



Brian J. Donnelly and Melissa Manna Obtain Outstanding Verdict Holding Plaintiff 90% at Fault in Suffolk County

September 28, 2021

Partner Brian J. Donnelly and second chair partner Melissa Manna had an amazing verdict for our client Speedway after trial before Judge Carmen Victoria St. George in the Supreme Court, Suffolk County. The plaintiff claimed he tripped and fell over a wheel stop as he attempted to enter the client's store for a second time that day. Plaintiff sustained a fractured hip and underwent two subsequent surgeries each involving open reduction with internal fixation. A third surgery, a total hip replacement, was recommended by plaintiff's orthopedic surgeon but had not been performed as of the date of the verdict. Plaintiff had a permanent leg length discrepancy as a result of the injury.

The jury returned a verdict finding the plaintiff 90 percent at fault for the happening of the accident and found our client Speedway 10 percent responsible. The plaintiff's activities inside and outside the store were captured on the store's video surveillance system. We retained an imaging sciences expert to conduct a frame by frame analysis of the video which was shown to the jury by our trial technician. We also retained a civil engineer who testified that the wheel stop in question met all of the relevant safety requirements. The jury returned this remarkable verdict in less than one hour. Plaintiff had demanded \$1,200,000 to settle prior to trial.

About Cullen and Dykman's General, Tort and Insurance Litigation Department

Our litigation attorneys represent individuals and corporations in general liability, tort and insurance defense matters ranging from personal injury and insurance coverage disputes to large-scale commercial litigation. Clients frequently engage our litigators to act as trial counsel in high-exposure cases, and we have extensive experience in appellate litigation involving liability and insurance matters.

About Cullen and Dykman

Cullen and Dykman (www.cullenllp.com) has been providing legal services to institutional clients since 1850. The firm represents a wide range of clients, including banks and other financial institutions, energy, telecommunications and water companies, construction companies, insurers, educational institutions, religious organizations, and not-for-profits. With over 190 attorneys in seven offices located throughout the Northeast and MidAtlantic regions, Cullen and Dykman is strategically positioned to meet the changing needs and demands of our clients.

Practices

- General Liability, Tort and Insurance Defense

Attorneys

- Brian J. Donnelly
- Melissa Manna