motor vehicle accident where plaintiff and the defendant driver each claimed that they had the green light at an intersection. Both plaintiff and defendant driver failed to see each other as they approached the intersection. Mr. Kowalewski presented evidence that plaintiff never saw the light as being red before the accident and that her green light would have been near the end of the light cycle when she saw it, which was consistent with defendant driver's testimony that defendant's light changed from red to green as she approached the intersection. Mr. Kowalewski also presented evidence that plaintiff could have been distracted as she approached the intersection by an electric sign next to the road indicating that the road would be closed, which plaintiff knew was for the filming of a Teenage Mutant Ninja Turtles movie.

Trial proof lasted two days and consisted of plaintiff's testimony, the defendant driver's testimony, and the testimony of a non-party pedestrian witness who saw that defendant driver had a green light when he observed the light after the sound of the collision. After trial proof, the jury deliberated for less than one hour and found that the defendant was not negligent in the happening of the accident.

