

# OHIO DEFENSE VERDICT UNDERINSURED MOTORIST



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Attorney Craig Pelini and Attorney Gianna Calzola obtained a defense verdict in a complicated motor vehicle accident for which our firm defended the insurance company regarding the underinsured motorist claim. The trial took place in Mahoning County. The case was unique because the accident had occurred on September 2, 2017, and originally Plaintiff had only filed the claim against the other driver/tortfeasor. Plaintiff missed the statute of limitation by a few weeks and the tortfeasor was dismissed from the case on summary judgment. Prior to that dismissal, Plaintiff's counsel amended the Complaint and added in the insurance company for underinsured motorist coverage. Ultimately the tortfeasor was dismissed from the case and the trial proceeded against only the insurance company.

In addition to the prejudicial effect of not having the actual driver present at trial, there were a number of unrelated medical claims being made by the Plaintiff. Had these unrelated claims been allowed to remain in the case, Plaintiff's medical bills would have been approximately \$80,000. Ultimately, we were able to depose

Plaintiff's expert and prove to the Court that the unrelated injury had not been established by Plaintiff and therefore was prohibited from being presented at trial, which substantially lessened Plaintiff's injury claim.

The case proceeded over three days with Plaintiff's counsel continually pointing the blame at a John Doe driver and repeatedly going after the insurance company for not taking care of their insured along with the fact that the actual tortfeasor/other driver had been dismissed from the case. Despite the complexity of the case, Attorney Pelini and Attorney Calzola were able to explain the case to the jury and present the relevant facts in the case, which ultimately led it to a complete defense verdict. Plaintiff had requested \$30,000 in compensatory damages and \$15,000 for pain and suffering. Ultimately, the jury found that there was no finding of fault on the alleged John Doe driver and therefore there was no contribution from the insurance company for the Plaintiff's alleged injuries.