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NEWS & EVENTS

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Traub Lieberman Attorneys Lisa M. Rolle and Sean E. Kelly Secured a Defense Verdict After Winning a Motion for New Trial

Related Attorneys: Lisa M. Rolle, Sean E. Kelly

In the case of *Anthony Bisceglia v. City of Yonkers, et al.*, Index No. 56104/2020, in the Supreme Court State of New York, Westchester County, Traub Lieberman attorneys Lisa M. Rolle and Sean E. Kelly received a jury verdict finding the City of Yonkers not negligent in a motor vehicle accident, and thus, holding no liability on its part.

The Plaintiff asserted that he sustained physical and economic injuries in a motor vehicle accident when his vehicle collided with a garbage truck owned and operated by the City of Yonkers. The City of Yonkers denied any wrongdoing and asserted the accident was a result of the Plaintiff's own negligence.

The matter was originally handled by the City's Corporation Counsel and went to a bifurcated jury trial in 2025, at which time the jury returned a verdict of liability against the City of Yonkers. However, on the damages portion of the trial, the jury found that the Plaintiff sustained no damages, even though he was scheduled to undergo back surgery. The Plaintiff moved to set aside the jury verdict on damages as against the weight of the evidence. At this stage, the Traub Lieberman team was engaged on the matter.

The Traub Team filed a cross motion, arguing that if the jury verdict on damages was to be set aside, then the jury verdict as to liability must also be set aside in the interests of justice as the Court failed to properly instruct the jury to consider the Plaintiff's comparative negligence. The Court granted both motions and directed a new trial on both liability and damages.

The second trial began in 2026 and, after hearing testimony from the Plaintiff, the operator of the garbage truck, and sworn testimony from the prior proceedings, the jury returned a unanimous defense verdict, finding that the City of Yonkers was not negligent in the operation of its vehicle.

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