

NEW YORK WEST ATTORNEY JAMES J. NASH OBTAINS 30-MINUTE DEFENSE VERDICT



James Nash, a founding partner of the law firm of Nash Connors, P.C., recently obtained a defense verdict in a trial in Niagara Falls, New York. Jim represented the driver of a vehicle who struck a pedestrian as she was crossing a five-lane street. Plaintiff and her husband claimed that they had parked their car and were in the process of walking across the street to attend the husband's 30th high school reunion. Plaintiff, who said that she had nearly crossed all five lanes before being hit, suffered injuries to both her shoulder and hip. She ultimately had a total hip replacement. Neither party saw each other prior to the impact and both claimed that the other was negligent for failing to see what there was to be seen.

The defense questioned how the accident happened and, in particular, suggested that plaintiff may have entered the roadway from the right side of defendant's car (i.e., while she was leaving the party), which would explain why the driver did not see her until after impact. To do so, Jim elicited favorable testimony on cross-examination that suggested the couple may have been at the

reunion and were actually in the process of walking back to their vehicle when the accident happened. In addition, the defense also got plaintiff's accident reconstruction expert to admit on cross-examination that he disagreed with some details concerning plaintiff's version of events.

The six-person jury deliberated for less than thirty minutes before returning a unanimous verdict that defendant was not negligent.



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