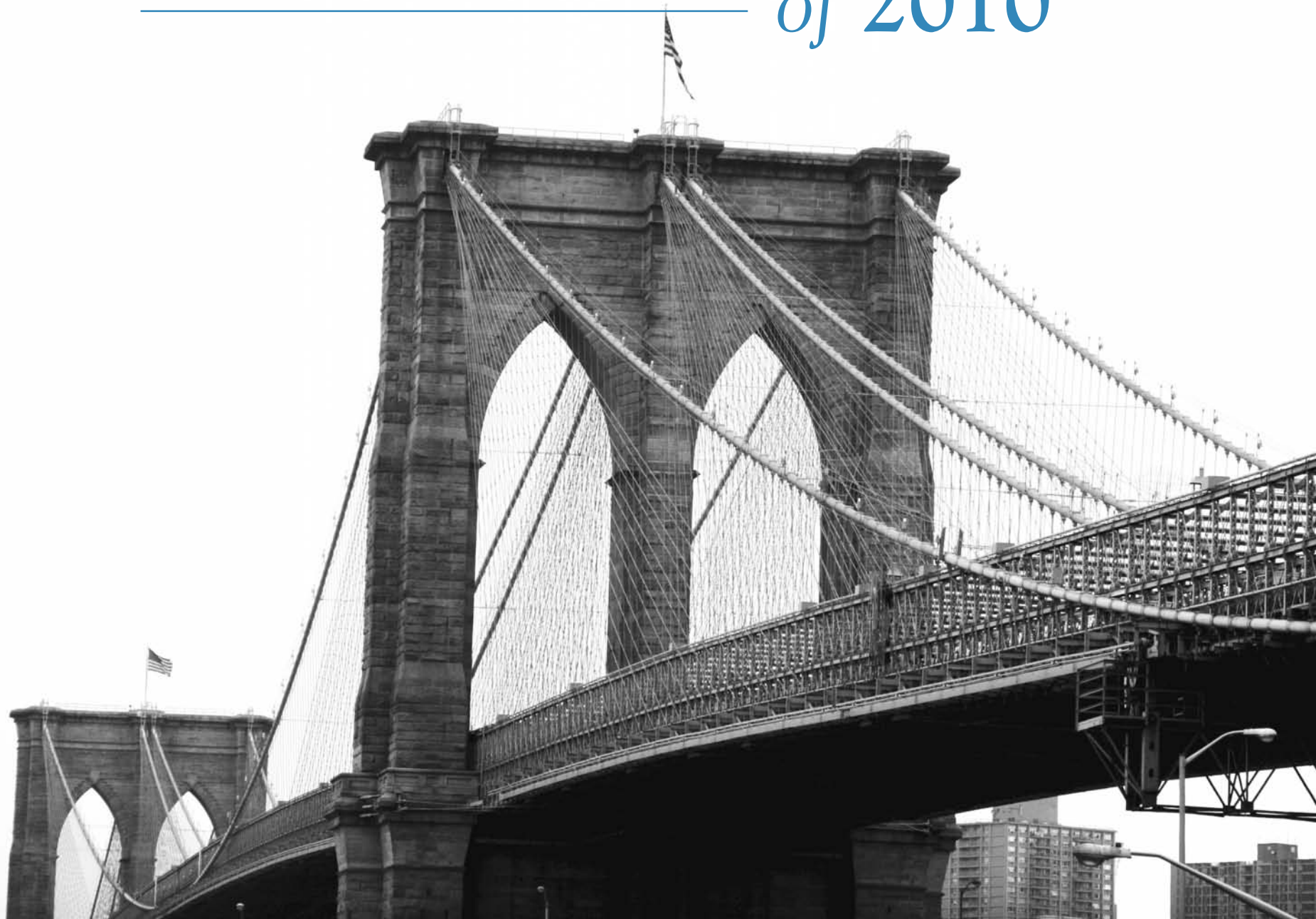


VERDICT SEARCH'S

TOP NY VERDICTS

of 2010



TOP 30 NEW YORK VERDICTS IN 2010

	CASE	DATE	COURT	TYPE OF ACTION	PLAINTIFF'S COUNSEL	AMOUNT
1	Velez v. Novartis Corp.	5/19	U.S. District Court, Southern District	Employment: Gender Discrimination - Drugmaker's female workers claimed disparate treatment	Sharon Eubanks, Katherine M. Kimpel, Katherine Leong, Felicia M. Medina and David W. Sanford, Washington, DC office and Steven L. Wittels, NYC office of Sanford Wittels & Heisler; LLP	\$253,367,250
2	Barnhard v. Cybex International Inc.	12/7	Erie Supreme	Products Liability: Design Defect - Physical therapist's neck crushed by exercise machine	Kevin J. English, Buffalo, NY office and Michael R. Law, Rochester, NY office of Phillips Lytle LLP	\$65,994,304
3	Savillo v. Greenpoint Landing Associates LLC.	12/21	New York Supreme	Construction: Labor Law - Worker's 12-foot fall caused paralyzing injury	Roy R. Jaghab, Mineola, NY of Jaghab, Jaghab & Jaghab, P.C. & David B. Golomb, New York, NY of Law Offices of David B. Golomb	\$50,591,036
4	Falcone v. Verizon New York Inc	5/25	Kings Supreme	Motor Vehicle: Pedestrian - Man struck by car suffers paralysis, brain damage	Thomas A. Moore, New York, NY of Kramer, Dillof, Livingston & Moore	\$40,876,000
5	Saladino v. Stewart & Stevenson Services Inc.	7/26	U.S. District Court, Eastern District	Negligence: Failure to Warn - Worker claimed tractor's dangers weren't disclosed	Jonathan I. Edelstein, New York, NY of Law Office of Jonathan I. Edelstein, New York, NY & Nadia M. Chionchio, Kevin B. McAndrew, and William J. Poisson, Woodbury, NY of McAndrew Conboy & Prisco	\$40,190,417
6	Stand-Up MRI of the Bronx P.C. v. Carecore National LLC	11/30	U.S. District Court, Eastern District	Antitrust - Radiology practices accused benefits managers of antitrust	Axel Bernabe, Axel A. Bernabe, Matthew L. Cantor, and Gary J. Malone, New York, NY of Constantine Cannon LLP	\$35,101,797
7	Gonzalez v. Guillaume	7/23	Bronx Supreme	Medical Malpractice: Surgical Error - Surgeon overlooked damaged colon, patient alleged	Sam Rosmarin, White Plains, NY of counsel to Friedman, Levy, Goldfarb & Green, P.C., New York, NY	\$20,000,000
8	Hartman v. County of Nassau	2/22	U.S. District Court, Eastern District	Government: Excessive Force - Policeman drove over fleeing suspect, suit alleged	Daniel J. Hansen, New York, NY; Harvey Weitz, New York, NY of Weitz & Associates, P.C., New York, NY, trial counsel, Daniel J. Hansen	\$19,604,000
9	Newton v. City of New York	10/19	U.S. District Court, Southern District	Civil Rights - Loss of evidence led to 12-year imprisonment, suit alleged	John F. Schuttly III, New York, NY	\$18,592,000
10	Barros v. New Roc Parcel IA, LLC	1/26	Bronx Supreme	Construction: Labor Law - Carpenter alleged spine, ankle injuries from 15-foot fall	Howard R. Borowick, Bronx, NY of counsel to Law Offices of Jacob Oresky	\$18,334,226
11	Vargas v. City of New York	10/19	Kings Supreme	Civil Rights: Prisoners' Rights - Diabetic prisoner didn't receive insulin, suffered brain damage	Seth A. Harris, New York, NY of Burns & Harris	\$17,500,000
12	Brower v. Schneider	1/22	Queens Supreme	Medical Malpractice: Failure to Consult - Untreated infection damaged boy's brain, parents alleged	Thomas A. Moore, New York, NY of Kramer, Dillof, Livingston & Moore	\$13,300,000
13	Mastando v. One Bryant Park, LLC	7/15	New York Supreme	Construction: Labor Law - Makeshift scaffold's failure had paralyzing result	Gregory S. Gennarelli, Robert Sack, Marvin Salenger, Woodbury, NY of Salenger, Sack, Kimmel & Bavaro, LLP	\$13,000,000
14	Griffin v. Clinton Green South, LLC	4/24	Bronx Supreme	Construction: Labor Law - Laborer hit by falling piece of scaffold, alleged disabling injury	Seth A. Harris and Alison R. Keenan, New York, NY of Burns & Harris	\$12,561,772
15	Doe v. Krinsky	7/16	U.S. District Court, Eastern District	Products Liability: Manufacturing Defect - Infant's penis partially severed by circumcision clamp	John L. Juliano, East Northport, NY of John L. Juliano P.C.; David J. Llewellyn, Atlanta, GA of Johnson & Ward	\$10,777,071
16	Casa de Meadows Inc. v. Zaman	12/15	New York Supreme	Torts: Breach of Fiduciary Duty - Prince claimed his attorneys breached fiduciary duty	Linda C. Goldstein and Philip A. Irwin, New York, NY of Covington & Burling LLP & Jonathan Berman, Washington, DC of Jones & Adams & Geoffrey S. Stewart, Washington, DC of Jones Day	\$10,125,000
17	Plato General Construction Corp. / EMCO Tech Construction Corp. JV, LLC v. Dormitory Authority of the State of New York	5/20	Kings Supreme	Contracts: Breach of Contract - Contractor claimed construction job wasn't properly overseen	Chris Georgoulis, New York, NY of Georgoulis & Associates PLLC	\$10,106,698
18	Pantano v. NYCTA	5/19	Kings Supreme	Motor Vehicle: Question of Lights - Car crash's parties disputed status of lights	William Schwitzer, New York, NY of Dinkes & Schwitzer	\$10,000,000
19	Gibbs v. The City of New York	8/4	Eastern District	Civil Rights - City of New York awards record settlement to man wrongly imprisoned for murder	Nick J. Brustin, New York, NY of Neufeld, Scheck & Brustin, LLP	\$9,900,000
20	Montero v. Sentinel Diversified Industries Inc.	3/15	Queens Supreme	Construction: Labor Law - Worker claimed 25-foot fall led to fusion of spine	William Schwitzer, New York, NY of Dinkes & Schwitzer	\$8,900,000
21	Ortiz v. AWL Industries Inc.	10/27	New York Supreme	Workplace: Labor Law - Shaky ladder blamed for worker's fatal fall	Howard S. Hershenhorn, New York, NY of Gair, Gair, Conason, Steigman & Mackauf	\$8,625,000
22	Feinberg v. Boros	10/29	New York Supreme	Legal Profession: Malpractice - Dispute over sale of business led to legal malpractice claim	Richard Derzaw, New York, NY; Steven G. Storch, New York, NY of Storch Amini & Munves	\$8,588,680
23	Bush v. Merola	5/14	Queens Supreme	Products Liability: Design Defect - Surgery's fatal outcome blamed on defective instrument	Gary J. Douglas and Nicholas E. Warywoda, New York, NY of Douglas & London, P.C.	\$8,500,000
24	Meade v. OTA Hotel Owner, LP	11/5	New York Supreme	Worker/Workplace Negligence - Hotel's guest fell down shaft trying to exit disabled elevator	Nicolas Bagley and Jeff S. Korek, New York, NY of Gersowitz, Libo & Korek, P.C.	\$8,500,000
25	Rivera v. CSPN Paliuras Contracting	4/23	Queens Supreme	Construction: Accidents - Undocumented immigrant roofer paralyzed in fall	Kenneth J. Halperin and Philip A. Russotti, New York, NY of Wingate, Russotti & Shapiro	\$8,200,000

-Continued from p8

ogy; New York, NY called by: David Golomb, Roy Jaghab

- Kristjan Ragnarsson M.D.; Physical Rehabilitation; New York, NY called by: David Golomb, Roy Jaghab
- Alan Leiken Ph.D.; Economics; Stony Brook, NY called by: David Golomb, Roy Jaghab

Insurer:

- New York State Insurance Fund for All-Safe Height Contracting

Facts:

On Feb. 12, 2007, plaintiff Daniel Savillo, 29, a scaffold worker and union-affiliated bricklayer, worked at a job site that was located at 171 West St., in the Greenpoint section of Brooklyn. Savillo and a co-worker were laying corrugated metal sheets on the top of a storage structure that was being erected. According to his co-worker, Savillo fell about 12 feet to the ground after inadvertently stepping on an unsecured short sheet. The co-worker was the only witness. Savillo was not wearing a safety device. He landed on the back of

his neck and shoulders, and he sustained a paralyzing injury.

Savillo sued the premises' owner, Greenpoint Landing Associates L.L.C., and the property's managing agent, Greenpoint Storage Terminal L.L.C. Savillo alleged that the defendants violated the New York State Labor Law.

The defendants impleaded Savillo's employer, All-Safe Height Contracting Corp., seeking indemnification and contribution.

Savillo claimed that he was not provided a safety harness or any other type of equipment that could have prevented his fall. During depositions, All-Safe Height Contracting's owner and head foreman acknowledged that they had neither instructed Savillo and other workers to wear fall-protection equipment nor provided any such equipment. Savillo's counsel contended that the incident stemmed from an elevation-related hazard, as defined by Labor Law § 240(1), and that Savillo was not provided the proper, safe equipment that is a requirement of the statute. They also contended that the site was not properly safeguarded, as required by Labor Law § 241(6).

The defense contended that Savillo's fall was the result of his poor judgment while

maneuvering around the top of the storage structure. They reported that Savillo had been drinking alcohol the night before his accident.

On Sept. 7, 2010, Judge Emily Jane Goodman granted Savillo's motion for summary judgment. She also granted the Greenpoint defendants' motion seeking summary judgment on their claim against All-Safe Height Contracting for common-law indemnification.

The trial proceeded on damages.

Injury:

Savillo, who lost consciousness for approximately 10 minutes after falling to the ground, was taken by ambulance to Bellevue Hospital Center, in Manhattan. He was treated for a fracture of the T11 vertebra, several skull fractures, a contusion of the right frontal brain lobe, and subdural and subarachnoid bleeding. Three days after the accident, Savillo's treating neurosurgeon performed a spinal operation in which screws were placed into each vertebra between the T7 and L2 levels, along with vertical rods connecting each of the screws, and the vertebrae were fused.

Savillo was at Bellevue for 14 weeks, a

longer stay than first anticipated because he developed kidney infections. After his release, Savillo moved to Florida to live with relatives. He began a physical rehabilitation program, but he was forced to miss many of his appointments during the ensuing 10 months because he developed multiple bedsores. One bedsore, on his right buttock, necessitated a two-week hospitalization, during which necrotic tissue and bone were removed.

Savillo, who has no sensation or movement below the waist, self-catheterizes to void urine, and he uses a special device to manually evacuate stools.

Savillo claimed that he is permanently disabled. Plaintiff's counsel argued that Savillo's future employment prospects, limited to manual labor even before the fall because he never completed high school, were further reduced by cognitive deficits as a result of injuries to his brain.

Before the accident, All-Safe Height Contracting had taken steps to ensure that Savillo would become a member of the carpenters' union, according to plaintiff's counsel. Therefore, he would have earned

-Continued on p12

Civil Rights

CASE	DATE	COURT	TYPE OF ACTION	PLAINTIFF'S COUNSEL	AMOUNT
Newton v. City of New York	10/19	U.S. District Court, Southern District	Police & Prosecutorial Negligence: Loss of evidence led to 22-year imprisonment, suit alleged	John F. Schutty III, New York, NY	\$18,592,000
Vargas v. City of New York	10/19	Kings Supreme	Prisoners' Rights : Diabetic prisoner didn't receive insulin, suffered brain damage	Seth A. Harris, New York, NY of Burns & Harris	\$17,500,000
Gibbs v. The City of New York	8/4	Eastern District	Civil Rights - City of New York awards record settlement to man wrongly imprisoned for murder	Nick J. Brustin, New York, NY of Neufeld, Scheck & Brustin, LLP	\$9,900,000
Screven v. Officer Hernandez	4/26	Eastern District	Police as Defendant :	Alan D. Levine, Kew Gardens, NY of Alan D. Levine, Attorney at Law	\$65,000

Constitutional Law

CASE	DATE	COURT	TYPE OF ACTION	PLAINTIFF'S COUNSEL	AMOUNT
Hill v. Town of Fallsburg	3/5	Sullivan Supreme	Search and Seizure : Plaintiffs claimed police entered their home without warrant	Brian T. Edwards, Monticello, NY of Drew, Davidoff & Edwards	\$5,500

Construction Defect

CASE	DATE	COURT	TYPE OF ACTION	PLAINTIFF'S COUNSEL	AMOUNT
Danseglio v. Jemval Corp.	12/9	Nassau Supreme	Defects : Historic home collapsed during renovation, worker error alleged	William G. Wallace, Garden City, NY of Favata & Wallace LLP	\$1,200,000
Leonard v. Davis Homes Inc.	5/5	Suffolk Supreme	Defects : Home's staircase not properly secured, injured worker claimed	Ted M. Rosenberg, Holtsville, NY of Rosenberg & Gluck, L.L.P.	\$740,000
McGee v. James V. Falso Construction Inc.	6/2	Onondaga Supreme	Defects : Work site's temporary staircase not sturdy, plaintiff claimed	Lawlor F. Quinlan, III, Buffalo, NY of Connors & Vilaro, L.L.P.	\$350,000
Goldstein v. Brookwood Building Corp.	6/14	Monroe Supreme	Defects : Homeowners claimed builder's error led to mold infestation	Stephen G. Schwarz, Rochester, NY of Faraci Lange, LLP	\$187,673
Williams-Grant v. Christmas	8/30	Westchester Supreme	Defects : Unlicensed contractor bungled renovation, homeowner alleged	Robert Brodsky, Harrison, NY of Brodsky & Peck;	\$165,000
Orona v. Wai Sun Realty, LLC	11/22	New York Civil	Defects : Sidewalk's defect ignored for five years, plaintiff alleged	Alan M. Greenberg, New York, NY of Law Offices of Alan M. Greenberg, PC.	\$140,000
Gifaldi v. Sunset Builders & Roofers	10/29	Erie Supreme	Defects : Roofer's errors led to damaging leaks, homeowners claimed	Joseph Manna, Buffalo, NY of Lipstiz Green Scime Cambria	\$93,000

-Continued from p10

better wages and more generous benefits than he had received as a union bricklayer, he claimed. All-Safe Height Contracting's secretary testified that the company's owner had stated on numerous occasions that Savillo would one day become a member of the carpenters' union.

The plaintiff's expert economist testified that as a member of the carpenters' union, Savillo would have enjoyed earnings and benefits totaling approximately \$5.6 million over the course of his remaining working years. Savillo's economic expert also testified that, based on the life-care plan created by his physical rehabilitation expert, the cost of future care would total more than \$9.2 million over a remaining life expectancy of 42 years. Plaintiff's counsel asked the jury to award a total of \$35 million for past and future pain and suffering.

The defense's neuropsychology expert acknowledged that Savillo's fall resulted in cognitive damage but opined that he could still be retrained to work.

All-Safe Height Contracting's counsel argued that Savillo's membership in the

carpenters' union was not guaranteed at the time of his fall, and its economics expert testified that Savillo, if not a member of the carpenters' union, would have earned roughly \$2.3 million before reaching retirement age. The life-care plan estimated by All-Safe Height Contracting's rehabilitation expert was \$8.12 million.

Verdict Information The jury found that Savillo's damages totaled \$50,591,035.87.

Daniel J. Savillo
 \$551,348 Personal Injury: past medical cost
 \$9,039,378 Personal Injury: future medical Cost
 \$196,475 Personal Injury: past lost earnings capability
 \$2,534,749 Personal Injury: future lost earnings capability
 \$10,000,000 Personal Injury: past pain and suffering
 \$25,000,000 Personal Injury: future pain and suffering
 \$47,861 Personal Injury: past lost benefits
 \$3,030,786 Personal Injury: future lost benefits
 \$190,439 Personal Injury: future transporta-

tion costs

Post-Trial: All-Safe's counsel has moved for a reduction of the damages awards.

Editor's Comments - This report is based on court documents and information that was provided by plaintiff's and defense counsel.

#4

Man struck by car suffers paralysis, brain damage

Verdict: (P) \$40,876,000.00

Case Type: Pedestrian, Motor Vehicle - Speeding, Motor Vehicle - Hit and Run
 Malpractice - Plastic Surgeon
 Case: Doreen Bergamo as Guardian ad Litem of Matthew V Falcone, Jr v. Verizon New York Inc Verizon NY Inc & Franklin D Williams, No. 27399/07

Venue: Kings Supreme, NY

Judge: Lawrence Knipel

Date: 05-25-2010

PLAINTIFF(S) Attorney:

- Thomas A. Moore; Kramer, Dillof,

Livingston & Moore; New York, NY, for Matthew V. Falcone, Jr.

Expert:

- Lawrence Shields M.D.; Neurology; Long Beach, NY called by: Thomas Moore
- Richard Schuster; Life Care Planning; New York, NY called by: Thomas Moore
- Alan Leiken Ph.D.; Economics; Stony Brook, NY called by: Thomas Moore

Insurer:

- Self-insured Verizon New York (primary coverage of \$2,000,000)
- American International Group Inc. for Verizon New York (excess)

Facts:

On Sept. 7, 2006, plaintiff Matthew Falcone Jr., a 49-year-old unemployed man who was receiving Social Security disability benefits, was struck by a truck. The incident occurred on Stillwell Avenue, alongside its intersection at Bay 43rd Street, in the Bensonhurst section of Brooklyn. Falcone sustained injuries of his

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Construction Accident

CASE	DATE	COURT	TYPE OF ACTION	PLAINTIFF'S COUNSEL	AMOUNT
Savillo v. Greenpoint Landing Associates LLC.	12/21	New York Supreme	Labor Law : Worker's 12-foot fall caused paralyzing injury	Roy R. Jaghab, Mineola, NY of Jaghab, Jaghab & Jaghab, P.C. & David B. Golomb, New York, NY of Law Offices of David B. Golomb	\$50,591,036
Barros v. New Roc Parcel IA, LLC	1/26	Bronx Supreme	Labor Law : Carpenter alleged spine, ankle injuries from 15-foot fall	Howard R. Borowick, Bronx, NY of counsel to Law Offices of Jacob Oresky	\$18,334,226
Mastando v. One Bryant Park, LLC	7/15	New York Supreme	Labor Law : Makeshift scaffold's failure had paralyzing result	Gregory S. Gennarelli, Robert Sack, Marvin Salenger, Woodbury, NY of Salenger, Sack, Kimmel & Bavaro, LLP	\$13,000,000
Griffin v. Clinton Green South, LLC	4/24	Bronx Supreme	Labor Law : Laborer hit by falling piece of scaffold, alleged disabling injury	Seth A. Harris and Alison R. Keenan, New York, NY of Burns & Harris	\$12,561,772
Montero v. Sentinel Diversified Industries Inc.	3/15	Queens Supreme	Labor Law : Worker claimed 25-foot fall led to fusion of spine	William Schwitzer, New York, NY of Dinkes & Schwitzer	\$8,900,000
Rivera v. CSPN Paliuras Contracting	4/23	Queens Supreme	Accidents : Undocumented immigrant roofer paralyzed in fall	Kenneth J. Halperin and Philip A. Russotti, New York, NY of Wingate, Russotti & Shapiro	\$8,200,000
Garcia v. 77 Holding Corp.	9/13	Queens Supreme	Labor Law : Laborer claimed three-story fall ended career	Mauricio Malagon, New York, NY of Dinkes & Schwitzer	\$6,327,800
Mamzer v. Consolidated Edison of New York Inc.	11/10	Kings Supreme	Construction worker electrocuted while erecting scaffold adjacent to power lines	Peter P. Traub, Jr., New York, NY of trial counsel to Law Offices of Antoni Moszczynski, Brooklyn, NY	\$6,000,000
Aguilar v. 610 West Realty LLC.	4/20	Bronx Supreme	Labor Law : Worker hit by falling door-frame underwent fusion of back, neck	Howard R. Borowick, New York, NY of counsel, Law Offices of Jacob Oresky	\$5,600,000
Cocoli v. Champion Construction Corp.	5/17	Kings Supreme	Labor Law : Worker claimed shaky ladder caused fall, spinal fractures	Nick Gjelij and Daniel P. O'Toole, New York, NY of Block O'Toole & Murphy, LLP, New York, NY, trial counsel, Elliot Iffraimoff & Associates, P.C., Forest Hills, NY	\$4,900,000
Migliaccio v. 808 Columbus LLC	1/4	New York Supreme	Labor Law : Worker lost toes, claimed he was placed too close to danger	Pat James Crispi, New York, NY of Keogh Crispi P.C.	\$4,500,000
Shabazz v. City of New York	2/1	Bronx Supreme	Labor Law : Contractors didn't address icy renovation site, worker alleged	Steven M. Weinstein, New York, NY of The Peregman Firm, PLLC	\$4,093,694
Caban v. Maria Estela House I Assoc. LP	6/25	New York Supreme	Labor Law : Worker broke ankle, leg in 20-foot fall after electric shock	D. Carl Lustig, III, New York, NY of Arye, Lustig & Sassower, P.C.	\$4,077,239
Turk v. CPS I Realty LP	5/7	New York Supreme	Labor Law : Plaintiff alleged roof's dangerous condition resulted in injury	Nick Gjelij and Daniel P. O'Toole, New York, NY of Block O'Toole & Murphy LLP	\$4,000,000
Rawlings v. City of New York	9/7	Kings Supreme	Labor Law : Worker's spine fractured in 20-foot fall	Michael A. Rose, New York, NY of Hach & Rose, LLP	\$3,475,000
Lee v. Riverhead Bay Motors	11/23	New York Supreme	Scaffolds and Ladders : Appeals court's reversal of \$1.3 million verdict led to second trial	Kenneth A. Wilhelm, New York, NY of Law Offices of Kenneth A. Wilhelm	\$3,375,576

-Continued from p24

Verdict: (P) \$19,604,000.00

Case Type: Excessive Force, Government - Police, Civil Rights - 42 USC 1983, Fourth Amendment, Constitutional Law - Fourteenth Amendment, Civil Rights - Police as Defendant, Government - Counties

Case: Thomas Hartman v. The County of Nassau, Nassau County Police Department, Police Officer Karl N. Snelders, Police Officer Michael Knatz, Deputy Inspector Robert Turk, Lieutenant Thomas Zamojcin, Police Officer "John" Smith, Police Officer "John" Brady, Detective Barry O. Franklin, Police Officer Thomas O. McCaffrey and "John and Jane Does 1-15" representing as yet unknown and unidentified police officers, No. CV 04 1784

Venue: U.S. District Court, Eastern District, NY

Judge: Cheryl L. Pollak

Date: 02-22-2010

PLAINTIFF(S) Attorney:

- Daniel J. Hansen; New York, NY, for Thomas Hartmann
- PHarvey Weitz; Weitz & Associates, P.C., New York, NY, trial counsel,

Daniel J. Hansen; New York, NY, for Thomas Hartmann

Expert:

- Joseph D'Angelo M.D.; Orthopedic Surgery; Brooklyn, NY called by: Harvey Weitz, Daniel Hansen, Harvey Weitz
- Alan Leiken Ph.D.; Economics; East Setauket, NY called by: Daniel Hansen, Harvey Weitz
- Aric Hausknecht M.D.; Neurology; New York, NY called by: Daniel Hansen, Harvey Weitz
- Richard Schuster Ph.D.; Vocational Rehabilitation; New York, NY called by: Harvey Weitz, Daniel Hansen, Harvey Weitz
- Timothy Sheenan; Law Enforcement; Woodbury, NJ called by: Harvey Weitz, Daniel Hansen, Harvey Weitz

Facts:

On March 12, 2004, plaintiff Thomas Hartmann, 35, a union-employed construction worker, was driving in Oceanside. As he approached 454 Allen Ave., he was confronted by officers of the Nassau County Police Department. Hartmann was aware that the

officers believed that he had been harassing his estranged wife. A chase ensued after Hartmann had briefly exited and re-entered his vehicle. Hartmann ultimately abandoned his vehicle, and he began to run. He was struck by a vehicle that was being driven by officer Karl Snelders. Hartmann sustained injuries of his legs.

Hartmann sued Snelders, several other officers who were alleged to have been present when the accident occurred, and the officers' employers, Nassau County and the Nassau County Police Department. Hartmann alleged that the officers' actions were excessively forceful; that the officers violated the Fourth Amendment, the 14th Amendment and 42 U.S.C. 1983; and that Nassau County and the Nassau County Police Department were vicariously liable for the officers' actions.

Hartmann's counsel ultimately discontinued the claims against most of the defendants. The matter proceeded to a trial against Snelders.

Hartmann claimed that he was struck while he was running on a sidewalk. He contended that Snelders intentionally mounted the sidewalk, and he also contended that he was struck by front and rear wheels of Snelders' vehicle. Thus, he claimed that Snelders

intentionally struck him. Hartmann's counsel argued that Snelders was guided by evil intent, and he further argued that Snelders exhibited a callous disregard of Hartmann's rights.

Snelders contended that he believed that Hartmann was armed. He claimed that Hartmann exited his vehicle, reached toward his waistband, threatened to shoot one officer, re-entered his vehicle and began to drive. Snelders claimed that Hartmann subsequently abandoned his vehicle, reached toward his waistband and turned toward the pursuing officers. Snelders acknowledged that a weapon was not recovered, but he contended that Hartmann's actions suggested that he had a gun. He claimed that he did not intend to drive over Hartmann—he contended that he merely intended to bump Hartmann. He also claimed that Hartmann was struck while he was running on the street.

Snelders further claimed that his actions were also motivated by a fear that Hartmann intended to murder his wife and her mother.

Injury:

Hartmann sustained crushing injuries of his legs. He was placed in a helicopter, and

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Government (cont.)

CASE	DATE	COURT	TYPE OF ACTION	PLAINTIFF'S COUNSEL	AMOUNT
Walters v. City of New York	2/3	New York Supreme	Firefighter : Firefighters claimed injuries after being struck by taxicab	James J. McCrorie, New York, NY of Law Office of James J. McCrorie; Maria Gagasoules, New York, NY of Sanocki Newman & Turret, LLP; Marie Ng, New York, NY of Sullivan Papain Block McGrath & Cannavo P.C.	\$6,340,000
Toussaint v. City of New York	12/7	Kings Supreme	Excessive Force : Youth claimed policeman broke his leg during rough arrest	Seth A. Harris, New York, NY of Burns & Harris	\$2,200,000
Pacheco v. City of New York	9/23	Bronx Supreme	Excessive Force : Policeman used Taser to stop seizure, plaintiff claimed	Seth A. Harris and Alison Keenan, New York, NY of Burns & Harris	\$2,042,499
Hollingsworth v. City of New York	2/9	Kings Supreme	Police : Truant teen sexually assaulted by police officer	Seth A. Harris, New York, NY of Burns & Harris; Alison R. Keenan, New York, NY of Burns & Harris	\$915,000
Quiller v. City of Yonkers	9/22	U.S. District Court, Southern District	Excessive Force : Arrestee sustained 17 fractures at hands of police	Anthony C. Ofodile and Fathia Zouiyen, Brooklyn, NY of Ofodile & Associates, P.C.	\$700,000
Caraballo v. City of New York	1/11	Kings Supreme	Police : Plaintiff's car crash blamed on unmarked police vehicle	Christopher D. Galiardo, New York, NY of Myers & Galiardo LLP	\$300,000
LoVetro v. City of Rochester New York	6/4	Monroe Supreme	Emergency Response : Man's trauma blamed on city's late response to mob scene	Scott Mooney, Rochester, NY of Boylan, Brown, Code, Fowler, Vigdor & Wilson	\$36,500

Insurance

CASE	DATE	COURT	TYPE OF ACTION	PLAINTIFF'S COUNSEL	AMOUNT
Gubbins v. Allstate Indemnity Co.	4/21	Nassau Supreme	Coverage : Homeowners claimed insurer's error cost them after fire	Johnathan C. Lerner, New York, NY of Abraham, Lerner & Arnold, LLP	\$245,742
Grim v. Liberty Mutual Insurance Co	8/2	Monroe Supreme	Denial of Claim : Homeowners challenged insurer's refusal to replace roof	Eric D. Handelman, Rochester, NY of Handelman Witkowitz & Levitsky	\$12,980
Cassidy v. Allstate Insurance Co.	6/17	Kings Supreme	Denial of Claim : Plaintiff alleged insurer wrongly denied theft claim	Joseph H. Dirks, Brooklyn, NY of Joseph H. Dirks, P.C.	\$12,500

Intellectual Property

CASE	DATE	COURT	TYPE OF ACTION	PLAINTIFF'S COUNSEL	AMOUNT
Want Ad Digest Inc. v. Display Advertising Inc.	7/27	U.S. District Court, Northern District	Copyrights : Advertising newsletter duped competitor's ads	Salvatore D. Ferlazzo and Robert F. Manfredo, Albany, NY of Girvin & Ferlazzo, P.C.	\$6,020,250

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he was transported to Nassau University Medical Center, in East Meadow. He underwent 12 surgeries, which included the implantation of a fixation rod that stabilized his left leg. However, his right leg could not be saved. It was amputated above the knee, and a prosthetic device was provided.

Hartmann undergoes physical therapy, but he claimed that his condition will not improve. He also claimed that he will have to undergo removal of a bony spur that occupies the remaining portion of his right leg, and he further claimed that his right leg's stump may have to be revised. He contended that his prosthetic device strains his back and groin, and he claimed that he cannot tolerate more than a few hours of continuous attachment of the device.

Hartmann also claimed that he cannot resume physical labor. He contended that he performs part-time clerical work that provides annual earnings of about \$7,000.

Hartmann sought recovery of his past and future medical expenses, his past and future lost earnings and benefits, damages for his past and future pain and suffering, and punitive damages.

Defense counsel contended that Hart-

mann experienced a good recovery. They claimed that Hartmann can obtain work that will provide income that will exceed the income that he earned prior to the accident.

Verdict Information: The jury found that Snelders was excessively forceful. It also found that Snelders was guided by evil intent and an evil motive, and it further found that Snelders exhibited a callous disregard for Hartmann's rights. It determined that Hartmann's damages totaled \$19,604,000.

Thomas Hartmann
 \$1,000,000 Personal Injury: Past Medical Cost
 \$3,000,000 Personal Injury: Punitive Exemplary Damages
 \$2,000,000 Personal Injury: Past Pain And Suffering
 \$1,100,000 Personal Injury: future medical cost (37 years)
 \$704,000 Personal Injury: past loss of earnings and benefits
 \$7,800,000 Personal Injury: future loss of earnings and benefits (21 years)
 \$4,000,000 Personal Injury: future pain and suffering (37 years)

Post-Trial: The parties negotiated a settlement. Terms were not disclosed.

Editor's Comments This report is based on court documents and information that was provided by plaintiff's and defense counsel.

#9

Loss of evidence led to 22-year imprisonment, suit alleged

Mixed Verdict: \$18,592,000.00

Case Type: Intentional Torts - Wrongful Incarceration, Intentional Torts - Intentional Infliction of Emotional Distress, Government - Police, Prisoners - Prisoner Suit, Government - Municipalities, First Amendment, Constitutional Law - Fourteenth Amendment, Civil Rights - 42 USC 1983

Case: Alan Newton v. The City of New York; District Attorneys Mario Merola and Robert T. Johnson, Individually, and in Their Official Capacity; Andrea Freund and Various John/Jane Does, Individually and in Their Official Capacities as Employees of the City of New York Who Are/Were Assistant District Attorneys

Within the Office of the District Attorneys, County of Bronx; Detective Joanne Newbert, Detective Phillip Galligan, Detective [John Doe] Hartfield, Detective [John Doe] Ryan, Detective [John Doe] Harris, Police Officer Douglas Leho, Police Officer William Sean O'Toole, Lieutenant Michael Sheehan, Sergeant Patrick J. McGuire, Police Officer [John Doe] Haskins, Police Officer [Jane Doe] Kiely, Inspector Jack J. Trabitza and Various John/Jane Does, Individually and in Their Official Capacities as Employees of the City of New York Who Are/Were Members of the Police Department of the City of New York, No. 1:07-cv-06211-SAS

Venue: U.S. District Court, Southern District, NY

Judge: Shira A. Scheindlin

Date: 10-19-2010

PLAINTIFF(S) Attorney:

- John F. Schuttly III; New York, NY, for Alan Newton

Expert:

- Shannon Turner; Physical Evidence; Seattle, WA called by: John Schuttly III

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Intentional Torts

CASE	DATE	COURT	TYPE OF ACTION	PLAINTIFF'S COUNSEL	AMOUNT
Hughes v. Seymore	8/6	Suffolk Supreme	Assault and Battery :Woman sued ex after being slashed in knife attack	Jonathan A. Baum, Bay Shore, NY of Siben & Siben, LLP	\$1,500,000
Brown v. City N.Y.	7/16	Bronx Supreme	Assault and Battery : Police too rough in arrest after car chase, plaintiffs alleged	Carol L. Schlitt, Huntington, NY of Carol L. Schlitt, Esq.; Melvin Dubinsky, New York, NY of Law Office of Melvin Dubinsky	\$550,000
Stampf v. Long Island Railroad Co.	12/10	U.S. District Court, Eastern District	Malicious Prosecution : Co-worker's false claim led to arrest, plaintiff alleged	Phillip J. Dinhofer, Rockville Centre, NY of Phillip J. Dinhofer LLC	\$480,000
Cohen v. Bread & Butter Entertainment LLC.	11/19	New York Supreme	Assault and Battery : Nightclub denied liability for fight that left patron injured	Bonnie Reid Berkow and Daniel J. Schneider, New York, NY of Wagner Davis P.C.	\$360,782
Byrd v. City of New York	11/19	Kings Supreme	False Arrest : Plumbers mistaken for prowlers claimed false arrest, battery	Christopher J. Donadio, New York, NY of Burns & Harris	\$350,000
Lewis v. Fischer	6/10	U.S. District Court, Eastern District	Sexual Assault : Prisoner claimed frisk included squeezing of genitals	Yonatan Even and Alexandra Reeve Givens, New York, NY of Cravath, Swaine & Moore, LLP	\$300,000
Samuels v. Samuels	4/14	Kings Supreme	Libel : Plaintiff alleged niece's claims of theft destroyed his business	Dov Medinets, New York, NY of Ginsberg & Wolf	\$237,000
Bannout v. City of New York	8/3	Kings Supreme	False Arrest : Solicitation charges unfounded, plaintiff alleged	David S. Dender, New York, NY of Law Office of Eric H. Green	\$200,000
Weidler v. Coluzzi	6/24	Nassau Supreme	Fraudulent Concealment : Attorney worked both ends of real estate deal, suit alleged	Jeffrey Benjamin, Forest Hills, NY of Jeffrey Benjamin P.C.	\$200,000
Arrington v. Thompson	6/28	New York Supreme	Assault and Battery : Maid claimed impatient employer punched her	Randy M. Levine, New York, NY of Schacher & Levine, LLP	\$150,000
Lawton v. City of New York	1/8	Queens Supreme	False Arrest : Black probation officer alleged discrimination in arrest	Adam M. Orlow, Flushing, NY of The Orlow Firm	\$150,000
Charleston v. City of New York	6/25	New York Supreme	Assault and Battery : Bar's patron claimed bouncers hurt him while police watched	Bruce S. Povman, Forest Hills, NY of Morton Povman, P.C.	\$110,000
Saccomanno v. Rodriguez	7/28	Nassau Supreme	Battery : Teen hurt during brawl at party, blamed underage drinking	Alan D. Levine, Kew Gardens, NY of Alan D. Levine, Attorney at Law	\$50,000
Moore v. City of Albany	12/1	U.S. District Court, Northern District	False Arrest : Arrestee claimed police slammed and pepper-sprayed him	Terence L. Kindlon, Albany, NY of Kindlon Shanks & Associates	\$39,000

Medical Malpractice (cont.)

CASE	DATE	COURT	TYPE OF ACTION	PLAINTIFF'S COUNSEL	AMOUNT
Martinez v. Gabriel	1/27	Kings Supreme	Surgical Error : Patient alleged doctor was negligent for bowel perforation	Evan M. Goldberg, New York, NY of Trolman, Glaser & Lichtman, P.C.	\$1,520,000
Capovani v. Putnam	11/22	Albany Supreme	Cardiac Care :Widower: Cardiologist should've ordered heart test	Edward S. Goodman, New York, NY of Simonson Hess Leibowitz & Goodman, P.C.	\$1,500,000
Williams v. Giorgini	6/4	New York Supreme	Failure to Diagnose : Man's amputation blamed on undiagnosed circulatory problems	Al Aquila, New York, NY of Sullivan, Papain, Block, McGrath & Cannavo, P.C.	\$1,500,000
Estate of Adams v. Back	1/20	Schenectady Supreme	Failure to Test : Doctor overlooked fatal cancer; estate alleged	Jeffrey A. Guzman, New York, NY of Krentsel & Guzman LLP	\$1,500,000
Estate of Dentes v. Mauser	7/2	Tompkins Supreme	Failure to Test : Cardiologist overlooked fatal blockage of artery; suit alleged	Thomas J. Potter, Syracuse, NY of DelDuchetto & Potter	\$1,448,496
Thompson v. Rao	2/3	Bronx Supreme	Surgical Error : Surgeon removed patient's gallbladder but not surgical pad	Andrea V. Borden, New York, NY of Burns & Harris	\$1,350,000
Chkhartishvili v. Volovoy	1/21	Kings Supreme	Failure to Diagnose : Hospital, doc overlooked fatal lung cancer; suit alleged	Mark M. Basichas, New York, NY of Mark M. Basichas & Associates, PC	\$1,300,000
Priolo v. Reiner	3/23	Richmond Supreme	Surgical Error : Surgeon's cut led to loss of testicle, patient alleged	Joseph S. Rosato, New York, NY of Rosato & Lucciola, P.C., New York, NY, trial counsel, Anthony T. DiPietro	\$1,250,000
Tunjian v. Long Island Gynecologic Oncologists, P.C.	7/15	Suffolk Supreme	Surgical Error : Doctor overlooked perforation of bowel, patient alleged	Alan S. Ripka, New York, NY of Napoli Bern Ripka LLP	\$1,250,000
Bragg v. Bienstock	5/10	Bronx Supreme	Failure to Diagnose : Docs overlooked badly clogged artery, patient alleged	Edward Sanocki, New York, NY of Sanocki Newman & Turret, LLP	\$1,196,000
Gonzalez v. St. Vincent's Hospital	1/25	Bronx Supreme	Failure to Detect : Hand's deformity due to untreated injury, plaintiff alleged	Kevin J. Quaranta, Mount Kisco, NY of Quaranta & Associates	\$1,164,000
Goodstein v. Terry L. Weill M.D. P.C.	2/3	Kings Supreme	Failure to Monitor : Prozac's discontinuation led to suicidal act, plaintiff alleged	Andrew M. Friedman, Brooklyn, NY of Friedman, Khafif & Sanchez LLP, trial counsel, Ross & Hill	\$911,000
Kelly v. Logan	10/8	Bronx Supreme	Surgical Error : Defense: Injury to plaintiff's lower leg wasn't first, or last	Jeffrey Singer, New York, NY of Segan, Nemerov & Singer, P.C.	\$750,000
Karalekas v. Weber	9/28	Queens Supreme	Failure to Monitor : Urethra damaged during urological surgery; patient alleged	Mark A. Eskenazi, Bronx, NY of Law Offices Mark A. Eskenazi, LLC	\$715,000
Estate of Rosado v. New York City Health & Hospitals Corp.	6/16	New York Supreme	Hospital : Suit: Hospital patient discharged during diabetic emergency	Eric Schwarz, New York, NY of Sullivan Papain Block McGrath & Cannavo P.C.	\$700,000
Callender v. Kaplan	1/5	Kings Supreme	Failure to Test : Undetected cancer spread to fatal degree, estate alleged	Victoria Wickman, New York, NY of Law Offices of Victoria Wickman	\$650,000
Matzner v. Collins	10/5	New York Supreme	Negligent Treatment : Psychiatrist's treatment too personal, patient alleged	David L. Taback, New York, NY of David L. Taback, P.C.	\$650,000
Gomez v. Kigongo-Mwesezi	9/16	Bronx Supreme	Surgical Error : Surgeon cut spinal accessory nerve during biopsy, suit alleged	Robert Vilensky, New York, NY of Ronemus & Vilensky, LLP	\$650,000
Dividu v. Walton	3/29	New York Supreme	Failure to Test : Unchecked infection led to scars of breasts, suit alleged	Mario Biaggi, Jr., New York, NY of Biaggi & Biaggi	\$600,000
Curtin v. Borrero	12/21	Suffolk Supreme	Surgical Error : Incomplete appendectomy led to infections, patient alleged	Marvin Salenger, New York, NY of Salenger, Sack, Kimmel & Bavaro, LLP	\$600,000
Keefer v. Ahmed	2/8	Broome Supreme	Misdiagnosis : Lack of communication led to cardiac arrest, suit alleged	Charles L. Falgiatano and Jean Marie Westlake, Syracuse, NY of DeFrancisco & Falgiatano Law Firm	\$557,543
Weiss v. Houslanger	5/14	Nassau Supreme	Failure to Diagnose : Doctors overlooked signs of post-op infection, suit alleged	William F. Levine and Steven Sachs, Mineola, NY of Law Offices of William F. Levine and Michael B. Grossman	\$500,000
Cattani v. Hoffman	12/7	New York Supreme	X-ray Interpretation : Doc overlooked evidence of fatal cancer; suit alleged	William T. Burdo, Mineola, NY of Levine & Grossman, Esqs.	\$500,000
Cain v. Yusuf	4/29	Queens Supreme	Childbirth : OB/GYN chose wrong method of delivery, suit alleged	Andrew D. Leftt, New York, NY of Law Office of David P. Kownacki, P.C.	\$485,000
Estate of Freeman v. Jewish Home and Hospital for the Aged	8/18	New York Supreme	Failure to Test : Woman's fall in nursing home led to death, suit alleged	Brad A. Kauffman, New York, NY of Law Offices of Brad A. Kauffman	\$450,000
Graham v. City N.Y.	11/5	Bronx Supreme	Failure to Test : Arrestee claimed proper medical attention was denied	Robert Vilensky, New York, NY of Ronemus & Vilensky	\$450,000
Pierson v. Feldman	9/29	Orange Supreme	Surgical Error : Surgery led to post-traumatic stress disorder; patient alleged	Nicholas E. Warywoda, New York, NY of Douglas & London, P.C.	\$352,500
Rojas v. Palese	4/22	New York Supreme	Urological Surgery : Negligent surgery results in large hypertrophic scar; patient alleged	Pasquale V. Vairo, New York, NY of Godosky & Gentile P.C.	\$350,000
Estate of Coronado v. Montefiore Medical Ctr	10/29	Bronx Supreme	Delayed Diagnosis : Suit: Fatal embolism stemmed from late diagnosis of fracture	Eric H. Morrison, New York, NY of Morrison & Wagner	\$325,000
Burchell v. Edelman	12/10	Onondaga Supreme	Misdiagnosis : Podiatrist's error led to damaging surgery; patient alleged	Frank S. Gattuso, Fayetteville, NY of O'Hara, O'Connell & Ciotoli	\$318,000
Kytka v. Dry Harbor Nursing Home & Rehabilitation Center Inc.	10/28	Richmond Supreme	Negligent Treatment : Bedbound patient not moved, developed bedsores, suit alleged	Sean J. Doolan, Windham, NY of Windham, NY, of counsel, Angiuli, Katkin & Gentile, L.L.P., Staten Island, NY	\$300,000

Negligence (cont.)

CASE	DATE	COURT	TYPE OF ACTION	PLAINTIFF'S COUNSEL	AMOUNT
Engel v. Mesifita Tiferes Tzvi Dspinka	4/23	Kings Supreme	Negligent Maintenance : Unstable Torah Ark falls on 11-year old's leg	Marc E. Freund, and Thomas J. Moverman, New York, NY of Lipsig, Shapey, Manus & Moverman, P.C.	\$750,000
Senese v. MJB Ale House Inc.	9/15	Suffolk Supreme	Negligent Service of Alcohol : Café's patron hurt while trying to subdue drunken man	Joseph G. Dell, Bohemia, NY of Dell, Little, Trovato & Vecere, L.L.P.	\$600,000
Lennon v. Metro North Commuter Railroad Co.	12/9	New York Supreme	Negligent Training : Office worker claimed lack of training for on-train task	William Greenberg, New York, NY of Greenberg & Massarelli, LLP	\$500,000
Newkirk v. 1200 Fifth Associates LLC	11/29	New York Supreme	Negligent Assembly or Installation : Woman tumbled when window popped out of frame	Robert M. Ginsberg, New York, NY of Ginsberg & Wolf, P.C.	\$395,000
Mann v. Hancock Place Apartment Housing Development Fund Corp.	7/27	Bronx Supreme	Negligent Maintenance : Construction workers didn't clear icy sidewalk, suit alleged	Adam Cahn and Matthew Sakkas, New York, NY of Sakkas, Cahn & Weiss, LLP	\$350,000
Lewis v. Plaza Housing Development Fund Co. Inc.	8/9	Kings Supreme	Negligent Assembly or Installation : Unaddressed leak led to ceiling's collapse, suit alleged	Alan M. Greenberg, New York, NY of Law Offices of Alan M. Greenberg, P.C.	\$325,000
Imperiale v. Bi-County Scale & Equipment Co. LLC	11/26	Suffolk Supreme	Negligent Maintenance : Supermarket's butcher hurt when meat grinder collapsed	Kenneth R. Shapiro, Carle Place, NY of Philip J. Rizzuto, P.C.	\$325,000
Penny v. City of New York	7/27	New York Supreme	Negligent Maintenance : Island's maintainers ignored pothole, bicyclist alleged	Adam Cahn and Matthew Sakkas, New York, NY of Sakkas, Cahn & Weiss, LLP	\$287,500
O'Keefe v. Supermarkets International	4/21	Queens Supreme	Negligent Hiring : Plaintiff: Supermarket dustup should have led to firing	Douglas R. Dollinger, Goshen, NY of Douglas R. Dollinger & Associates	\$275,000
Kelly v. City of New York	5/24	Queens Civil	Negligent Maintenance : Steel fell off of train trestle, caused damage of vehicle below	Matthew Gaisi, New York, NY of Harris/Law	\$275,000
Villaronga v. Consolidated Edison Co. of New York Inc.	10/25	Bronx Supreme	Negligent Maintenance : Sunken sidewalk grate a tripping hazard, plaintiff alleged	Christopher J. Donadio, New York, NY of Burns & Harris	\$275,000
Reyes v. City of New York	6/4	Bronx Supreme	Negligent Maintenance : Plaintiff: City, agency ignored tree's disruption of sidewalk	Frank V. Kelly, Bronx, NY of William A. Gallina	\$250,000
Siberon v. City of NY	3/18	Kings Supreme	Negligent Maintenance : City ignored broken curb, plaintiff alleged	Christopher P. Di Giulio, New York, NY of Law Offices of Christopher P. Di Giulio PC	\$200,000
Saad v. City of New York	6/30	Queens Supreme	Negligent Repair : Utility ignored dangerous area of road, plaintiff alleged	Richard E. Noll, Mineola, NY of Bloom & Noll, LLP	\$200,000
Ciganek v. Town of Clarkstown	1/13	Rockland Supreme	Negligent Supervision : Kids bumped heads in park, attendant deemed inattentive	Jeffrey E. Phillips, New York, NY of Phillips, Krantz & Associates, LLP	\$140,000
Cheng v. Unity Ambulette Corp.	3/10	Albany Supreme	Ambulance/Emergency Medical Services : Ambulette's passenger hurt when wheelchair slid	Donte O. Mills, New York, NY of Sullivan Papain Block McGrath & Cannavo P.C.	\$130,000
Reese v. Kings Park Wood Flooring Plus Inc.	1/29	Nassau Supreme	Negligent Assembly or Installation : Wood flooring cracked after installation, couple alleged	Keith Sullivan, Middle Village, NY	\$125,000
Anderson v. CD Fleetwood Associates LLC	3/3	Westchester Supreme	Negligent Maintenance : City ignored damaged sidewalk, plaintiff alleged	W. Bradford Bernadt, Howard Beach, NY of Scott Baron & Associates P.C.	\$70,000
Yantz v. McQuade Children's Services	5/17	Orange Supreme	Negligent Security : Teen smuggled contraband into school, alleged poor security	Nancy Y. Morgan, Newburgh, NY of Finkelstein & Partners, LLP	\$70,000
Caserta v. Leprechaun Lines Inc.	10/25	Orange Supreme	Negligent Maintenance : Bus's passenger claimed she tripped on loose molding	Justin S. Blash, New City, NY of New York, NY, trial counsel, Neimark & Neimark	\$52,500
Abreu v. City of New York	4/13	New York Supreme	Negligent Maintenance : City ignored notice of pothole, plaintiff alleged	Robert Alan Saasto, Hicksville, NY of Robert Alan Saasto, Attorney at Law	\$35,000

Nursing Homes

CASE	DATE	COURT	TYPE OF ACTION	PLAINTIFF'S COUNSEL	AMOUNT
Tannen v. Hebrew Home for the Aged at Riverdale	6/11	Bronx Supreme	Negligent Supervision : Long-term-care facility's resident fell 18 times, suit alleged	David Grossman and Dennis J. Kelly, Hauppauge, NY of Kelly, Grossman & Flanagan, LLP, Hauppauge, NY, trial counsel to Ruth E. Bernstein, New York, NY of The Ruth E. Bernstein Law Firm	\$500,000
Estate of Lester v. Highland Care Center Inc.	8/26	Queens Supreme	Abuse or Neglect : Nursing home, hospital, ignored patient's bedsore, suit alleged	John Dalli, Mineola, NY of Dalli & Marino, LLP	\$305,000
O'Dea v. Terrence Cardinal Cooke Health Care Center	6/29	New York Supreme	Slips, Trips & Falls : Nursing home didn't respond to man's multiple falls, suit alleged	Ari Jacobson, New York, NY of Scott A. Wolinetz P.C.	\$275,000
Estate of D'Aust v. Champlain Vally Physicians Hospital Medical Center	3/17	Clinton Supreme	Restraints : Nursing facility's patient suffocated in bed mishap	William L. Nikas, Hudson Falls, NY	\$190,000
Estate of Ivey v. Jewish Home & Hospital for Aged	2/23	Bronx Supreme	Abuse or Neglect : Nursing home's staff ignored resident's sores, suit alleged	Jason C. Molesso, Mineola, NY of The Sanders Firm	\$150,000

Premises Liability (cont.)

CASE	DATE	COURT	TYPE OF ACTION	PLAINTIFF'S COUNSEL	AMOUNT
Morrison v. Fontana	10/19	Suffolk Supreme	Dangerous Condition : Pizzeria's entryway uneven, hazardous, patron alleged	Frank A. Andrea, III, Garden City, NY of Andrea & Towsky	\$212,500
Miller v. Michaels	4/23	Suffolk Supreme	Negligent Repair and/or Maintenance : Neighbors sparred over safety of one's retaining wall	Kevin J. Kiley, Great Neck, NY of Kiley, Kiley & Kiley; James D. Kiley, Great Neck, NY of Kiley, Kiley & Kiley	\$200,000
Greenberg v. City of New York	5/5	New York Supreme	Negligent Repair and/or Maintenance : Rec center's wet hoops court a hazard, plaintiff alleged	Donte O. Mills, New York, NY of Sullivan Papain Block McGrath & Cannavo, P.C.	\$179,000
Burgos v. Estate of Rodal	6/7	Queens Supreme	Negligent Repair and/or Maintenance : Burned plaintiff claimed leaking stove ignited aerosol spray	Robert Vilensky, New York, NY of Ronemus & Vilensky, L.L.P.	\$175,000
Martinez v. Prana Nine Properties, LLC.	6/16	Bronx Supreme	Negligent Repair and/or Maintenance : Building's owner ignored unsafe stairway, tenant alleged	Stuart M. Rissoff, Garden City, NY of Law Office of Stuart M. Rissoff	\$175,000
Chepak v. Peter's Restaurant	8/5	Bronx Supreme	Negligent Repair and/or Maintenance : Restaurant's patron claimed she slipped in puddle	Robert Alan Saasto, Hicksville, NY of Robert Alan Saasto, Attorney at Law	\$175,000
Molloy v. Lake Gardens, LLC	9/16	Nassau Supreme	Negligent Repair and/or Maintenance : Plaintiff fractured ankle in fall at building's dark entryway	Jonathan A. Baum, Bay Shore, NY of Siben & Siben, LLP	\$175,000
Puzzio v. 2110 Barnes LLC.	9/30	Bronx Supreme	Negligent Repair and/or Maintenance : Building's owner ignored uneven sidewalk, neighbor alleged	Robert Vilensky, New York, NY of Ronemus & Vilensky, LLP	\$170,000
Manzano v. WOTC Tenants Corp.	3/26	New York Supreme	Negligent Repair and/or Maintenance : Broken gutter led to icy stairs, apartment's visitor alleged	Leonard J. Linden, New York, NY of Leonard J. Linden, Esq.	\$160,000
Phillips v. Town of Colonie	2/23	Albany Supreme	Dangerous Condition of Public Property : Park's 9-inch-tall curb a hazard, visitor alleged	Steven P. Shultz, Albany, NY of Finkelstein, Levine, Gittelsohn & Partners	\$150,000
Sanchez v. 191 Realty Associates, L.P.	1/29	New York Supreme	Negligent Repair and/or Maintenance : Building's operators ignored damaged ceiling, tenant alleged	Charles Feinstein, New York, NY of Feinstein & Feinstein; Adam C. Yanover, Garden City, NY of Yanover & Yanover, trial counsel	\$150,000
Smith v. 1064 Cauldwell, LLC	6/16	Bronx Supreme	Negligent Repair and/or Maintenance : Building's dirty, damaged stairway a hazard, tenant alleged	Stuart M. Rissoff, Garden City, NY of Law Office of Stuart M. Rissoff	\$150,000
Pohleven v. Cohen	4/26	Oneida Supreme	Negligent Repair and/or Maintenance : Apartment's tenant claimed landlord ignored crumbling steps	Victoria Lieb Lightcap, Liverpool, NY of Finkelstein & Partners, L.L.P.	\$140,000
Okonkwo v. RHC Operating LLC.	5/3	Bronx Supreme	Negligent Repair and/or Maintenance : Hotel's torn stairway carpet a hazard, employee alleged	Andrea V. Borden, New York, NY of Burns & Harris; Seth A. Harris, New York, NY of Burns & Harris	\$131,870
Golden v. Imperial Parking Systems Inc.	2/1	Bronx Supreme	Negligent Repair and/or Maintenance : Physiatrist claimed career altered by fall on ice	Michael D. Zentner, New York, NY of Petrocelli & Christy	\$125,000
Herrera-Paz v. Villalobos	4/22	Queens Supreme	Negligent Repair and/or Maintenance : Defense: Plaintiff walked in icy lot, rather than on clear sidewalk	Christopher J. Purcell, Hauppauge, NY of Reynolds, Caronia, Gianelli, Hagnay, LaPinta L.L.P.	\$110,000
Gaglia v. Town Sports International	6/30	Kings Supreme	Negligent Repair and/or Maintenance : Health club's patron tripped on net that divided room	Jason Herbert and Ernest N. Reece, New York, NY of Krentsel & Guzman, LLP	\$110,000
Bonafede v. City of New York, New York	10/20	Kings Supreme	Negligent Repair and/or Maintenance : Sanitation station plagued by persistent leaks, suit alleged	Jason Herbert, New York, NY of Krentsel & Guzman	\$110,000
Santiago v. New York City Transit Authority	6/22	New York Supreme	Negligent Repair and/or Maintenance : Subway rider claimed he slipped on station's soapy stairs	Christopher L. Vargas, New York, NY of Bader, Yakaitis & Nonnenmacher, LLP	\$108,900
Carmody v. Corbellini	11/5	New York Supreme	Negligent Repair and/or Maintenance : Beach home's deck in disrepair; tenant alleged	Robert M. Ginsberg, New York, NY of Ginsberg & Wolf, P.C.	\$100,000
Layou v. State of New York	3/30	Court of Claims, Syracuse	Negligent Repair and/or Maintenance : Prisoner's buttocks, leg burned during mishap in kitchen	Thomas F. Shannon, Syracuse, NY of Lynn Law Firm	\$85,000
Viele v. Vyverberg	1/21	Monroe Supreme	Negligent Repair and/or Maintenance : Building's owner didn't fix broken door; tenant alleged	Robert L. Voltz, Buffalo, NY of Cellino & Barnes P.C.	\$79,043
Boykin v. Rose Hill Rentals	2/24	Albany Supreme	Negligent Repair and/or Maintenance : Boy struck, hurt when window fell out of frame	Steven P. Schultz, Albany, NY of Finkelstein & Partners, L.L.P.	\$75,000