



Dominic Guerrini of Kline & Specter. Courtesy photo

NEWS

Phila. Jury Awards \$5M to Trucker Injured in Rear-End

The plaintiff claimed the accident left him with cervical spine injuries that continue to cause him pain, but the defendants contested the assertion that the plaintiff's injuries were long-lasting.

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By Aleeza Furman

Litigation Reporter

What You Need to Know

- A Philadelphia jury handed up a \$5 million verdict Monday to a truck driver who claimed he sustained permanent spinal injuries in a collision with another driver.
- The plaintiff claimed the trucking company defendant had negligently hired the driver who caused the crash.
- The parties disputed whether or not the plaintiff's injuries were permanent.

A Philadelphia jury returned a \$5 million verdict Monday to a truck driver who claimed he sustained permanent spinal injuries in a collision with another driver.

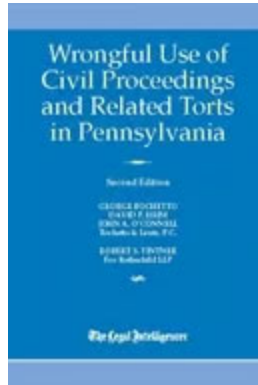
The jury awarded nearly \$1 million in future medical expenses and about \$4 million in noneconomic damages to the plaintiff, despite assertions from the defense that the plaintiffs' injuries had not actually been permanent.

"The defendants didn't seem to appreciate our client's injuries," said Kline & Specter partner Dominic Guerrini, who represented the plaintiff

alongside Kline & Specter's Philip Pasquarello and Beckman & Marion's Bradley Beckman.

Guerrini said a significant point of dispute during the five-day trial was the severity of plaintiff Robert Czarneski's long-term harm from the collision.

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Czarneski had claimed that a commercial truck driver working for defendant DAS Universal Inc. rear-ended him while Czarneski was driving a tractor-trailer.

The plaintiff alleged that DAS Universal had hired the driver without properly looking into the driver's qualifications and work history, and that the driver had caused another truck collision less than a year before he began working for DAS Universal.

Czarneski claimed the accident left him with cervical spine injuries that continue to cause him pain and will likely create further issues for him as he ages.

But DAS Universal and the driver, represented at trial by Margolis Edelstein associate Stephen Bruderle, contested the assertion that the plaintiff's injuries continued to affect him.

According to DAS Universal's pretrial memo, the defense's pain management expert opined that "the plaintiff has not sustained any permanent injury as a result of this accident and has returned to his underlying baseline." The defense asserted that the accident could not have caused the kind of injuries the plaintiff alleged.

Guerrini said that the plaintiffs countered the defense's claims with testimony from Czarneski's treating physician about the kinds of injections the plaintiff underwent and would continue to undergo for his injuries. Guerrini contended that the doctor's explanations demonstrated that the plaintiff would not agree to such unpleasant procedures if he did not truly require treatment.

Guerrini said that, to drive the point home, the plaintiffs team showed the jury the needles used in Czarneski's treatment. "When the jury saw the needles he was getting, when we brought them into court, that was a 'picture's worth a thousand words' type of moment," Guerrini said.

The jury ultimately determined that both DAS Universal and the driver had been negligent, finding DAS Universal was 75% liable and the driver was 25% liable.

Prior to the trial, the defendants had turned down the plaintiffs demand for the defendant's \$1 million policy limit. Now, Guerrini said, the plaintiffs will likely pursue a bad faith claim.

Bruderle did not respond to requests for comment.

The case, captioned *Czarneski v. DAS Universal*, was tried before Judge Damaris Garcia in Philadelphia Court of Common Pleas.

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