



# Trial Win for James A. Resila and Matthew J. Dillon in Defense of Trucking Company

*Case:*

Fang v. an International Trucking and Logistics Company

*Jurisdiction:*

United States District Court, Northern District of New York

*Client:*

Defendant, an International Trucking and Logistics Company

*Attorneys for the Defendant:*

James A. Resila, Esq.

Matthew J. Dillon, Esq.

*Plaintiff's Pre-Trial Demand:*

\$2,000,000

*Result:*

Jury Verdict for the Defendant

*Summary:*

Plaintiff brought this action following a motor vehicle accident involving her automobile and defendant's tractor-trailer on an upstate NY interstate highway. The plaintiff claimed that she sustained traumatic injuries including loss of a fetus and significant psychological injuries of post-traumatic stress disorder and conversion disorder, leading to alleged permanent paralysis of her right leg.

Mr. Dillon moved for summary judgment prior to trial, arguing that the medical evidence demonstrated that the fetus pre-deceased the motor vehicle accident. The Court granted Mr. Dillon's motion on that issue and dismissed the plaintiff's claim for loss of a fetus.

At trial, defendant's driver testified that his tractor-trailer was entirely in the right-hand lane at the time of the collision. His testimony was corroborated by that of a non-party witness who was operating his vehicle behind the defendant's tractor-trailer. The non-party witness testified that he witnessed the plaintiff's vehicle swerve from the left-hand lane and into the defendant's right-hand lane, causing the collision.

During the trial, plaintiff's attorney argued that the defendant driver caused the collision and that it was his vehicle that failed to stay in its lane of travel. Plaintiff's accident reconstruction expert testified that the non-party witness did not have a clear line-of-sight of the vehicles and that the damage to the vehicles supported plaintiff's claim that the defendant's tractor-trailer crossed into her lane of travel. Defendant's accident reconstruction expert testified that none of the physical evidence contradicted the defendant or the non-party witness's testimony.

With respect to the plaintiff's alleged psychological injuries, Mr. Resila presented a Board Certified Psychiatrist who opined that the plaintiff's conversion disorder was a result of the emotional loss of the fetus. As the loss of fetus was previously determined not to be causally related to the accident, the expert concluded that the majority, if not all, of plaintiff's psychiatric symptoms, were not causally related to the subject motor vehicle accident.

Following deliberations, the jury returned a verdict in favor of the defendant.