

The defendant denied the allegations. Hacker claimed that a car ahead of him, operated by Mary Kraft, braked upon the light turning yellow, and that he realized, given his speed and the rainy condition of the road, that he wouldn't be able to stop in time to avoid hitting Kraft's car. Thus, Hacker claimed that he took evasive action and passed the vehicle in the left lane as the traffic signal turned red, and in doing so struck Aponte. Also, defense counsel contended that Hacker had the right of way and Aponte should have stopped for the truck.

Counsel for Aponte produced depositions given by police investigators and Mary Kraft that said Hacker was at fault for the accident.

INJURIES/DAMAGES *fracture, C-6; fracture, femur; fracture, pelvis; internal bleeding; kidney*

Aponte had to be extricated from his vehicle following the collision. He was taken to St. Mary's Hospital in Langhorne, where he underwent emergency surgery, and was then airlifted to Thomas Jefferson University Hospital in Philadelphia, where he had additional surgery and stayed for three months.

His injuries included multiple fractures of his C6 vertebra, pelvis and femurs; lower spinal injuries; bowel and stomach reconstructive surgeries; trauma and bruising of the kidneys; and internal bleeding.

Aponte, who walks with a cane and continues to go to rehab, may require more surgeries in the future, plaintiff's counsel argued.

Plaintiff's injuries precluded him from returning to his occupation as a window washer, though Aponte, who has a ninth-grade education, could eventually get a sedentary job.

Aponte's medical bills exceeded \$675,000, and he was seeking about \$5 million for past and future pain and suffering.

RESULT On the eve of trial, the parties settled in mediation with Judge Nelson Diaz for \$2.9 million. The settlement consisted of \$1.9 million of a \$2 million insurance policy and the \$1 million limits of the underinsured motorist policy of LWC, Inc., the company that owned the van Aponte was driving on the way to work.

PLAINTIFF

EXPERT(S)

Kathleen R. Kuntz, life care planning, Doylestown, PA

David R. Pashman, M.D., orthopedic surgery, Philadelphia, PA

Philip Spergel, Ph.D., vocational rehabilitation/counseling, Jenkintown, PA

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DEFENSE

EXPERT(S)

Marc Manzione, M.D., orthopedic surgery, Meadowbrook, PA