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Top New York Verdicts *of* 2011

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$1,400,000: Roofer Falls from State Facility - Laminectomy

$3,167,000: Bridge Painter Falls from Scaffold - Total Disability

$3,515,000 Verdict: Dental Malpractice, Trigeminal Neuralgia

$2,650,000 Verdict: Failure of Material Hoist - Orbital Fracture

$1,057,000 Verdict: Flying Debris, Parking Lot of Home Depot - Laminectomy

$2,700,000 Settlement: Medical Malpractice

$2,100,000 Jury Verdict: Trip and Fall Accident on City Sidewalk

$1,500,000 Settlement: Negligent Supervision of Special Needs Child

$3,100,000 Settlement: Leg Amputation

$1,000,000 Jury Verdict: Motor Vehicle Accident

$2,800,000 Jury Verdict: Police Brutality

$1,000,000 Settlement: Motor Vehicle Accident

$2,750,000 Settlement: Landlord's Negligence

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TOP 30 NEW YORK VERDICTS IN 2011

	CASE	DATE	COURT	TYPE OF ACTION	PLAINTIFF'S COUNSEL	AMOUNT
1	Nelson v. Narwal	10/26	Kings Supreme	Surgical Error: Gastroesophageal surgery doomed by sutures, suit alleged	James Wilkens, Uniondale, NY of Duffy & Duffy, Esqs.	$60,000,000
2	Turturro v. City of New York	5/26	Kings Supreme	Speeding: City didn't slow speeding drivers, accident's victim alleged	Robert J. Walker, Mineola, NY of Gallagher, Walker, Bianco & Plastaras	$36,161,798
3	Manganiello v. Ahmed	7/8	Orange Supreme	Prescription and Medication: Doc didn't spot patient's sodium deficiency, suit alleged	Robert Winters, Parsippany, NJ of Law Offices of Robert Winters, Parsippany, NJ, of counsel, Fein, Such, Kahn & Shepard, P.C.	$33,745,000
4	Dummitt v. A.W. Chesterton	8/17	New York Supreme	Failure to Warn: Former U.S. Navy man linked mesothelioma to asbestos	Bryan Belasky, Seth A. Dymond, Jordan C. Fox, James C. Long, Jr.,& William N. Papain, New York, NY of Belluck & Fox, L.L.P.	$32,000,000
5	Member Services Inc. v. Security Mutual Life Insurance Company of New York	10/13	U.S. District Court, N.D.N.Y.	Misappropriation of Trade Secrets: Companies' relationship ended in trade-secret dispute	Daniel M. Sleasman, Albany, NY; Alexander D. Brown & Peter G. Herman, Fort Lauderdale, FL of Tripp, Scott, P.A.	$26,000,000
6	Zaldumbide v. Consolidated Edison Company of New York Inc.	6/7	Queens Supreme	Negligent Repair: Repairmen's oversight led to fatal explosion, suit alleged	Marie Ng, New York, NY of Sullivan, Papain, Block, McGrath & Cannavo, P.C.	$25,000,000
7	Speed v. Six Flags	4/21	American Arbitration Association, Manhattan	Labor & Employment: Six Flags contract breached and ruled fraudulent, arbitrator finds	Douglas H. Wigdor & Gregory N. Filosa, New York, NY of Thompson Wigdor & Gilly LLP	$24,000,000
8	McCarthy v. A.C. & S.., Inc	6/21	New York Supreme	Failure to Warn: Men's fatal cancer caused by asbestos, suit alleged	Michael Fanelli & Danny R. Kraft, Jr., New York, NY of Weitz & Luxenberg, P.C.	$22,150,000
9	Kusz v. New York City Transit Authority	8/17	Queens Supreme	Pedestrian: Woman hit by bus, underwent amputations of arm and leg	Alan M. Shapey, New York, NY of Lipsig, Shapey, Manus & Moverman, PC	$20,316,049
10	Konstantin v. 630 Third Avenue Associates	8/16	New York Supreme	Labor Law: Contractor didn't disclose asbestos's dangers, suit alleged	Bryan Belasky, Seth A. Dymond, Jordan C. Fox, James C. Long, Jr. & William N. Papain, New York, NY of Belluck & Fox, L.L.P.	$19,550,157
11	Peat v. Fordham Hill Owners Corp.	6/24	Bronx Supreme	Negligence: Worker severely burned when lacquer ignited	Kostantinos Mallas, Brooklyn, NY of Georgaklis & Mallas PLLC, Brooklyn, NY, trial counsel to Bournazos & Matarangas PC, New York, NY	$18,681,323
12	Carroll v. 1156 APF, LLC	11/15	New York Supreme	Labor Law: Safety harness couldn't prevent paralyzing fall, worker claimed	Gail S. Kelner & Robert S. Kelner, New York, NY of Kelner & Kelner	$16,500,000
13	Metso Minerals Inc. v. Powerscreen International Distribution Limited	3/3	U.S. District Court, E.D.N.Y.	Infringement: Processing plant's technology illegally copied, suit alleged	Lisa A. Ferrari & Michael C. Stuart, New York, NY of Cozen O'Connor	$15,800,000
14	Marache v. New Palace Painters Supply Co. Inc.	9/23	Bronx Supreme	Warnings: Lacquer's sellers didn't disclose flammability, suit alleged	William Gentile, Anthony P. Gentile & David M. Godosky, New York, NY of Godosky & Gentile, P.C.	$15,195,840
15	Carelli v. Westchester County Health Care Corp.	8/5	Westchester Supreme	Failure to Monitor: Hospital didn't anticipate or treat bedsore, patient alleged	Peter E. Tangredi, White Plains, NY of Peter E. Tangredi & Associates	$14,500,000
16	Ball v. New York City School Construction Authority	8/22	Bronx Supreme	Labor Law: Worker paralyzed after being hit by beam that fell from crane	David H. Mayer & Kenneth Sacks, New York, NY of Sacks & Sacks	$13,000,000
17	Chun v City & State of NY	7/8	NY Supreme & Court of Claims	Roadways: Removal of signs created hazardous condition leading to intersection accident	Edward T. Cooper, New York, NY of Torgan & Cooper	$12,025,000
18	Jean-Baptiste v. PSCH Inc.	2/10	Kings Supreme	Passenger: Man paralyzed for eight months after van crash	Roy S. Hiller, New York, NY	$12,000,000
19	Callegari v. Davis & Partners, LLC	11/2	New York Supreme	Non-Labor Law: Union worker sues after he was stabbed on jobsite	Patrick F. Bisogno, Brooklyn, NY of Bisogno & Meyerson L.L.P.	$11,333,602
20	Breen v. 25 Broadway Office Properties, LLC	10/28	New York Supreme	Labor Law: Worker claimed 18-foot fall caused hand, head, spine injuries	Douglas J. Fanning &James J. McCrorie, New York, NY of Fanning & McCrorie, P.C.	$11,000,000
20	Yanchapanta v. Eldert Corners LLC	3/2	Kings Supreme	Labor Law: Mason claimed fall from shaky ladder ended career	Christopher J. Gorayeb, New York, NY of Gorayeb & Associates, P.C.	$11,000,000
22	Henderson v. Action Carting Environmental Services	5/24	New York Supreme	Pedestrian: Motorist's seizure results in pedestrian deaths and injuries	Frederick C. Aranki & Daniel P. O'Toole, New York, NY of Block O'Toole & Murphy, LLP; Scott Messinger, Forest Hills, NY of Gladstein & Messinger; Andrew Park, New York, NY of Sim & Park, LLP; Kenneth P. Nolan & Jeanne M. O'Grady, New York, NY of Speiser, Krause, Nolan & Granito	$10,500,000

MEDIATED SETTLEMENTS

A SAMPLING OF CASES RESOLVED 2011-2012 IN OUR PERSONAL INJURY DIVISION

HEARING DATE	AMOUNT
1/10/2011	3,250,000
2/4/2011	2,150,000
2/14/2011	2,500,000
2/28/2011	6,850,000
3/2/2011	1,310,000
3/2/2011	3,000,000
3/3/2011	2,500,000
3/7/2011	8,250,000
3/10/2011	1,225,000
3/16/2011	2,250,000
3/18/2011	1,475,000
3/22/2011	1,700,000
3/28/2011	1,800,000
3/28/2011	2,000,000
3/31/2011	6,750,000
4/7/2011	11,800,000
4/8/2011	1,200,000
4/20/2011	1,100,000
4/28/2011	1,200,000
4/28/2011	3,100,000
5/5/2011	2,700,000
5/9/2011	1,515,000
5/16/2011	2,450,000
5/24/2011	1,100,000
6/8/2011	3,250,000
6/10/2011	2,400,000
6/15/2011	2,400,000
6/17/2011	1,200,000
6/17/2011	1,200,000

HEARING DATE	AMOUNT
6/17/2011	1,500,000
6/21/2011	8,500,000
6/21/2011	2,200,000
6/27/2011	1,000,000
7/6/2011	2,180,000
7/15/2011	1,500,000
7/19/2011	1,750,000
7/21/2011	1,000,000
7/22/2011	1,100,000
7/25/2011	1,150,000
7/27/2011	1,750,000
7/27/2011	4,250,000
7/27/2011	2,700,000
8/3/2011	1,220,000
8/9/2011	6,000,000
8/9/2011	1,490,000
8/12/2011	1,000,000
8/19/2011	2,500,000
8/24/2011	1,000,000
8/25/2011	4,100,000
8/31/2011	1,750,000
9/1/2011	3,000,000
9/7/2011	1,500,000
9/8/2011	2,350,000
9/9/2011	1,000,000
9/15/2011	2,100,000
9/20/2011	2,500,000
9/20/2011	2,050,000
9/20/2011	1,000,000

HEARING DATE	AMOUNT
9/27/2011	1,700,000
9/27/2011	2,500,000
9/28/2011	3,900,000
9/28/2011	3,500,000
9/29/2011	1,500,000
9/30/2011	3,000,000
9/30/2011	2,400,000
10/5/2011	2,250,000
10/6/2011	1,700,000
10/10/2011	3,000,000
10/10/2011	1,220,000
10/12/2011	2,500,000
10/17/2011	1,050,000
10/18/2011	3,900,000
10/26/2011	1,300,000
10/27/2011	5,000,000
10/27/2011	2,347,500
11/9/2011	2,400,000
11/10/2011	1,100,000
11/14/2011	1,000,000
11/17/2011	1,400,000
11/21/2011	3,375,000
12/6/2011	1,900,000
12/12/2011	3,150,000
12/21/2011	1,250,000
12/21/2011	1,120,000
12/21/2011	1,400,000
1/3/2012	3,000,000
1/4/2012	2,000,000

HEARING DATE	AMOUNT
1/4/2012	1,400,000
1/6/2012	1,200,000
1/10/2012	1,200,000
1/11/2012	3,900,000
1/12/2012	2,000,000
1/13/2012	1,200,000
1/13/2012	1,950,000
1/25/2012	1,800,000
2/7/2012	2,900,000
2/8/2012	3,000,000
2/8/2012	2,950,000
2/13/2012	2,715,000
2/13/2012	2,750,000
2/15/2012	1,400,000
2/21/2012	5,700,000
2/22/2012	3,250,000
2/23/2012	1,500,000
2/24/2012	1,500,000
2/27/2012	1,800,000
2/28/2012	3,750,000
3/2/2012	2,100,000
3/15/2012	1,750,000
3/20/2012	5,500,000
3/26/2012	1,300,000
3/27/2012	2,500,000
4/3/2012	2,250,000
4/4/2012	4,150,000
4/9/2012	2,950,000
4/12/2012	1,500,000

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TOP 10 CASE SUMMARIES

No 1. ***Nelson V. Narwal***

Medical Malpractice:
Gastroesophageal surgery doomed by sutures, suit alleged
Verdict: (P) $60,000,000.00
Case Type: Surgical Error
Case Name:
Kaitlyn Nelson v. Shivinder Narwal MD; Millennium Pediatrics Care PC; Dr. S. Narwal Physician PC; Edward Shlasko MD; Christian Oraedu MD; Navinderdeep S. Nijher MD; Koteswararao V. Marella MD; & Maimonides Medical Ctr., No. 31707/05

Venue: Kings Supreme, NY
Judge: Marsha L. Steinhardt
Date: 10-26-2011
Plaintiff(s) Attorney(s):
James Wilkens, Duffy & Duffy, Esqs. Uniondale, NY, for Kaitlyn Nelson
Expert(s):
Richard Lechtenberg, Neurology, Brooklyn, NY called by: James Wilkens; Robert Bailey, Surgery, Miami, FL called by: James Wilkens; Gerald Salen M.D., Gastroenterology, New York, NY called by: James Wilkens.

Facts: On March 9, 1999, plaintiff Kaitlyn Nelson, 13, underwent surgery that addressed intractable gastroesophageal reflux disease. The procedure involved the creation of a Nissen fundoplication: a knotlike joining of the stomach's upper rim and the esophagus's lower sphincter. The result is a tightening of the esophagus's lower sphincter, and the intended effect is an elimination of the esophagus's intake of acid that is expelled by the stomach. The surgery was performed by pediatrician Dr. Edward Shlasko, at Maimonides Medical Center, in Brooklyn. Shlasko was assisted by a gastroenterologist, Dr. Shivinder Narwal.

Nelson's fundoplication subsequently unraveled. On Dec. 14, 2000, Shlasko and Narwal recreated the fundoplication.

Nelson subsequently developed gastroparesis: an impairment of the stomach's ability to empty itself. Nelson claimed that the condition was a result of improper performance of the fundoplications.

Nelson sued Shlasko; Maimonides Medical Center; Narwal; Narwal's practices, Dr. S. Narwal Physician, P.C. and Millennium Pediatrics Care, P.C.; and several members of Maimonides Medical Center's staff: a urologist, Dr. Koteswararao Marella, a surgeon, Dr. Navinderdeep Nijher, and another surgeon, Dr. Christian Oraedu. Nelson alleged that Narwal and Shlasko failed to properly perform the surgeries, that the remaining doctors failed to render proper postoperative care, that the failures constituted malpractice, that Dr. S. Narwal Physician and Millennium Pediatrics Care were vicariously liable for Narwal's actions, and that Maimonides Medical Center was vicariously liable for the actions of each doctor.

Nelson's counsel ultimately discontinued the claims against Marella, Nijher, Oraedu, Dr. S. Narwal Physician and Millennium Pediatrics Care. The matter proceeded to a trial against Shlasko, Maimonides Medical Center and Narwal, but Narwal was dismissed after evidence established that Shlasko was the primary performer of the fundoplications that Nelson underwent.

Nelson's counsel claimed that the initial fundoplication's failure was a result of insufficient sutures. He noted that Shlasko utilized "3-0" sutures, whose diameter measures 0.3 millimeters. He also noted that the sutures were absorbable. He contended that Shlasko should have utilized nonabsorbable "2-0" sutures, whose diameter measures 0.35 millimeters. He claimed that stronger, nonabsorbable sutures would have preserved the fundoplication.

Nelson's expert neurologist opined that the second fundoplication was doomed by an improperly applied suture. He contended that a suture trapped and permanently damaged a portion of Nelson's vagus nerve, which controls food's movement through the stomach. Nelson's ex-

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TOP 30 NEW YORK VERDICTS IN 2011

	CASE	DATE	COURT	TYPE OF ACTION	PLAINTIFF'S COUNSEL	AMOUNT
23	Simmons v. N.Y.C.T.A.	5/9	Bronx Supreme	Negligence: Man hit by train, claimed engineer could have stopped	Alan M. Shapey, New York, NY of Lipsig, Shapey, Manus & Moverman; Gerard Lucciola, New York, NY of Rosato & Lucciola, P.C.; Derek S. Sells, New York, NY of The Cochran Firm	$10,005,472
24	BASCOM Global Internet Services Inc. v. AOL LLC	11/4	U.S. District Court, E.D.N.Y.	Infringement: AOL, Yahoo copied Web-filtering tech, suit alleged	Abbey Dennis, Eric Maurer & Michael Underhill, New York, NY of Boies, Schiller & Flexner, LLP; Carolyn Rendell, Jason Spiro & David S. Stone, New York, NY of Stone and Magnanini, LLP	$10,000,000
24	Roth v. Capizzuto	7/18	Suffolk Supreme	U-Turn: Motorcyclist permanently homebound after crash	Leonard J. Tartamella, Hauppauge, NY of Law Offices of Leonard J. Tartamella	$10,000,000
26	Belding v. Verizon New York Inc.	3/30	New York Supreme	Labor Law: Shaky ladder led to fall, amputation of leg, worker claimed	Gail S. Kelner & Robert S. Kelner, New York, NY of Kelner & Kelner	$9,700,000
27	Cropper v. Stewart	8/11	New York Supreme	Bicycle: Cyclist claimed bus hit him after he avoided taxi's open door	Walter G. Alton, Jr., New York, NY of Walter G. Alton, Jr. & Associates P.C.	$9,180,000
28	Capwell v. Guneratne	5/27	Westchester Supreme	Misdiagnosis:	Matthew Gaier & Judy A. Livingston, New York, NY of Kramer, Dillof, Livingston & Moore, P.C.	$9,000,000
29	Arvelo v. State of New York	9/19	Court of Claims, Buffalo	Pedestrian: Driver veered off road, struck girl, suit alleged	James E. Brown, Donald P. Chiari & Samuel J. Capizzi, Lancaster, NY of Brown Chiari LLP	$8,975,000
30	Hoover v. New Holland North America Inc.	4/8	Niagara Supreme	Design Defect: Auger's protruding bolt a hazard, plaintiff alleged	Laraine Kelley & Richard P. Weisbeck, Jr., Buffalo, NY of Lipsitz Green Scime & Cambria LLP	$8,811,587

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Disclaimer: Past success does not guarantee a similar result.

-Continued from p6

pert surgeon opined that Shlasko failed to identify and protect the nerve.

The defense's expert surgeon acknowledged that fundoplications are typically secured via the application of 2-0 sutures, but he contended that 3-0 sutures are an accepted alternative. The expert further opined that accepted medical standards did not require Shlasko's identification and preservation of Nelson's vagus nerve. However, the defense's expert gastroenterologist and expert neurologist contended that the vagus nerve was not damaged. Defense counsel claimed that Nelson's gastroparesis is a result of an unrelated abnormality of her metabolic process.

Injury: Nelson suffers gastroparesis. The condition necessitated seven surgeries. The procedures included a gastrojejunostomy, which involved the joining of her stomach and small intestines; the implantation and subsequent activation of a pacemaker that controls her gastrointestinal functions; subsequent procedures that replaced all or parts of the pacemaker; and the lysis and removal of adhesions of tissue.

Nelson's gastroesophageal reflux disease has not been resolved, and Nelson's expert gastroenterologist opined that the condition impairs Nelson's respiration. Nelson requires the continuous administration of supplemental oxygen, which is provided via a tube that accesses her nasal cavity. Her nutrition is also received via a tube.

Nelson sought recovery of damages for her past and future pain and suffering.

Defense counsel contended that Nelson's gastroparesis is not related to the impairment of her respiration.

Verdict Information: The jury found that Shlasko departed from an accepted standard of medical care. It determined that Nelson's damages totaled $60 million.

Kaitlyn Nelson
$40,000,000 Personal Injury: Past Pain and Suffering
$20,000,000 Personal Injury: Future Pain and Suffering

No 2. ***Turturro v. City of New York***

Motor Vehicle:
City didn't slow speeding drivers, accident's victim alleged
Verdict: (P) $36,161,797.52
Case Type: Speeding, Motor Vehicle - Bicycle, Transportation - Roadways, Government - Municipalities
Case Name:
Anthony Turturro an Infant by Elida Turturro, His Natual Mother & Natural Guardian, & Elida Turturro, Individually v. City of New York Louis Pascarella & Beatrice Pascarella, No. 37657/05

Venue: Kings Supreme, NY
Judge: Herbert Kramer
Date: 05-26-2011
Plaintiff(s) Attorney(s):
Robert J. Walker, Gallagher, Walker, Bianco & Plastaras, Mineola, NY, for Anthony Turturro, Elida Turturro
Expert(s):
Lawrence Shields M.D., Neurology, Long Beach, NY called by: Robert Walker; Richard Schuster Ph.D., Vocational Rehabilitation, New York, NY called by: Robert Walker; Alan Leiken Ph.D., Economics, Stony Brook, NY called by: Robert Walker; Robert Hintersteiner P.E., Traffic, White Plains, NY called by: Robert Walker.

Facts: During the evening of Dec. 5, 2004, plaintiff Anthony Turturro, 12, was bicycling on Gerritsen Avenue, near its intersection at Florence Avenue, in the Gerritsen Beach section of Brooklyn. He was struck by a car that was being driven by Louis Pascarella, who was traveling on the southbound side of Gerritsen Avenue. Anthony sustained injuries of an ankle and his head.

Anthony's mother, Elida Turturro,

-Continued on p10

TOP 2011 VERDICTS BY CATEGORY

Animals					
CASE	**DATE**	**COURT**	**TYPE OF ACTION**	**PLAINTIFF'S COUNSEL**	**AMOUNT**
Davis v. Leandra	10/27	Bronx Supreme	Animal control: Woman toppled by dog while visiting house for sale	Francis X. Young, White Plains, NY of Young & Bartlett, LLP	$464,000
Williams v. Bisnett	1/31	Albany Supreme	Animal control: Defendants' dog bit off chunk of plaintiff's nose	JoAnn P. Harrigan & Martin D. Smalline, Albany, NY of Smalline and Harri	$270,000
Ellerson v. Sears	7/13	Suffolk Supreme	Animal control: Houseguest claimed he was encouraged to pet vicious dog	Glenn Auletta & Michael DellaUniversita, Ronkonkoma, NY of Gruenberg & Kelly, P.C.	$250,000
Johnson v. Rivka Realty Corp.	10/4	Bronx Supreme	Animal control: Apartment's visitor bitten by pit bull, claimed no warning	Brad A. Kauffman, New York, NY of Law Offices of Brad A. Kauffman, PLLC	$225,000
O'Donovan v. Costa	4/25	Richmond Supreme	Animal control: Dog not adequately restrained, bitten man claimed	Sean Sasso, Staten Island, NY of Chelli & Bush, Esqs.	$150,000
Volk v. Volk	9/23	Chautauqua Supreme	Animal control: Plaintiff knocked down by jumping dog, claimed head injury	Allan M. Lewis, Buffalo, NY of Lewis & Lewis	$150,000
Velardi v. Mascolo	12/15	Richmond Supreme	Animal control: Mailman claimed vicious pit bull wasn't contained	Jack Tracy, Brooklyn, NY of Tracy & Stillwell, P.C.	$125,952
Martinez v. Pappas	4/20	Nassau Supreme	Animal control: Pet sitter bitten by dog, claimed owner knew animal was vicious	Todd M. Rubin, Mineola, NY of Finz & Finz, P.C.	$120,000
Sheils v. Rampil	5/24	Suffolk Supreme	Animal control: Homeowners failed to restrain vicious dog, suit alleged	Richard D. Winkler, Port Jefferson Station, NY of Winkler, Kurtz, Winkler & Kuhn, LLP	$50,000
Scerri v. Walsh	5/16	Putnam Supreme	Animal control: Dog bite's scars inhibit social interaction, teen claimed	Gregory W. Bagen, Brewster, NY	$50,000
Monroe v. Degraw	8/15	Saratoga Supreme	Animal control: Couple failed to control vicious mutt, teen claimed	Kimberly Furnish, Latham, NY of Conway & Kirby, LLP	$20,000

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$10,000,000 Federal Jury Verdict Against AOL For Patent Infringement

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Managing Partner

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acting individually and as Anthony's parent and natural guardian, sued Pascarella; the owner of Pascarella's vehicle, Beatrice Pascarella; and Gerritsen Avenue's maintainer, the city of New York. The plaintiffs alleged that Louis Pascarella was negligent in the operation of his vehicle, that Beatrice Pascarella was vicariously liable for Louis Pascarella's actions, and that the city negligently failed to address persistent dangerous conditions that ultimately caused the accident.

Anthony claimed that he retains no memory of the circumstances that led to the accident. A witness contended that Anthony was bicycling toward the west side of Gerritsen Avenue. She estimated that Louis Pascarella was maintaining a speed of 50 mph. That speed would have been 20 mph faster than the posted limit. The witness also contended that Anthony was propelled onto the windshield of Pascarella's car, that the windshield shattered and that Anthony was tossed onto the pavement. Plaintiffs' counsel noted that investigators calculated that Pascarella was maintaining a speed of 54 mph.

Plaintiffs' counsel claimed that Pascarella's excessive speed caused the accident, but he also claimed that the city had failed to address persistent reports that Gerritsen Avenue was being plagued by speeding motorists. He noted that politicians had also submitted complaints that addressed the issue. He presented an expert engineer, who opined that the speeding motorists would have been deterred by any one of several measures that included the creation of a wide median. However, during cross-examination, the expert acknowledged that speeding cannot be entirely prevented.

The city's counsel contended that the city had studied the issue of controlling Gerritsen Avenue's speeding motorists, and she noted that policemen had been repeatedly directed to arrest the speeding motorists. She claimed that the directive sufficiently addressed the problem, and she contended that the area became comparable to other areas in which a motorist's speed may not exceed 30 mph.

The city's counsel also presented an expert who studies biomechanics. The expert noted that Anthony sustained severe injuries of his head, but he opined that similarly severe injuries would have resulted from being struck by a vehicle whose driver was maintaining a speed of 30 mph. The expert also contradicted the testimony that was provided by the plaintiffs' eyewitness. The expert suggested that the collision occurred while Anthony was bicycling toward the east side of Gerritsen Avenue. Pascarella corroborated that suggestion, and he contended that Anthony suddenly emerged from behind a cluster of double-parked vehicles. Pascarella claimed that he could not have avoided the accident. He also claimed that his vehicle's speed did not exceed 35 mph.

Injury: Anthony sustained fractures of his skull, a fracture of his left ankle and damage of his brain. He also developed a subdural hematoma, and he became comatose.

Anthony was transported to a hospital, where doctors detected that his brain was swollen. The condition was addressed via performance of a craniotomy, which involved the long-term removal of a portion of his skull. The extracted bone was implanted in his abdomen, and it was removed and replaced when his brain's swollenness had subsided.

Anthony subsequently developed hydrocephalus: the brain's retention of an excessive amount of cerebrospinal fluid. The condition was addressed via the implantation of a shunt that allowed drainage of the fluid. Anthony also underwent the implantation of a filter that was intended to prevent the formation of a pulmonary embolism.

Anthony's coma persisted through the four months that followed the

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Animals

CASE	DATE	COURT	TYPE OF ACTION	PLAINTIFF'S COUNSEL	AMOUNT
Flanagan v. Turizo	3/15	Ulster Supreme	Animal control: Plaintiff bitten while separating fighting dogs	Derek J. Spada, Kingston, NY of Basch & Keegan, LLP	$7,067
Corcoran v. A & M Sales Corp.	6/6	Ulster Supreme	Animal control: Store's customer bitten by proprietor's German shepherd	Derek J. Spada, Kingston, NY of Basch & Keegan	$6,250
Conibear v. Ridgeway	1/10	Cayuga Supreme	Animal control: Aggressive dog caused knee injury, plaintiff claimed	Richard C. Mitchell, Oswego, NY of Mitchell Law Office	$3,000

Civil Rights

CASE	DATE	COURT	TYPE OF ACTION	PLAINTIFF'S COUNSEL	AMOUNT
Negron v. Ulster County	10/3	U.S. District Court, N.D.N.Y.	42 USC 2000: Jail guard claimed she was groped by male co-worker	Joseph J. Ranni, Middletown, NY; Robert E. DiNardo, Michael L. Fox, Michele L. Babcock & Peter R. Eriksen, Walden, NY of Jacobowitz & Gubits, LLP	$465,000
Equal Employment Opportunity Commission v. New York University	8/12	U.S. District Court, S.D.N.Y.	Civil Rights Act of 1964: Library worker sued NYU with allegations of racial harassment	Elizabeth Grossman, Judy A. Keenan & Gillian Thomas, New York, NY of Equal Employment Opportunity Commission; Ellen Dichner, New York, NY of Gladstein, Reif & Meginniss LLP	$210,000

Construction Accident

CASE	DATE	COURT	TYPE OF ACTION	PLAINTIFF'S COUNSEL	AMOUNT
Konstantin v. 630 Third Avenue Associates	8/16	New York Supreme	Labor Law: Contractor didn't disclose asbestos's dangers, suit alleged	Bryan Belasky, Seth A. Dymond, Jordan C. Fox, James C. Long, Jr. & William N. Papain, New York, NY of Belluck & Fox, L.L.P.	$19,550,157
Carroll v. 1156 APF, LLC	11/15	New York Supreme	Labor Law: Safety harness couldn't prevent paralyzing fall, worker claimed	Gail S. Kelner & Robert S. Kelner, New York, NY of Kelner & Kelner	$16,500,000
Ball v. New York City School Construction Authority	8/22	Bronx Supreme	Labor Law: Worker paralyzed after being hit by beam that fell from crane	David H. Mayer & Kenneth Sacks, New York, NY of Sacks & Sacks	$13,000,000

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- $22.6 million verdict for a steelworker victim of a crane collapse
- $18.2 million verdict for an ironworker who slipped on an icy ramp
- $16.5 million verdict for an elevator mechanic who fell from a collapsed catwalk
- $15 million settlement for an ironworker hit by a falling bridge panel
- $14.2 million settlement for a rigger who fell from the jib of a crane
- $13 million settlement for a ironworker struck by falling beam

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accident. After he had regained consciousness, he underwent about 19 months of physical rehabilitation. During his rehabilitation, his right knee developed a contracture. In January 2006, that condition was addressed via surgery that involved the lengthening of a tendon. In February 2007, doctors determined that Anthony was suffering residual ossification of his right hip. Anthony also developed a disorder that produced seizures, though the condition is greatly controlled by medication.

The plaintiffs' expert neurologist opined that Anthony sustained permanent damage of his brain. Anthony suffers residual impairment of his cognitive functions, and he is schooled in special classes. He also suffers residual impairment of his balance, so his ambulation is guided by a specially trained dog.

The plaintiffs' vocational-rehabilitation expert opined that Anthony's residual injuries will greatly impair the boy's ability to work. The expert suggested that Anthony can perform part-time work that would provide a minimal salary. The plaintiffs' expert economist opined that Anthony's pre-accident academic performance suggested that the boy would have been able to earn a salary that equaled or exceeded the national average.

The parties stipulated that Anthony's medical expenses totaled $586,797.52. Anthony's mother sought recovery of that amount, about $15 million for Anthony's future medical expenses, about $6 million for Anthony's future lost earnings, $5 million to $10 million for Anthony's past pain and suffering, and $10 million to $15 million for Anthony's future pain and suffering. She also sought recovery of $100,000 to $200,000 for her loss of services.

Defense counsel contended that plaintiffs' counsel exaggerated the extent of Anthony's residual injuries, that doctors had previously determined that Anthony was emotionally disturbed and that doctors had previously determined that Anthony is a learning-disabled person.

Verdict Information: The jury found that each party was liable for the accident. Beatrice Pascarella and Louis Pascarella were assigned a total of 50 percent of the liability; the city was assigned 40 percent of the liability; and Anthony was assigned 10 percent of the liability.

The jury determined that the plaintiffs' damages totaled $36,161,797.52. The comparative-negligence reduction produced a net recovery of $32,545,617.77, but the plaintiffs do not expect to recover that amount. Beatrice Pascarella and Louis Pascarella are not expected to contribute more than $50,000, which represents the limit of their insurer's obligation. The city must pay the remainder of the economic damages, but it does not have to pay more than 30 percent of the noneconomic damages.

Anthony Turturro
$11,500,000 Personal Injury: Future Medical Cost
$3,000,000 Personal Injury: FutureLostEarningsCapability
$6,000,000 Personal Injury: Past Pain And Suffering
$15,000,000 Personal Injury: Future Pain And Suffering
$586,798 Personal Injury: past medical cost (stipulated)
Elida Turturro
$75,000 Personal Injury: Past Loss Of Services

No 3. ***Manganiello v. Ahmed***

Medical Malpractice:
Doc didn't spot patient's sodium deficiency, suit alleged
Verdict: (P) $33,745,000.00
Case Type: Prescription and Medication, Medical Malpractice - Failure to Diagnose
Case Name:
Diane & Andrew Manganiello v. Moi-

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Construction Accident

CASE	DATE	COURT	TYPE OF ACTION	PLAINTIFF'S COUNSEL	AMOUNT
Breen v. 25 Broadway Office Properties, LLC	10/28	New York Supreme	Labor Law: Worker claimed 18-foot fall caused hand, head, spine injuries	Douglas J. Fanning &James J. McCrorie, New York, NY of Fanning & McCrorie, P.C.	$11,000,000
Yanchapanta v. Eldert Corners LLC	3/2	Kings Supreme	Labor Law: Mason claimed fall from shaky ladder ended career	Christopher J. Gorayeb, New York, NY of Gorayeb & Associates, P.C.	$11,000,000
Belding v. Verizon New York Inc.	3/30	New York Supreme	Labor Law: Shaky ladder led to fall, amputation of leg, worker claimed	Gail S. Kelner & Robert S. Kelner, New York, NY of Kelner & Kelner	$9,700,000
Valencia v. Obayashi Corp.	5/24	Westchester Supreme	Labor Law: Work site's fallen fence caused paralyzing injury	Anthony J. Pirrotti, Jr., Scarsdale, NY of Pirotti Law Firm LLC	$8,500,000
Vieira v. Eldora Construction Corp	9/23	Nassau Supreme	Labor Law: Worker fell off ladder, sustained paralyzing injury	Dallin M. Fuchs, New York, NY of Queller, Fisher, Washor, Fuchs & Kool, LLP	$6,500,000
Carmona v. Dormitory Authority State of New York	6/10	Bronx Supreme	Labor Law: Worker claimed 25-foot fall led to fusion of spine	Frederick C. Aranki & Daniel P. O'Toole, New York, NY of Block O'Toole & Murphy, LLP	$6,400,000
Heer v. North Moore Street Developers, L.L.C.	5/27	Bronx Supreme	Labor Law: Fall from scaffold caused brain injury, worker alleged	Michael Flomenhaft, New York, NY of The Flomenhaft Law Firm, PLLC	$5,880,000
Estate of Pauta v. 340 Madison Owner, LLC	10/26	New York Supreme	Labor Law: Worker's slip through scaffold caused fatal injuries	Victor Greco, New York, NY of O'Dwyer & Bernstien, L.L.P.	$5,500,000
Maung Than Zaw OO, v. Prompt Apparel, Inc	12/21	Kings Supreme	Labor Law: Electric shock caused worker to fall from ladder sustaining injuries	Stanley A. Tomkiel, III, New York, NY, Tomkiel & Tomkiel, PC	$5,260,000
Crooks v. E. Peters, LLC.	1/26	Kings Supreme	Labor Law: Fall from ladder caused back, leg injuries, worker alleged	Sean P. Constable & S. Joseph Donahue, New York, NY of Block, O'Toole & Murphy, L.L.P.	$5,000,000
Hu v. Eng	2/1	Kings Civil	Labor Law: Loose floorboards caused fall, fractured hip, worker claimed	Adam E. Deutsch, New York, NY of Morelli Ratner P.C.	$4,500,000
Saucedo v. Sweeney & Conroy, Inc.	10/3	Queens Supreme	Fall from Height: Family sues after ceiling collapsed underneath deceased construction worker.	Frederick C. Aranki & Daniel P. O'Toole, New York, NY of Block O'Toole & Murphy, LLP	$4,475,000
Engel v. 33 West End Avenue GP Inc.	9/21	New York Supreme	Labor Law: Work site's dangerous gap not properly shielded, suit alleged	Kenneth Sacks, Joseph P. Carfora & David H. Mayer, New York, NY of Sacks & Sacks, LLP	$4,450,000

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New York Law Journal Top NY Verdicts of 2011

20 of the TOP 30 Verdicts and # 5 of the Construction Accident catagory

Yanchapanta v. Eldert Corners LLC $11,000,000.00

Labor Law: Mason claimed fall from shaky ladder ended career
3/2/2011 Kings Supreme

Other Notable Verdicts:

Vasquez v. Great American Contracting Corp. et al. $6,100,000.00
Labor Law: Construction worker injured in building collapse
2/15/12 New York County Supreme

Hernandez v. 151 Sullivan Tenant Corp. et al $12,800,000.00
Labor Law: A construction worker fell from a roof onto a sidewalk bridge.
12/12/03 Bronx Supreme

Severe v. Consolidated Truck Leasing Corp., et al. $11,780,000.00
Motor Vehicle: A male driving an automobile was struck in the rear by another vehicle causing him to sustain a spinal injury.
1/9/03 Kings Supreme

Flores v. Parkchester Preservation Company, L.P. et al. $5,720,193.00
A home health aide tripped and fell over a sidewalk defect resulting in a fractured elbow among other injuries.
10/15/04 Bronx Supreme

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nuddin Ahmed, M.D., Asadolah Baradaran, M.D., "R" Liu, M.D., Rose Aunicla, R.N., Irene Stokkeland, R.N., "C" Moir, R.N., et al, No. 2286/06

Venue: Orange Supreme, NY
Judge: Jeffrey Berry
Date: 07-08-2011
Plaintiff(s) Attorney(s):
Robert Winters, Law Offices of Robert Winters, Parsippany, NJ, of counsel, Fein, Such, Kahn & Shepard, P.C., Parsippany, NJ, for Diane Manganiello, Andrew Manganiello
Expert(s):
Donna Flannery, Life Care Planning, Fairfield, NJ called by: Robert Winters; Brian-Fred Fitzsimmons M.D., Neurology, Milwaukee, WI called by: Robert Winters; Jude Lark R.N., Emergency Nursing, New York, NY called by: Robert Winters; Richard Sterns M.D., Nephrology, Rochester, NY called by: Robert Winters; Frank Tinari Ph.D., Economics, South Orange, NJ called by: Robert Winters

Facts: In late December 2003, plaintiff Diane Manganiello, 42, a teacher, presented to her family physician with complaints of flulike symptoms. Her doctor diagnosed sinusitis. Two days later, Manganiello went to Newton Memorial Hospital, where this was confirmed. She was given a prescription for Tylenol with codeine and was discharged to follow up with her family physician. Later that evening, while at home, she fell out of bed. Over the next 12 to 14 hours, her condition worsened, prompting her husband to call an ambulance. On Jan. 3, 2004, she was taken to Bon Secours Community Hospital, in Port Jervis.Anthony's mother, An initial workup in the emergency room showed that Manganiello had a critically low sodium level of 99. She came under the care of emergency room nurse Rose Aumick and Dr. Moinuddin Ahmed, the on-call critical-care physician. An emergency room physician ordered 100 cubic centimeters of 5 percent hypertonic saline to be administered over the course of six hours.

Manganiello's condition had improved significantly by the following morning, and she was sitting up in bed and talking with her family. Her condition continued to improve into the following day until approximately 2 p.m., when she told her husband that she wanted to take a nap. When she awakened, she had lost the ability to speak and developed quadriparesis. She eventually became comatose.

Manganiello sued Bon Secours Community Hospital, Ahmed, Dr. Asadolah Baradaran, Dr. R. Liu and nurses Aumick, Irene Stokkeland and C. Moir for medical malpractice. Baradaran, Liu, Stokkeland and Moir were dismissed.

Manganiello's counsel argued that Aumick failed to follow a doctor's order for 100 cubic centimeters of 5 percent hypertonic saline to be administered over the course of six hours and instead gave Manganiello the hypertonic saline over the course of one hour. The laboratory records showed that her sodium level rose from 99 to 108 in less than two hours. Manganiello's counsel argued that Ahmed failed to recognize that Manganiello was experiencing chronic hyponatremia--a lack of sodium in the bodily fluids outside of the cells--and persisted in ordering additional saline to be administered causing her sodium level to increase by 27 units in 14 hours, which was well outside the standard rates for correction of hyponatremia.

Manganiello's counsel argued that Ahmed should have recognized that Manganiello was suffering chronic hyponatremia because virtually all hyponatremia seen in an outpatient setting is chronic rather than acute. Manganiello's experts maintained that if a patient were to have a sodium level of 99 in an acute setting, the patient would likely be dead or at least experiencing convulsive seizures.

Manganiello's counsel argued that Ahmed should have brought Manganiello's sodium levels up slowly. Their expert nephrologist testified

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Construction Accident

CASE	DATE	COURT	TYPE OF ACTION	PLAINTIFF'S COUNSEL	AMOUNT
Lanzetta v. Schappert Construction Inc.	3/7	Suffolk Supreme	Labor Law: Scaffold's collapse caused disabling injuries, worker claimed	Ian M. Sack, Islandia, NY of Davis & Hersh, PC	$4,206,910
Morales v. DP 21, LLC	10/3	Bronx Supreme	Labor Law: Worker's 25-foot fall caused fractures of arm, face, leg	Michael S. Lamonsoff, New York, NY of Law Offices of Michael S. Lamonsoff; Kenneth Sacks, New York, NY of Sacks & Sacks, of counsel, Law Offices of Michael S. Lamonsoff	$4,100,000
Gilhooly v. Dormitory Authority of State of New York	11/19	Suffolk Supreme	Labor Law: Ladder accident ended career, carpenter claimed	Kenneth E. Mangano, Sayville, NY of Ferro, Kuba, Mangano, Sklyar, P.C.	$4,005,545
Minchala v. Port Authority of New York and New Jersey	3/8	Queens Supreme	Labor Law: Worker hit and injured by slab that fell off of forklift	Kenneth Sacks of Sacks & Sacks, LLP, New York, NY, of counsel, Jacob Oresky & Associates, PLLC, Bronx, NY	$4,000,000
DeJesus v. Triborough Bridge and Tunnel Authority	10/18	Bronx Supreme	Labor Law: Scaffold tipped, dumped worker, then fell on him	David H. Mayer, New York, NY of Sacks & Sacks LLP	$3,900,000
Pollizzo v. Mamaroneck Partners L.P.	7/1	Queens Supreme	Labor Law: Plaintiff claimed ladder accident ended construction career	Jacob Oresky, Bronx, NY of Jacob Oresky & Associates, PLLC; Howard R. Borowick, New York, NY of of counsel, Law Offices of Jacob Oresky	$3,900,000
Eichler v. Cumberland Builders LLC	5/11	Kings Supreme	Labor Law: Worker's 8-foot fall from ladder caused spinal fracture	Joseph P. Carfora & Michael A. Rose, New York, NY of Hach & Rose, LLP	$3,525,000
Gaudioso v. St. John's University	6/27	New York Supreme	Labor Law: Worker claimed he was struck by debris thrown from window	Joseph P. Carfora & Michael A. Rose, New York, NY of Hach & Rose, LLP	$3,500,000
Daniels v. FJ Sciame Construction Co.	4/26	Queens Supreme	Labor Law: Plumber hit by falling gravel at job site, claimed spinal injuries	Stephen J. Murphy & David L. Scher, New York, NY of Block O'Toole & Murphy, LLP	$3,075,000
Palumbo v. Prestige Properties Mgmt.	4/7	Bronx Supreme	Labor Law: Worker died after excavating vehicle fell onto him	Vito A. Cannavo & Frank V. Floriani, New York, NY of Sullivan Papain Block McGrath & Cannavo P.C.	$3,000,000
Massa v. NYC Economic Development Corp.	1/6	Bronx Supreme	Labor Law: Skid loader fell off of building's edge, driver crushed and killed	Jacob Oresky, Bronx, NY of Jacob Oresky & Associates, PLLC	$3,000,000
Gambino v. 835 Avenue of the Americas, L.P.	6/14	Kings Supreme	Labor Law: Worker tossed when excavating vehicle tipped	Marie Ng, New York, NY of Sullivan, Papain, Block, McGrath & Cannavo, P.C.	$3,000,000
Ciepierski v. New York City School Construction Authority	3/18	Bronx Supreme	Labor Law: Mason claimed work platform wasn't safely reachable	David H. Perecman & Mariusz Sniarowski, New York, NY of The Perecman Firm, P.L.L.C.	$2,871,200

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-Continued from p14

that the standard of medical practice required that her sodium levels should have been brought up no more than 10 to 12 units over a 24-hour period. If the sodium levels are corrected more rapidly, the patient is put at risk for developing an iatrogenic injury, specifically osmotic demyelination syndrome.

Defense counsel argued that Manganiello's condition was acute hyponatremia brought about by encephalitis. Manganiello's counsel countered that all of the lumbar punctures, laboratory tests and a brain biopsy were not diagnostic of encephalitis.

Injury: Manganiello was admitted to Good Samaritan Hospital, in Suffern, where a tracheostomy was performed and a feeding tube was placed. She developed seizures and was transferred to Columbia Presbyterian Hospital, in Manhattan, where she came under the care of her treating neurologist and neuro-intensivist. That doctor reviewed her extensive medical records from Bon Secours and Good Samaritan Hospital, along with the comprehensive workup that was being done at Columbia Presbyterian and determined that Manganiello had suffered osmotic demyelination syndrome as a result of the over-rapid correction of her sodium that she received while a patient at Bon Secours.

Since January 2004, Manganiello has been either in a hospital or at a supported living facility. Her family brings her home on weekends. She has undergone cognitive, physical, occupational and speech therapies and continues to do so to maintain the gains she has made. She is conscious now but has extreme difficulty speaking. It is challenging for her to form three-word sentences. To communicate, she uses mostly single words, hand gestures and facial expressions. She also carries a writing pad and uses a walker to ambulate.

Manganiello can remember the level that she functioned at prior to her brain injury and becomes frustrated at her cognitive limitations. At the time of her injury, her five children were between the ages of 12 and 18. Her children are now adults between the ages of 19 and 25, and three have decided to pursue careers in the medical field. As part of her therapy, Manganiello and other facility residents are taken out to a dollar store each week where Manganiello buys small gifts for her family.

Manganiello's husband, Andrew, lost his job four months after she suffered the brain injury and he was out of work until September 2010. He spent their life savings on her medical care and to support and maintain their household. Once they were able to, their older sons started financially contributing to the family. Mr. Manganiello spent most of his time taking his wife to doctor appointments and testified that she will always be his "sweetheart."

Defense counsel argued that Ms. Manganiello had a brain injury before she arrived at Bon Secours.

The parties stipulated to past medical expenses and rehabilitative services expenses.

Verdict Information: The jury found that Ahmed deviated from the accepted standards of medical care in his treatment of Manganiello in failing to prevent the rise in her serum sodium level and this was a substantial factor in causing her to sustain her injuries. The jury further found that the plaintiffs perceived that Ahmed was acting as an agent or employee of Bon Secours Community Hospital. It also found that Aumick deviated from the accepted standards of medical care in Manganiello's treatment and that this was a substantial factor in her injuries. The jury found Ahmed to be 60 percent liable and Aumick to be 40 percent liable. The jury awarded $33,745,000. Plaintiffs' counsel stated that Bon Secours was held responsible as their employer.

Andrew Manganiello

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Construction Accident

CASE	DATE	COURT	TYPE OF ACTION	PLAINTIFF'S COUNSEL	AMOUNT
Coombs v. City N.Y.	10/13	Bronx Supreme	Labor Law: Blinded worker claimed proper goggles weren't provided	Ronald W. Gill, Brooklyn, NY of Fortunato & Fortunato, PLLC	$2,700,000
Henry v. J.E. Levine Builder	9/14	Kings Supreme	Labor Law: Carpenter fell from roof at condo construction site, suffered injuries	Stanley A. Tomkiel, III, Scarsdale, NY of Tomkiel & Tomkiel PC	$2,700,000
Rodriguez v. City of NY	6/8	Kings Supreme	Labor Law: Fall from scaffold caused disabling injury, plaintiff claimed	William Pagan, New York, NY of The Pagan Law Firm, P.C.	$2,630,000
Dornellian v. New York Builders Corp.	6/22	Kings Supreme	Labor Law: Worker claimed four-story fall caused injuries of head, spine	Jordan D. Hecht, New York, NY of Hecht Kleeger Pintel & Damashek	$2,620,000
Matos v. City of New York	9/28	New York Supreme	Labor Law: Construction laborer said that he tripped and fell on a pile of concrete	Louis Grandelli, New York, NY of Louis Grandelli, P.C.	$2,500,000
Dickson v. Merkel Properties LLC	11/9	Kings Supreme	Labor Law: Worker's 18-foot fall led to fusion of spine	Jordan D. Hecht, New York, NY of Hecht Kleeger Pintel & Damashek	$2,500,000
Yu v. 2030 Embassy LLC	7/11	New York Supreme	Labor Law: Electrician fell off scaffold, fractured spine	Robert Stein, New York, NY of Caesar & Napoli	$2,250,000
Miller v. Spall Development Corp.	4/4	Monroe Supreme	Labor Law: Fall from stepladder caused disabling injuries, worker claimed	Anthony J. LaDuca, Rochester, NY of LaDuca Law Firm L.L.P.	$2,250,000
Singh v. 244 W. 39th St. Realty Inc.	3/17	Kings Supreme	Labor Law: Worker knocked off of scaffold, plummeted 10 feet	Daniel P. O'Toole, New York, NY of Block O'Toole & Murphy, LLP, trial counsel; Julio C. Roman, Rego Park, NY of Elliot Ifraimoff & Associates	$2,225,000
Moracho v. Open Door Family Medical Ctr. Inc.	5/6	New York Supreme	Labor Law: Worker broke back after fall through open skylight	Gregory J. Cannata, New York, NY of Gregory J. Cannata & Associates	$2,200,000
Ulrich v. City of New York	12/8	Queens Supreme	Labor Law: Messy work site a hazard, plumber claimed	Jordan Hecht & Joel Rubenstein, New York, NY of Hecht, Kleeger, Pintel & Damashek	$2,125,000
Ramirez-Martinez v. 300 East 74th Street Garage, Corp.	9/26	New York Supreme	Labor Law: Repairman claimed he wasn't provided safe ladder	Jordan D. Hecht, New York, NY of Hecht, Kleeger, Pintel & Damashek	$2,100,000
Owens v. City of New York	6/1	Kings Supreme	Labor Law: Doorknob's failure caused 10-foot fall, worker alleged	Joseph Carfora & Michael A. Rose, New York, NY of Hach & Rose, LLP	$2,100,000

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We are pleased to again be selected to appear in the Top Verdicts Supplement. Our cases this year range from a bus accident verdict of $6.78 Million to a medical malpractice verdict involving ovarian pathology for $2.4 Million and a product liability recovery involving an industrial press brake for $1.1 Million.

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$350,000 Personal Injury:
Past Lost Earnings Capability
$1,500,000 Personal Injury:
Past Loss Of Services
$3,500,000 Personal Injury:
future loss of services (31.7 years)
Diane Manganiello
$245,000 Personal Injury:
Past Lost Earnings Capability
$2,500,000 Personal Injury:
Past Pain And Suffering
$19,500,000 Personal Injury:
future medical and rehabilitative services (31.7 years)
$1,150,000 Personal Injury:
future lost earnings (15 years)
$5,000,000 Personal Injury:
future pain and suffering
(31.7 years)

Post Trial: Defense counsel has moved to set aside the verdict. Bon Secours Community Hospital's counsel claimed that plaintiffs' counsel did not present a prima facie case or, in the alternative, that there were numerous errors, including plaintiffs' counsel adding a new expert on the day of opening statements.

No 4. ***Dummitt v. A.W. Chesterton***

Products Liability:
Former U.S. Navy man linked mesothelioma to asbestos
Verdict: (P) $32,000,000.00
Case Type: Failure to Warn, Products Liability - Asbestos
Case Name:
Ronald Dummitt and Doris Kay Dummitt v. A.W. Chesterton et al., No. 190196/10

Venue: New York Supreme, NY
Judge: Joan A. Madden
Date: 08-17-2011
Plaintiff(s) Attorney(s):
Bryan Belasky, Belluck & Fox, L.L.P., New York, NY, for Ronald Dummitt, Doris K. Dummitt; Seth A. Dymond, Belluck & Fox, L.L.P., New York, NY, for Ronald Dummitt, Doris K. Dummitt; Jordan C. Fox, Belluck & Fox, L.L.P., New York, NY, for Ronald Dummitt, Doris K. Dummitt; James C. Long, Jr., Belluck & Fox, L.L.P., New York, NY, for Doris K. Dummitt, Ronald Dummitt; William N. Papain, Belluck & Fox, L.L.P., New York, NY, for Ronald Dummitt, Doris K. Dummitt
Expert(s):
Richard Hatfield, Materials Science, Atlanta, GA called by: James Long; Jordan Fox, Bryan Belasky, Seth Dymond, William Papain, Barry Castleman Sc.D., Asbestos-related Lung Disease, Garrett Park, MD called by: James Long; Jordan Fox, Bryan Belasky, Seth Dymond, William Papain, Jacqueline Moline M.D., Occupational Medicine, New York, NY called by: James Long; Jordan Fox, Bryan Belasky, Seth Dymond, William Papain

Facts: In April 2010, plaintiff Ronald Dummitt, 67, a former boiler tender for the U.S. Navy, was diagnosed with pleural mesothelioma. Dummitt claimed that he developed mesothelioma as a result of his exposure to asbestos while serving aboard seven U.S. Navy ships between 1960 and 1977, during which he worked in the boiler and fire rooms in each vessel.

Manganiello's condition had improved significantly by the following morning, and she was sitting up in bed and talking with her family. Her condition continued to improve into the following day until approximately 2 p.m., when she told her husband that she wanted to take a nap. When she awakened, she had lost the ability to speak and developed quadriparesis. She eventually became comatose.

Dummitt sued a number of defendants, including A.W. Chesterton, Crane Co. and Elliott Turbomachinery for products liability, alleging failure to warn. A.W. Chesterton and all other defendants were either dismissed or settled.

Dummitt claimed that he was exposed to asbestos from his work repairing Crane valves, which included removing and replacing asbestos-containing lagging pads, gaskets and packing on each of the ships. He contended that he was also exposed

-Continued on p20

Construction Accident

CASE	DATE	COURT	TYPE OF ACTION	PLAINTIFF'S COUNSEL	AMOUNT
Espin v. Gouzos	10/21	Kings Civil	Labor Law: Worker's fall from scaffold caused face and spine fractures	Scott A. Steinberg, New York, NY of Greenberg & Stein P.C.	$2,086,000
Chrabaszcz v. Western Loft Equities LLC	4/11	New York Supreme	Labor Law: Worker broke heel in 6-foot fall from scaffold	David H. Perecman & Steven M. Weinstein, New York, NY of The Perecman Firm, PLLC	$2,000,000
Baker v. KeySpan Gas East Corp.	9/13	Nassau Supreme	Labor Law: Construction worker hurt when trench collapsed	Michael S. Lamonsoff, New York, NY of Law Offices of Michael S. Lamonsoff	$1,975,000
Santana v. Union Withers Realty, LLC	8/1	Kings Supreme	Labor Law: Welder hit by falling beam, sustained fractures of arm	Jeffrey L. Goodman, New York, NY of Law Offices of Jeffrey L. Goodman, P.C.; Ronald J. Landau, New York, NY of Mirman, Markovitz & Landau	$1,750,000
Medina v. 119 Chambers LLC	3/2	New York Supreme	Labor Law: Worker claimed 10-foot fall caused spinal injuries	James J. McCrorie, New York, NY of Fanning & McCrorie, P.C.	$1,750,000
Alvarez vs. 1407 Broadway Real Estate, LLC	11/30	New York Supreme	Labor Law: Scaffold lacking outriggers tips as plaintiff climbs, multiple fracures susatined	Stanley A. Tomkiel, III, New York, NY, Tomkiel & Tomkiel, PC	$1,625,000
Pleace v. Chesapeake Appalachia, LLC	9/23	Niagara Supreme	Labor Law: Worker struck by board that fell from above building's entrance	A. Angelo DiMillo & George V.C. Muscato, Lockport, NY of Muscato, DiMillo & Vona	$1,576,000
Merriman v. Integrated Building Controls Inc.	9/7	Queens Supreme	Labor Law: Fall from ladder caused ankle, head injuries, worker claimed	Gerard N. Misk, Queens, NY of Ginsburg & Misk	$1,500,000
Martinez v. Tishman Construction Corp.	2/16	Queens Supreme	Labor Law: Falling beam struck demolition worker, fractured leg	Frederick C. Aranki & Daniel P. O'Toole, New York, NY of Block O'Toole & Murphy, LLP	$1,500,000
Kilenovic v. 34 Leonard Residential Construction LLC	8/18	New York Supreme	Labor Law: Laborer: Goggles didn't protect against eye injury	Michael J. Hurwitz, New York, NY of David Horowitz, P.C.	$1,500,000
Chacha v. Carsal Associates Inc.	12/14	Kings Supreme	Labor Law: Demolition worker hurt when building's roof collapsed	Martin Grossman, New York, NY of Robert A. Cardali & Associates	$1,475,000
Vassell v. Lexington Hotel, LLC	5/17	Kings Supreme	Labor Law: Worker claimed foreign object permanently damaged his eye	Seth A. Harris & Alison Keenan, New York, NY of Burns & Harris	$1,200,000
Lema v. New York Hospital Medical Center of Queens	4/29	Queens Supreme	Labor Law: Demolition workers hurt when chimney collapsed	Mark Keller, Elmhurst, NY of Abramson & Keller, P.C.; Jon L. Norinsberg, Bronx, NY of Norinsberg LLP; Alex Umansky of counsel, Norinsberg LLP	$1,200,000

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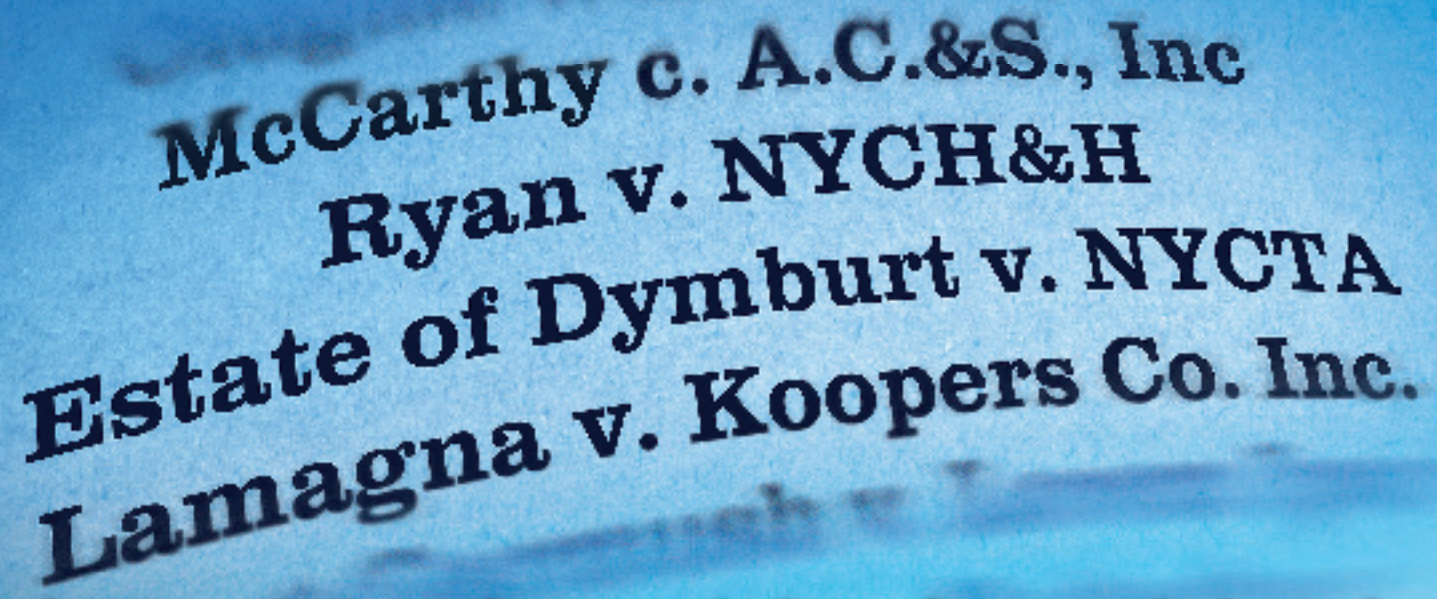

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-Continued from p18

to asbestos from others performing the same work on Crane valves. He also contended that he was exposed to asbestos from work performed on an Elliott de-aerating feed tank on one of his ships, which included the removing and replacing of asbestos-containing lagging pads and manhole gaskets.

Dummitt's expert in occupational medicine testified about Dummitt's diagnosis and the course of the disease, as well as his pain and suffering. This expert asserted that exposure to asbestos-containing component parts on Crane valves and Elliot de-aerating feed tanks were a substantial contributing factor to Dummitt's mesothelioma.

Dummitt's expert environmental consultant, who specializes in asbestos-related lung disease, testified about asbestos in the historical context and the relation between exposure and disease since the beginning of the late 19th century.

Counsel for Crane noted that Dummitt's environmental expert conceded that all of the manufacturers of the numerous asbestos-containing products to which Dummitt claimed exposures knew or should have known to warn about the hazards of asbestos at all relevant times. Counsel also noted that Dummitt's materials scientist conceded that valves do not require insulation to function properly and that valves can properly function with non-asbestos gaskets and packing.

Counsel for Crane noted that it was stipulated that Dummitt was never exposed to an asbestos-containing product manufactured, sold or supplied by Crane. Instead Dummitt's counsel asked the jury to hold Crane liable for insulation products that the Navy applied to piping systems of which Crane valves were a component of for failing to warn that the Navy would insulate those valves or for replacement parts made and supplied by other companies.

Crane's counsel further contended that it was not liable under the government-contractor defense, the intervening-cause doctrine, and that work with its valves which involved low dose chrysotile products would not have caused Dummitt's illness.

Elliott contended that Dummitt was not exposed substantially to its product. Elliott's naval expert also challenged Dummitt's testimony about the manner in which he was exposed to asbestos in the engine rooms.

The defense's qualified medical examiner opined that exposures to Crane products were not a substantial factor in causing Dummitt's illness and that chrysotile fibers from de minimis release products such as valve gaskets and packing do not cause mesothelioma.

The defense's maritime physician opined that the Navy knew and fully understood at all relevant times the hazards of asbestos and did not need any warnings about asbestos from its equipment suppliers.

The defense's maritime admiral testified that the Navy had very detailed manufacturing specifications under its military specifications that dictated how Crane was to manufacture its valves and that dictated the use of asbestos gaskets and packing for some, but not all, valves. The expert also testified that the Navy specifications did not allow for asbestos warnings.

The defense's industrial hygienist testified that the work performed by Dummitt and others on gaskets and packing associated with Crane valves would not release any hazardous or harmful levels of asbestos and would not have increased his risk of contracting mesothelioma

Injury: Dummitt claimed that he was originally diagnosed in 2003 with calcified pleural plaques, areas of scarring that result from asbestos fibers irritating the pleura. Dummitt's counsel noted that the plaques can be caused by asbestos exposure and do not usually cause any symptoms, which they did not in Dummitt's case. Dummitt's counsel added that there were no lung-digestion stud-

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Construction Accident

CASE	DATE	COURT	TYPE OF ACTION	PLAINTIFF'S COUNSEL	AMOUNT
Berrios v. 735 Avenue of the Americas, LLC	2/24	Bronx Supreme	Labor Law: Fall from 'scaffold' ended carpentry career, plaintiff claimed	Lawrence R. Bailey, Jr., White Plains, NY of Eckert Seamans Cherin & Mellott, White Plains, NY, trial counsel, Maxwell S. Pfeifer, Bronx, NY	$1,200,000
Ryan v. Breezy Point Cooperative Inc.	6/2	Queens Supreme	Labor Law: Worker broke leg after 13-foot fall from scaffold	Skip Alan LeBlang, New York, NY of Law Offices of Skip Alan LeBlang	$1,200,000
Ferris v. Benbow Chemical Packaging Inc.	4/7	Onondaga Supreme	Labor Law: Worker broke heels in fall from folded ladder	Michael S. Porter, Syracuse, NY of Porter Nordby Howe LLP	$1,027,441
Duque v. City of New York	6/30	Richmond Supreme	Labor Law: Fall from scaffold caused brain damage, plaintiff claimed	Arthur V. Lynch, Hasbrouck Heights, NJ of Lynch Law Firm	$1,006,557
Derjavine v. 1221 50th St LLC	3/14	Kings Supreme	Labor Law: Worker broke spine in fall at unfinished building	Adam M. Orlow, Flushing, NY of The Orlow Firm	$935,000
Divietri v. 1200 Fifth Associates LLC	12/2	New York Supreme	Labor Law: Fall from scaffold caused back, knee injuries, plaintiff claimed	Michael Joseph, White Plains, NY of Law Offices of Michael H. Joseph	$922,900
Shen v. WBSJ K 111	12/20	Kings Supreme	Labor Law: Worker's fingers mangled by miter saw	Adam E. Deutsch, New York, NY of Morelli Ratner PC	$850,000
Fariss v. LeChase Construction Services, LLC	5/23	Niagara Supreme	Labor Law: Injured worker claimed rope not suitable for tugging heavy hose	Gregory P. Krull, Buffalo, NY of Lipsitz Green Scime Cambria LLP	$850,000
Plaza v. Ninth Avenue Tomato Inc.	7/11	Queens Supreme	Labor Law: Plaintiff broke heels in fall from ladder, claimed he can't work	Andrew J. Levine & Howard A. Raphaelson, New York, NY of Raphaelson & Levine Law Firm, P.C.	$840,000
Avila v. Avenue K. Developers Inc.	6/20	Queens Supreme	Labor Law: Worker's leg fractured by power tool	Jonathan S. Damashek, New York, NY of Hecht Kleeger Pintel & Damashek	$788,000
Coreas v. Wendel Home Center Inc.	5/19	Suffolk Supreme	Labor Law: Worker claimed ladder shifted, tossed him onto sidewalk	Brian R. Gunn, Garden City, NY of Cerussi & Gunn, P.C.	$780,000
Dukaj v. Circle Properties Associates	12/15	Bronx Supreme	Labor Law: Property owners said laborer should've waited for torch	Duane R. Morgan, New York, NY of Dervishi, Levine & Morgan, P.C.	$775,000
Matofey v. City of New York	2/28	Queens Supreme	Labor Law: Worker claimed noxious fumes made him faint atop ladder	Mark R. Bernstein, Mineola, NY of Sanders, Sanders, Block, Woycik, Viener & Grossman, P.C.	$750,000

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Stanley A. Tomkiel, III, who personally handled five of the cases which are featured in the current issue of the *New York Law Journal's Top Verdicts of 2011*, is admitted to practice law in New York and Florida. He graduated from Cathedral Preparatory School (N.Y.,N.Y.), Manhattan College (Riverdale, N.Y.), and Western New England College, School of Law (Springfield, Mass.). He handles complex serious injury cases. Many of his settlements and verdicts have been reported in state and national professional publications, including the American Justice Association (formerly Association of Trial Lawyers of America) *Law Reporter*, the *New York Jury Verdict Reporter* and the *New York Law Journal*.

Mr. Tomkiel has achieved the AV® Rating by Martindale Hubbell, its highest rating in legal ability and ethics as established by confidential opinions from members of the Bar and Judiciary. He lectures at continuing legal education seminars, and is a member of numerous professional associations including the American Association for Justice, New York State Trial Lawyers Association, Florida Justice Association, Injured Workers Bar Association , New York Injured Workers Alliance, Workers' Compensation Alliance, Westchester County Bar Association, Yonkers Lawyers Association, Bronx County Bar Association, and the Eastchester Bar Association. He has served as President of the Catholic Coalition of Westchester (1995-2004), President of the Yonkers Lawyers Association, (1995 – 1996), Chairperson of the Workers' Compensation Committee, Westchester Bar Association, (1983 – 1987), and on the Town of Somers, New York Zoning Board of Appeals, (1983 – 1987). Mr. Tomkiel is also the author of The Social Security Benefits Handbook (Sourcebooks) and the online edition(www.SocialSecurityBenefitsHandbook.com).

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ies to determine what was present in Dummitt's pleura.

Dummitt began to experience symptoms of pleural effusion, including shortness of breath. On June 30, 2009, Dummitt underwent a thoracentesis, a procedure to remove fluid from the space between the lungs and the chest wall in the pleural space. Dummitt underwent this procedure to relieve his shortness of breath. Although half a liter of fluid was removed, no diagnosis was established. On July 13, 2009, another thoracentesis was attempted, though the fluid could not be accessed. Dummit's lung then collapsed. In August 2009, Dummitt had another thoracentesis which collected 1.5 liters of fluid. Subsequently, on April 12, 2010, Dummitt had a pleural biopsy, which led to his diagnosis of mesothelioma.

Dummitt reported pain on the left side of his chest and was given Percocet, though after an allergic reaction, he was switched to Vicodin.

On May 19, 2010, Dummitt started chemotherapy on an experimental basis. The following day he reported pain again on the left side of his chest. He then had an allergic reaction to chemotherapy and developed hives, so his chemotherapy was terminated. In June 2010, Dummitt began traditional chemotherapy.

According to Dummitt's expert in occupational medicine, Dummitt suffers from a cachexic appearance, including loss of definition in his face. According to Dummitt's counsel, Dummitt is terminally ill. Dummitt would have additional pain and would treat with narcotic drugs, but adverse effects included constipation and hallucinations. He could also suffer hair loss if he undergoes additional chemotherapy. Dummitt requires help with all of his daily activities, including bathing, shaving, eating and walking. Dummitt's wife sought recovery for loss of consortium.

Verdict Information: The jury found for the plaintiffs and awarded $32 million. Crane was assigned a liability of 99 percent, while Elliott was assigned the remaining 1 percent liability. Both defendants were found to have acted with a reckless disregard for the safety of others in their failure to warn.

Ronald Dummitt
$16,000,000 Personal Injury: Past Pain And Suffering
$16,000,000 Personal Injury: Future Pain And Suffering

Post Trial: Crane's counsel contended that the verdict was contradicted by the evidence and was excessive, in clear violation of controlling state appellate law. Their pending appeal presents a number of key legal issues that apply to asbestos cases against equipment manufacturers in general, including the application of the government-contractor defense and the issue of whether a manufacturer is legally liable for injuries caused by another manufacturer's product.

No 5. ***Member Services Inc. v. Security Mutual Life Insurance Company of New York***

Intellectual Property:
Companies' relationship ended in trade-secret dispute
Verdict: (P) $26,000,000.00
Case Type: Misappropriation of Trade Secrets, Fraud - Misrepresentation, Intellectual Property - Unfair Competition, Equitable Relief - Unjust Enrichment
Case Name:
Member Services, Inc., Roger D. Banks, and R. Aaron Banks v. Security Mutual Life Insurance Company of New York, a New York Corporation, Archway Technology Services, Inc., a New York Corporation, and Schmitt-Sussman Enterprises, Inc., a Delaware Corporation, Bruce W. Boyea, Richard G. Grady, George F. Conmy, Joseph Sperduti, and Michael A. Leska, No. 3:06-cv-01164-DEP

Venue: U.S. District Court, Northern

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Construction Accident

CASE	DATE	COURT	TYPE OF ACTION	PLAINTIFF'S COUNSEL	AMOUNT
Cepeda v. 360 Brooklyn Investors, LLC	5/12	Kings Supreme	Labor Law: Worker claimed he injured back, wrist in fall from ladder	Stephen J. Murphy & David L. Scher, New York, NY of Block O'Toole & Murphy, LLP	$750,000
Pinguil v. Zuccarello	11/17	Queens Supreme	Scaffolds and Ladders: Homeowner's Exception to Labor Law Alleged	Jason Shapiro, Bronx, NY of Shapiro Law Offices, PLLC	$750,000
Rojas v. Glenman Industrial & Commercial Contractor Corp.	11/28	Queens Supreme	Labor Law: Icy rooftop led to fall, disabling injuries, worker claimed	Jack L. Grossman, Flushing, NY of Mallilo & Grossman	$725,000
Katouchis v. Jeport Hotel Corp.	9/16	Queens Supreme	Labor Law: Fall from ladder caused spine, rib injuries, plaintiff claimed	Steven Bournazos & Dennis S. Matarangas, New York, NY of Bournazos & Matarangas	$700,000
Mann v. K.G. Indus. Inc.	4/7	Bronx Supreme	Labor Law: Unsecured ladder caused fall, spinal fracture, inspector claimed	Frank V. Kelly, Bronx, NY of William A. Gallina, PLLC	$675,000
Martinez v. Acky Inc.	7/13	Bronx Supreme	Labor Law: Worker's foot crushed by brick that fell during demolition	Jonathan S. Damashek, New York, NY of Hecht Kleeger Pintel & Damashek	$625,000
Martinez v. West 60th Street Associates, LLC.	2/16	Bronx Supreme	Labor Law: Messy work area led to fall, broken ankle, plaintiff claimed	Alan M. Greenberg, New York, NY of Law Offices of Alan M. Greenberg	$600,000
Senande v. City of New York	7/7	New York Supreme	Labor Law: Worker shocked when shovel struck live wire	Ronald W. Gill, New York, NY, trial counsel, Fortunato & Fortunato, PLLC, Brooklyn, NY	$525,164
Marte v. NY 1095 Avenue of the Americas Condo	12/7	New York Supreme	Labor Law: Worker fractured ankle in fall from scaffold	Marna F. Berkman & Robert J. Tolchin, Brooklyn, NY of The Berkman Law Office, LLC	$500,000
Myers v. DiMarco Constructors, LLC	7/29	Orange Supreme	Labor Law: Laborer claimed he fell in hole at work site	Gus P. Fotopoulos, Middletown, NY of Sobo & Sobo, LLP	$500,000
Aguilera v. Pistilli Construction & Development	5/6	Queens Supreme	Slip and Fall: Service upon receptionist in common office sparked appeal	Lawrence B. Saftler, New York, NY of Saftler Law Firm	$475,000
Castillo v. Basile Builders Group Inc.	6/9	Kings Supreme	Labor Law: Worker slipped off beam, fell 12 feet and was hit by falling steel	Robert Vilensky, New York, NY of Ronemus & Vilensky, LLP	$450,000
Burns v. Kaz Brothers Construction	3/14	Erie Supreme	Labor Law: Roofer broke knee in fall when scaffold collapsed	Luke A. Brown, Charles H. Cobb & William B. Collins, Buffalo, NY of Collins & Brown, LLC	$400,510
Gibson v. Shawnee Road Holdings, LLC	2/18	Niagara Supreme	Labor Law: Fall from ladder doomed career, laborer claimed	Samuel J. Capizzi, Lancaster, NY of Brown Chiari L.L.P.	$350,000

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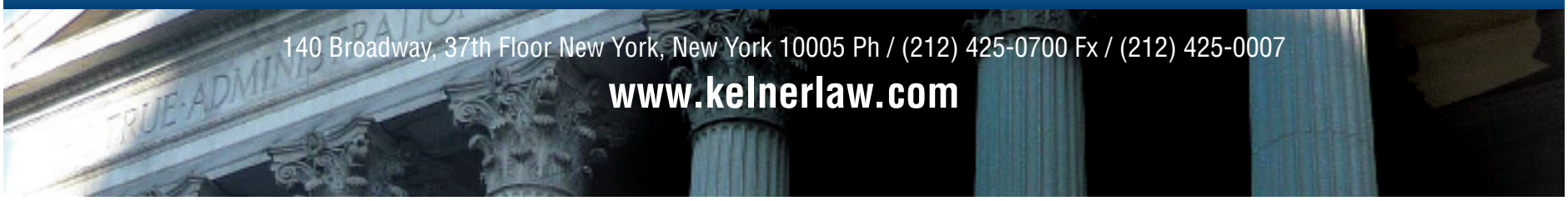

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It is our pleasure to discuss some of the results we achieved in our cases in 2011 (all reported by Verdict Search and the New York Law Journal) which were among the significant recoveries in New York State.

CARROLL V. 1156 APF, LLC., ET AL.

Mr. Carroll, age 46, fell approximately 18 feet while he was dismantling a sidewalk bridge. He was an undocumented worker, earning $40,000.00, per year.

Injuries: He was paralyzed from his waist down.

The case settled on the eve of trial.

Recovery: $16,500,000.00 plus waiver of a $1,000,000.00 Worker's Compensation lien.

Case handled by Robert Kelner and Gail Kelner.

BELDING V. VERIZON

Mr. Belding age 50, fell from a ladder while applying a bomb blasting film to the windows of a commercial building. The film was applied with a squeegee. The defense claimed that his was not a covered activity under Labor Law § 240. We obtained summary judgment at the trial court level. The Appellate Division, First Department, affirmed in a 3-2 decision, with two dissenting judges voting to dismiss the case. We obtained a unanimous decision by the Court of Appeals in our favor.

Injuries: Fractures of the tibia and fibula, multiple surgeries, and eventually a below-the-knee amputation.

The case was settled shortly before trial.

Recovery: $9,700,000.00.

Case handled by Robert Kelner and Gail Kelner.

ANDERSON V. CITY OF NEW YORK

Anderson, age 37, was a New York City Sanitation worker, who was struck by a forklift on the job.

Injuries: Fractures of the tibia and fibula, deep vein thrombosis, and complex regional pain syndrome.

The case settled during trial.

Recovery: $5,250,000.00.

Case handled by Ronald Burke and Todd Strier

RAMOS V. CITY OF NEW YORK, ANTHONY CANNON ET AL.

Ramos, age 35, was on the sidewalk when Cannon, age 17, drove his mother's vehicle onto the sidewalk, striking Ramos. Cannon claimed that a police officer ordered him to move his mother's double parked vehicle, despite the fact that the officer was told by Cannon that he did not have a driver's license. The City completely denied that Cannon's version occurred. The Cannon vehicle had only $25,000.00 insurance coverage.

Earlier in the litigation, Ramos' case was dismissed but we appealed and obtained a reversal at the Appellate Division, Second Department.

Injuries: Multiple tibia/fibula fractures requiring surgery; pelvic fractures requiring surgery; kidney failure; clawing of both hands requiring surgery; Bladder injury.

The case settled after 3 weeks of trial.

Recovery: $5,025,000.00 ($5,000,000.00 from the City of New York, $25,000.00 from Cannon).

Case handled by Robert Kelner and Gail Kelner.

We feel privileged that we have delivered numerous lectures this past year at bar associations and law schools. We have chaired some of these programs. We are especially honored to write the column for the New York Law Journal on the subject of Trial Practice.

We thank those attorneys that have referred cases to us, and pledge to continue to use our best efforts to provide state of the art services to our clients.

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District, NY
Judge: David E. Peebles
Date: 10-13-2011
Plaintiff(s) Attorney(s):
Alexander D. Brown; Tripp, Scott, P.A., Fort Lauderdale, FL, for Member Services Inc., Roger D. Banks, R. Aaron Banks, Peter G. Herman; Tripp, Scott, P.A., Fort Lauderdale, FL, for Member Services Inc., Roger D. Banks, R. Aaron Banks, Daniel M. Sleasman, Albany, NY, for Member Services Inc., Roger D. Banks, R. Aaron Banks
Expert(s):
Michael Krieger Ph.D., J.D., Valuation, Los Angeles, CA called by: Peter Herman, Alexander Brown, Daniel Sleasman; Michael Elliott, Computer Forensics, Minneapolis, MN called by: Peter Herman, Alexander Brown, Daniel Sleasman; John Cosgrove, Computers, Playa del Rey, CA called by: Alexander Brown, Peter Herman, Daniel Sleasman

Facts: In early 2003, plaintiff Member Services, a North Carolina-based company involved in marketing insurance products to members of credit unions, entered into a business relationship with Security Mutual Life Insurance Company of New York, based in Binghamton. The collaboration centered on a plan under which Member Services would market Security Mutual insurance products to employees of Lowe's home improvement stores who were members of a credit union with which Member Services had an existing relationship.

In conjunction with the collaboration, Member Services provided to Security Mutual computer-driven technology that Member Services had developed, allegedly with the understanding that Security Mutual staff would utilize the technology for the purposes of the Lowe's-related business plan.

The relationship ended roughly two years later. Although the parties disputed the nature of the technology provided and the extent of the technology's capabilities, according to Member Services, the proprietary technology it allowed Security Mutual to analyze was richly featured, and Security Mutual allegedly appropriated the technology for its own uses. Security Mutual was also alleged to have sold directly to Lowe's employees without Member Services' involvement.

Member Services sued Security Mutual; Security Mutual software design subsidiary Archway Technology Services Inc., employees who allegedly handled Member Services' technology; and Schmitt-Sussman Enterprises Inc., a marketer of insurance products with which Security Mutual allegedly conspired in an effort to effectively rob Members Services of its relationship with Lowe's.

Also named as plaintiffs in the suit were Member Services principal Roger Banks and his son Aaron Banks, who reportedly aided in the development of Member Services' computer-based system. The suit contained numerous allegations, including trade secret misappropriation, breach of fiduciary relationship, unjust enrichment, tortious interference with business relationships, unfair competition and fraudulent misrepresentation.

The individual defendants were released long before the trial.

According to Member Services, it had developed a system it called CU@Work between 1998 and 2002. Member Services claimed that, at the time its relationship with Security Mutual began, CU@Work was able to collect information from multiple databases--namely, those of credit unions, employers and insurance companies--to automate the creation of premium accounts and the scheduling of regular paycheck deductions. Member Services claimed that it made available to Security Mutual the code supporting CU@Work so that Security Services' computer-based life insurance application program--developed by Archway and known as "ActivEnroller"--could operate seamlessly in conjunction with CU@Work for the purposes of the companies' Lowe's-related business plan.

-Continued on p26

Construction Accident

CASE	DATE	COURT	TYPE OF ACTION	PLAINTIFF'S COUNSEL	AMOUNT
Slesicki v. Grace Evangelical Lutheran Church of Long Island City	12/1	Kings Supreme	Labor Law: Fall from ladder caused disabling ankle injury, painter claimed	David H. Perecman, New York, NY of The Perecman Firm	$346,964
Cussen v. American Properties Inc.	1/14	New York Supreme	Labor Law: Carpenter broke wrists, foot in fall from ladder	Victor Greco & J.P. Delaney, New York, NY of O'Dwyer & Bernstien, L.L.P.	$325,000
Ruane v. Allen-Stevenson School	10/19	New York Supreme	Labor Law: Work site's stairway poorly lighted, suit alleged	Edmond C. Chakmakian, Hauppauge, NY of Law Offices of Edmond C. Chakmakian, P.C.	$320,000
Alkhazishvili v. Twenty Two-Thirty Fifty Two Development, LLC	10/25	Kings Supreme	Labor Law: Workplace accident led to heart attacks, plaintiff claimed	Martin Wolf, New York, NY of Ginsberg & Wolf, P.C.	$250,000
Farrell v. Trustees for the Hobart United Methodist Church	5/6	Chenango Supreme	Labor Law: Roofer claimed 20-foot fall, ankle fracture ended career	Neil Flynn, Garden City, NY of Paul Ajlouny & Associates	$190,000
Kowalik v. Lipschutz	7/13	Rockland Supreme	Labor Law: Messy work site led to table-saw accident, plaintiff claimed	Justin S. Blash, New York, NY of The Blash Firm, New York, NY, trial counsel, Neimark & Neimark LLP, New City, NY	$150,000
Esposito v. DeMatteis Construction Co.	11/3	New York Supreme	Labor Law: Electrical worker fell into hole at construction site	Kenneth R. Shapiro, Carle Place, NY of Philip J. Rizzuto, P.C.	$150,000
Taylor v. Actus Lend Lease, LLC	9/22	Oswego Supreme	Labor Law: Job site's snowy driveway a hazard, worker claimed	Martin J. Rothschild, Syracuse, NY of The Rothschild Law Firm	$135,000
Cholak v. Turner Construction Co.	1/24	Bronx Supreme	Labor Law: Worker tripped on bolts at job site, claimed spinal woes	Joseph Gorczyca, Jericho, NY of Schwartzapfel Partners P.C.	$125,000

Consumer Protection

CASE	DATE	COURT	TYPE OF ACTION	PLAINTIFF'S COUNSEL	AMOUNT
Gieck v. Chrysler Group LLC	4/20	Office of the Attorney General	Lemon Law: New pickup truck's transmission irreparable, buyer alleged	Anthony T. Ballato, Massapequa, NY of Anthony T. Ballato, Esq.	$46,379

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Won a $50 million jury verdict for a young child who developed severe brain damage as a result of lead poisoning.

Faulty Traffic Light Case - $39,000,000 Personal Injury Verdict
Won a $39 million jury verdict for a 12-year-old boy who was struck by an automobile because a municipality failed to install a traffic light.

Bus Accident Case – $20,000,000 Personal Injury Verdict
Won a $20 million jury verdict for a Queens woman who lost an arm and a leg and was blinded in one eye after she was struck by a bus in 2009.

Subway Accident Case – $10,000,000 Personal Injury Verdict
After a three-week trial, a jury verdict was returned for almost $10 million for our client, a man who fell on elevated subway tracks and was struck by a train.

Defective Seat Belt Design - $10,500,000 Wrongful Death Verdict
After a seven-week trial, a jury returned a verdict against a vehicle manufacturer for the death of a non-working wife and mother of five children.

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It was alleged that Security Mutual meanwhile maintained an exclusive relationship with Schmitt-Sussman, about which Member Services had been unaware at the outset of the subject collaboration. During discovery, an e-mail message was produced that contained a conversation between two Security Mutual higher-ups in which one of the participants referred to "nuk[ing] them and go[ing] direct." Plaintiff's counsel argued that this exchange referred to plans to ruin Member Services' marketing capability so that Security Mutual could directly solicit business from Lowe's employees.

In February 2006, Security Mutual filed an action in Broome County Supreme Court over amounts allegedly owed on the notes executed by Member Services when the relationship began. According to Security Mutual, the funds it lent constituted seed money for Member Services.

In December 2006, Judge Walter Relihan Jr. entered a judgment in favor of Security Mutual for nearly $400,000, including interest and attorney fees. Member Services' action against Security Mutual was filed shortly after entry of judgment, which Member Services appealed. In December 2007, the appellate division, Third Department rejected Member Services' argument that the money at issue qualified as capital contributions to a joint venture.

Member Services' case against Security Mutual continued in federal court. In September 2010, Senior District Judge Thomas McAvoy granted summary judgment in favor of Security Mutual as to Member Services' breach of fiduciary duty and tortuous-interference claims. McAvoy also dismissed the claims against Schmitt-Sussman and precluded the testimony of a defense software engineering expert on the ground that his opinions were overly reliant on discovery documents and reports by other Member Services documents.

The case proceeded to trial before Judge David Peebles as to Member Services' remaining claims against Security Mutual.

Injury: In May 2011, McAvoy ruled that the "reasonable royalty" method should be used in presenting to the jury a calculation of the amount of damages resulting from Security Mutual's allegedly unauthorized use of Member Services' technology.

McAvoy also ruled that the testimony of Member Services' intellectual property valuation expert should be limited to discussion of the type of financial arrangements typically used in software-ownership disputes and that the expert was not to opine as to what prices Member Services likely would have been able to secure if such negotiations had ever taken place.

Plaintiff's counsel asked the jury to award Member Services nearly $20 million in reasonable royalty damages, with the supporting estimation of reasonable royalties having been presented by Member Services' principal over defense counsel's objection. The jury was also asked to find that punitive damages were warranted.

A defense accounting expert opined that, even assuming an appropriation of trade secrets had occurred, compensatory damages above roughly $75,000 were not warranted.

Verdict Information: The jury found in favor of Member Services as to trade secret misappropriation, unfair competition, unjust enrichment and fraudulent misrepresentation. Reasonable royalty damages of $16 million were awarded, and the jurors further concluded that punitive damages were warranted.

After hearing arguments as to punitive damages, the jurors deliberated for roughly 10 minutes before awarding $10 million in punitive damages, for a total award of $26 million.

Member Services Inc.
$16,000,000 Commercial: Reasonable Royalty
$10,000,000 Commercial: Punitive Exemplary Damages

-Continued on p28

Contracts

CASE	DATE	COURT	TYPE OF ACTION	PLAINTIFF'S COUNSEL	AMOUNT
Board of Managers of Essex House Condominium v. Manhattan L.B. Living Trust	1/28	New York Supreme	Breach of Contract: Plaintiffs claimed condo board hid mold problem	John Siegal, New York, NY of Baker & Hostetler	$714,798
Morris v. 702 East Fifth Street Development Fund Corp.	11/17	New York Supreme	Breach of Settlement Agreement: Nightclub hurt by landlord's restrictions, suit alleged	Jerome Greenberg, New York, NY; Fred B. Lichtmacher, New York, NY of The Law Office of Fred Lichtmacher	$706,978
Marty & Dorothy Silverman Foundation v. Mosdos Chofetz Chaim Inc.	8/8	New York Supreme	Fraudulent Inducement: Borrower didn't disclose legal issues, lender claimed	Peter A. Axelrod, New York, NY of Axelrod, Fingerhut & Dennis	$632,758
Pennamen v. Jerman	3/28	Nassau Supreme	Fraud | Real Estate: Couple claimed they were scammed in mortgage refinance	Scott R. Cohen, Bellmore, NY of Scott R. Cohen Esq.	$479,586
United Methodist Home of Sharon Inc. v. Wicker	7/25	Dutchess Supreme	Debtor Creditor |Fraudulent Conveyances: Nursing home claimed resident hid assets to avoid payment	Peter DeFilippis, New York, NY of Law Offices of Peter DeFilippis & Associates	$123,500
Samett v. ITI Corp.	9/26	Rockland Supreme	Breach of Contract: Unemployment not breach of contract, home's buyers claimed	Ira H. Goldfarb, New York, NY of Friedman, Levy, Goldfarb & Green, P.C., trial counsel to David Englander, Tappan, NY	$117,400
Lynch v. Andrade	11/28	Nassau Supreme	Breach of Contract: Carpenter's work unacceptable, homeowner claimed	David Bolton, Garden City, NY of David Bolton, P.C.	$110,000
Barkagan v. Edge of Woods Estates Inc.	3/16	Suffolk Supreme	Breach of Contract: Home's builder delivered shoddy work, purchaser claimed	Alan Sash, New York, NY of McLaughlin & Stern, LLP	$98,000
Harsch v. Grenhar Associates, LLC	12/19	Suffolk Supreme	Breach of Contract: Contract's parties debated signatories' obligations	James J. O'Rourke, Hauppauge, NY of O'Rourke & Hansen	$56,284
Hall v. McDonald	6/28	Queens Supreme	Breach of Contract: Friends' sale-leaseback arrangement sparked dispute	Audrey A. Thomas, Queens, NY	$51,000
Nevias v. Eicholz	3/15	Nassau Supreme	Breach of Contract: Attorney claimed client reneged on fee agreement	Lori Nevias, Lynbrook, NY	$47,000
Heffez v. L & G General Construction Inc.	5/12	Kings Supreme	Defects: Contractor's defective work led to leaks, homeowners alleged	Jeffrey Sonnabend, Brooklyn, NY	$41,000

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Stuart L. Finz earned his reputation as a top trial attorney by having scored record multi-million dollar verdicts and settlements. He has been rewarded with a coveted membership in the prestigious Super Lawyers, and the Multi-Million Dollar Advocates Forum. Most recently, he obtained the largest recorded individual personal injury truck accident settlement in New York State history on behalf of a single injured plaintiff. Mr. Finz represented a young mother and her two-year-old son, who resided in London and returned to New York for a weekend family celebration, when they were involved in a motor vehicle accident with a tractor-trailer. After being contacted by the family, Mr. Finz amassed his top team of experts. The case was placed in suit in the United States Federal District Court, Southern District of New York, within days of being retained. After over 40 depositions (many of which were all day video shoots), massive discovery demands, and responses, the case was trial ready, and within one year of being retained, settled just prior to jury selection. The record settlement for the child was in the sum of $21,000,000.00 and the total case settlement was in the sum of $24,500,000.00. In addition to his extraordinary courtroom skills, Stuart Finz oversees the Medical Malpractice, Products Liability, Mass Tort, and General Negligence departments of the firm. Extreme preparation that includes state-of-the-art courtroom presentations, total dedication to his clients and forwarding attorneys, all join together in setting forth a proven winning formula.

Judge Leonard L. Finz

Founder of the firm

Honorable Leonard L. Finz is a former NYS Supreme Court Justice, rated by his peers as one of “America’s Preeminent Trial Lawyers”, and a master trial advocate in the courtroom (having scored record multi-million dollars verdicts and settlements). A former professor of law, he has also served on the faculty of the National Judicial College where he has taught judges in 50 states on Medical Malpractice, and issues of Trial Procedure. He is a prolific author of hundreds of articles and opinions published in leading national journals and official reports. His name has appeared prominently in news articles published in the NY Times; Wall Street Journal; Washington Post; Scripps; Newsweek; British Medical Journal; and NY Law Journal. He has been featured in countless seminars on such subjects as Trial Techniques, Medical Malpractice, “Winning the Million Dollar Verdict”, and many more. Leonard L. Finz, a former U.S. Army officer (Pacific Theater), was officially decorated by the Secretary of the Army for his “distinguished and meritorious service… and outstanding contribution to military justice.”

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A Sampling of Multi-Million Dollar verdicts and settlements by Stuart L. Finz, Leonard L. Finz and the Finz Firm

Settlement - $24,500,000.00
Record truck accident settlement for a spinal cord injury caused by the careless operation of a loaded tractor trailer.

Verdict - $22,575,000.00
Verdict for wrongful death, conscious pain and suffering, punitive damages, and negligent infliction of emotional distress for three children.

Verdict - $20,520,000.00
Verdict against Philip Morris USA Inc. and American Tobacco for designing cigarettes to addict consumers. Punitive damages assessed against Philip Morris USA Inc. in the sum of $17.1 million.

Verdict - $9,000,000.00
Verdict for a victim who fell down a flight of stairs and suffered a back injury when Con Edison shut down power to her apartment building.

Settlement - $8,000,000.00
Settlement with the State of New York in the Court of Claims for a victim who sustained brain damage while descending a recreational tube slide on a slope negligently designed by New York State.

Settlement - $6,500,000.00
Settlement with a prescription drug manufacture that failed to properly test its product prior to placing it on the market resulting in an injury to an infant at birth.

Settlement - $6,000,000.00
Settlement with a landlord for a child that was exposed to lead paint in an apartment. As a result of the lead paint exposure the child sustained brain damage and was diagnosed with autism.

Settlement - $5,200,000.00
Settlement for an infant who suffered brain damage when a gauze pad that was applied in her mouth during cleft pallet surgery became lodged in her windpipe.

Verdict - $5,042,432.00
Verdict against Phillip Brothers Chemical Company, Inc. who failed to adequately warn a worker in an electroplating plant how to properly add zinc cyanide to a brass plating mixture resulting in an explosion causing burns and loss of vision in one eye.

Verdict - $5,000,000.00
Verdict against a hospital that failed to properly treat an asthma patient resulting in respiratory arrest and brain damage.

Verdict - $5,000,000.00
Verdict against a bus company in a wrongful death case brought by the widow of a truck driver killed in a crash with a bus.

Settlement - $5,000,000.00
Settlement for a victim whose legs were severed by a train as a result of the railroad’s neglect in securing the track.

Settlement - $5,000,000.00
Settlement for a stagehand (employed by a Broadway musical) rendered quadriplegic in a fall from a 30 foot height while attempting to repair stage lights.

Settlement - $4,800,000.00
Settlement for a construction worker killed when crushed by a falling machine while working in a water tunnel six hundred feet below ground.

Settlement - $4,700,000.00
Settlement for a shopper who was struck by a box that fell off a high-low resulting in Reflex Sympathetic Dystrophy (RSD)

Settlement - $4,600,000.00
Settlement for an asthma victim given contraindicated medicine resulting in brain damage.

Settlement - $4,600,000.00
Settlement for a bicyclist that was thrown as a result of a defective roadway maintained by the State of New York during a charitable event.

Verdict with interest - $4,600,000.00
Verdict in an upstate county medical malpractice cardiac case.

Settlement - $4,500,000.00
Settlement with a hospital for the failure to timely diagnose and treat an intra-cerebral bleed of an 18 year old female patient that resulted in permanent brain damage.

Settlement - $4,200,000.00
Settlement for a victim who suffered a stroke during the delivery of her child.

Settlement - $3,500,000.00
Settlement for a newborn who contracted chickenpox from a nursery doctor resulting in brain damage.

Settlement - $3,500,000.00
Settlement for a motorist struck by a rental car causing neurological injuries.

Settlement - $3,350,000.00
Settlement in a Medical Malpractice case where the OB-GYN clinic failed to inform the mother that her child would be born deformed thereby depriving her of the opportunity to have a legal abortion.

Settlement - $3,200,000.00
Settlement for a victim who suffered brain damage following replacement of a heart valve.

Settlement - $3,200,000.00
Settlement for a victim that was struck by a car and suffered brain damage while awaiting treatment in the hospital’s emergency room.

Verdict - $3,000,000.00
Verdict against the nation’s largest helmet manufacturer when a victim was thrown from a motorcycle causing her to strike her head on the pavement resulting in brain damage despite wearing the protective helmet.

Verdict - $3,000,000.00
Verdict against an upstate hospital for failure to diagnose a cerebral aneurysm.

Settlement - $2,875,000.00
Settlement for a worker who was required to change a part in a commercial boiler without the main hot water supply shut down resulting in second and third degree burns and death.

Settlement - $2,750,000.00
Settlement for burns when a roach spray can ignited by static electricity in the air.

Settlement - $2,500,000.00
Settlement for a construction worker when New York State failed to secure a concrete form at a construction site on the Long Island Expressway that fell striking the plaintiff who was working at the site and sustained a herniated disc which required surgery.

Settlement - $2,500,000.00
Settlement for the operator of a van that was killed by a train at a railroad crossing that had an inadequate line of sight.

Settlement - $2,400,000.00
Settlement for a victim who sustained a joint disease from a contaminated food supplement.

Settlement - $2,400,000.00
Settlement for a victim whose mammogram was misread as negative causing a delayed breast cancer diagnosis resulting in a more advanced stage of cancer.

-Continued from p26

No 6. ***Zaldumbide v. Consolidated Edison Company of New York Inc.***

Negligence:
Repairmen's oversight led to fatal explosion, suit alleged
Verdict: (P) $25,000,000.00
Case Type: Negligent Repair
Case Name:
Ivonne Zaldumbide as Administratrix of the Good, Chattels and Credits Which Were of Edgar Zaldumbide, Deceased, Melissa Zaldumbide, an Infant by Her m/n/g, Ivonne Zaldumbide and Ivonne Zaldumbide, Individually v. Consolidated Edison Company of New York, Inc., Vishnu Gopaulsammy, Liberty Plumbing & Heating, Inc. and Alwall Construction, Corp., No. 23047/08

Venue: Queens Supreme, NY
Judge: Allan B. Weiss
Date: 06-07-2011
Plaintiff(s) Attorney(s):
Marie Ng; Sullivan, Papain, Block, McGrath & Cannavo, P.C., New York, NY, for Estate of Edgar Zaldumbide, Melissa Zaldumbide, Ivonne Zaldumbide
Expert(s):
Robert Goldstein M.D., Plastic Surgery/Reconstructive Surgery,Bronx, NY called by: Marie Ng; Alan Leiken Ph.D., Economics; East Setauket, NY called by: Marie Ng; Marcia Knight Ph.D., Psychological Injuries, New York, NY called by: Marie Ng; Marilyn White M.D., Vocational Rehabilitation, Riverdale, NY called by: Marie Ng

Facts: On July 25, 2008, plaintiff Edgar Zaldumbide, a 43-year-old unemployed man, and his daughter, plaintiff Melissa Zaldumbide, 2, sustained burns when a fire spread through their apartment, which was located at 147-25 Sanford Ave., in the Flushing section of Queens. The fire stemmed from an explosion of a gas line that had been serviced some 15 minutes earlier by an employee of Liberty Plumbing and Heating Inc. and Vishnu Gopaulsammy, an employee of Consolidated Edison Company of New York Inc. Edgar Zaldumbide sustained fatal burns. Melissa sustained burns of her arms, chest, ears, face, head, legs and neck.

Edgar Zaldumbide's widow, acting individually, as administrator of her husband's estate, and as Melissa's parent and natural guardian, sued Gopaulsammy, Consolidated Edison, Liberty Plumbing and Heating, and the premises' owner, Alwall Construction Inc. The plaintiffs alleged that Alwall Construction was negligent in its maintenance of the premises. The plaintiffs further alleged that the remaining defendants were negligent in their repair of the gas line.

Plaintiffs' counsel claimed that the explosion was a result of an open valve on a gas line that supplied the apartment's stove. He contended that Liberty Plumbing and Heating's employee was supposed to have repaired the valve. He further contended that Gopaulsammy had been dispatched to test the valve and ensure that the repaired gas line was operating safely.

Consolidated Edison's counsel contended that the valve was tested and found to be closed.

Injury: Edgar Zaldumbide sustained second- and third-degree burns of a total of about 75 percent of his body, including his extremities, his face and his torso. He was placed in an ambulance, and he was transported to Flushing Hospital Medical Center. He underwent debridement and the application of grafts of skin, and he later developed infections and pneumonia. He remained hospitalized until his death, on Oct. 8, 2008.

Zaldumbide's estate sought recovery of wrongful-death damages that included $312,674 for his past medical expenses and unspecified damages for his pain and suffering. His wife sought recovery of damages for her loss of his services.

Melissa sustained second- and third-degree burns of her arms, chest, ears, face, head, legs and neck. A doctor estimated that 35 to 70 percent of Melissa's body was burned.

-Continued on p30

Contracts

CASE	DATE	COURT	TYPE OF ACTION	PLAINTIFF'S COUNSEL	AMOUNT
Wasilewski v. Clove Road Enterprises, LLC	12/6	Richmond Supreme	Breach of Contract: Builder didn't address new home's defects, family claimed	Craig A. Fine, Staten Island, NY	$30,431
Giuliano v. Petrucco	6/14	Westchester Supreme	Breach of Contract: Couple claimed dentist never repaid their loan	Edward D. Loughman, III, New Rochelle, NY of Muldoon, Horgan & Loughman	$29,950
Florimon v. Xu	6/21	Queens Supreme	Breach of Contract: Real estate deal's parties disputed obligation for repairs	Joseph Gillette, Queens Village, NY of Ginsburg & Misk; Brandon Howick, Queens Village, NY of Howick Law, P.C.	$10,000
Newman v. Morrell I. Berkowitz P.C.	9/20	New York Supreme	Breach of Contract: Attorney claimed he didn't receive fee for of-counsel work	Steve Newman, New York, NY of Law Offices of Steve Newman	$3,500

Employment

CASE	DATE	COURT	TYPE OF ACTION	PLAINTIFF'S COUNSEL	AMOUNT
Speed v. Six Flags	4/21	American Arbitration Association, Manhattan	Labor & Employment: Six Flags contract breached and ruled fraudulent, arbitrator finds	Gregory N. Filosa & Douglas H. Wigdor, New York, NY of Thompson Wigdor & Gilly LLP	$24,000,000
Equal Employment Opportunity Commission v. KarenKim Inc.	1/20	U.S. District Court, N.D.N.Y.	Sexual Harassment: Grocery store's female workers alleged lewd behavior by boss	Judy A. Keenan & Ami T. Sanghvi, New York, NY & Markus L. Penzel, Boston, MA of Senior Trial Attorney of Equal Employment Opportunity Commission; Matthew E. Bergeron & Mimi C. Satter, Syracuse, NY of Satter & Andrews Law Firm	$1,260,080
Marable v. City of New York	3/15	U.S. District Court, E.D.N.Y.	Gender Discrimination: Police officer claimed career was stunted by departmental bias	Jeffrey L. Goldberg, Lake Success, NY of Jeffrey L. Goldberg, P.C.	$600,000
Welch v. UPS	10/4	U.S. District Court, E.D.N.Y.	Retaliation: Employee with heart condition says UPS made him do heavy lifting	Peter Romero & Rashmee Sinha, Farmingdale, NY of Frank & Associates, P.C.	$200,000
Roa v. City of New York	10/28	U.S. District Court, S.D.N.Y.	Failure to Accommodate: Injuries led to termination, worker claimed	Steven T. Sledzik, Scarsdale, NY of Jones, LLP	$150,000

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Founding Partners Douglas H. Wigdor and Kenneth P. Thompson

At Thompson Wigdor LLP, we congratulate Douglas H. Wigdor, a founding partner, on his approximate $24 million verdict on behalf of the former CFO of Six Flags. This verdict represents the largest employment and contract award in the State of New York for 2011. This is the Firm's sixth time it has appeared in New York's Top Verdicts since 2005.

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Melissa was placed in an ambulance, and she was transported to Flushing Hospital Medical Center. She underwent debridement, the application of grafts of skin and other surgeries, and she later developed infections, pneumonia and post-traumatic stress disorder. She has developed a residual contracture of one wrist, and the condition will necessitate additional surgeries. She also bears residual scars of her body, face and legs.

Melissa's mother sought recovery of $175,374 for Melissa's past medical expenses, an unspecified amount for Melissa's future medical expenses, and damages for Melissa's past and future pain and suffering. She also sought recovery of damages for her loss of Melissa's services.

Defense counsel contested the extent of Mr. Zaldumbide's suffering and the extent of Melissa's future medical needs.

Verdict Information: The parties negotiated a pretrial settlement. Consolidated Edison agreed to pay $25 million, which constituted the entire settlement. Melissa's share totaled $20 million; the estate's share totaled $4.75 million, which included $750,000 for Mr. Zaldumbide's mental anguish and $4 million for his wrongful death; and Ms. Zaldumbide's share totaled $250,000, which included $150,000 for her loss of her daughter's services and $100,000 for her loss of her husband's services.

No 7. ***Speed V. Six Flags***
Employment:
Six Flags contract breached and ruled fraudulent, arbitrator finds
Verdict: (P) $23,000,000 plus interest & tatty fees
Case Type: Labor & Employment; Contracts; Fraud
Case Name:
Jeff Speed v. Six Flags, Inc.

Venue: American Arbitration Association, New York, NY
Judge: Hon. George C. Pratt
Date: 04-21-2011
Plaintiff(s) Attorney(s):
Douglas H. Wigdor & Gregory N. Filosa, New York, NY of Thompson Wigdor & Gilly LLP

Facts: From April 1, 2006 to Oct. 6, 2010 plaintiff Jeffrey Speed, was the Chief Financial Officer for Six Flags, Inc. During his tenure he and other executives oversaw the company's emergence from bankruptcy.

As part of the bankruptcy emergence process, the controlling shareholders conditioned their approval of the bankruptcy plan on Speed entering into an amended contract. The contract was amended to say that the new board of directors and the Chief Executive Officer of the company would determine the amount of equity that was to be provided to Speed promptly upon emergence from bankruptcy.

Before Speed entered into the amended contract, former Six Flags CEO, Mark Shapiro, promised to award Speed at least the amount of equity included in his April 1, 2009 contract. Speed signed the contract amendment on April 1, 2010. In May 2010, approximately 11 days after the emergency from bankruptcy, Shapiro was terminated from his CEO position.

On July 13, 2010, the board and the interim CEO offered to award Speed restricted stock units and options that were significantly less - greater than $10 million - than and the amount and terms agreed to by the previous CEO. The offer also included different condition than those agreed to by Shapiro, including a new vesting schedule and a new definition of cause and good reason for termination. Speed sued Six Flags, Inc. alleging that he was defrauded when he entered into the amended employment agreement.

Speed argued that Six Flags was planning to fire Shapiro before negotiations began on the amended contract, and therefore the company did not plan to honor the conditions

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Employment

CASE	DATE	COURT	TYPE OF ACTION	PLAINTIFF'S COUNSEL	AMOUNT
Williams v. City of New York	2/23	U.S. District Court, E.D.N.Y.	Race Discrimination: Police officer claimed male sergeant harassed her	Eric Sanders, New York, NY of The Eric Sanders Firm, P.C.	$131,500
Miller v. New York University	11/7	New York Supreme	Compensation: Executive's title change not a termination, school contended	Robert D. Kraus & Geoffrey A. Mort, New York, NY of Kraus & Zuchlewski LLP	$60,000

Equitable Relief

CASE	DATE	COURT	TYPE OF ACTION	PLAINTIFF'S COUNSEL	AMOUNT
Ashfaq v. Raheb	5/31	Kings Supreme	Unjust Enrichment: Seller of car dispatch firm took back ownership	Steven B. Ross, New York, NY of Ross & Asmar	$50,000

Government

CASE	DATE	COURT	TYPE OF ACTION	PLAINTIFF'S COUNSEL	AMOUNT
Roberts v. City of New York	5/19	Bronx Supreme	Excessive Force: Policemen maced suspect as he choked on bag of crack	Donte O. Mills, New York, NY of Sullivan Papain Block McGrath & Cannavo, P.C.	$850,000
Sanabria v. City of New York	3/29	Bronx Supreme	Excessive Force: Plaintiff claimed undercover officers beat him for no reason	Steven Wildstein, Great Neck, NY	$500,000
Eidt v. City of Long Beach	1/31	Nassau Supreme	Pensions: Firefighters on disability claimed payments were low	Christina Panzarella, Long Beach, NY of Aramanda & Panzarella, P.C.; Leo F. McGinity, Jr., Garden City, NY of McGinity & McGinity, P.C.	$402,294
Spillman v. City of Yonkers	3/25	U.S. District Court, S.D.N.Y.	Excessive Force: Plaintiff claimed police officers beat him during traffic stop	Mathew Paulose Jr., Bronx, NY of Schaeffer Paulose LLP	$175,000
Pressley v. City of New York	7/29	New York Supreme	Excessive Force: Arrestee claimed police caused permanent jaw damage	Christopher J. Donadio, New York, NY of Burns & Harris	$15,000

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of the contract as they had been agreed to by Shapiro and Speed. He further argued that the company intended to replace Shapiro with a CEO that would offer less than the figures agreed upon by Speed and Shapiro. He further argued that these actions constituted fraudulent inducement and fraudulent concealment. He also claimed the July 13, 2010 agreement constituted a breach of the contract agreed to by Shapiro.

Speed also argued that emails and correspondence indicated that the company began its search for Shapiro's replacement prior to the start of the amended contract negotiations, and that the interim CEO had already started an aggressive campaign to be selected as Shapiro's replacement.

The company contended that it never contemplated firing Shapiro until after it emerged from bankruptcy in the spring of 2010, therefore there were not intentions to force Speed to enter into an amended agreement under false pretenses. It also argued that the emails and correspondence did not support Speed's claim that the search had begun prior to the contract amendment negotiations.

Injury: Speed argued that he was terminated without cause and did not receive approximately $27 million in severance and equity that was due him. Speed argued that Shapiro had agreed to give him at least what was offered in his original employment contract, which amounted to .625 percent of outstanding stock and options to purchase another .625 percent of outstanding stock. He sought roughly $22.6 million for lost equity. He also sought $4.4 million in severance pay, based on a calculation of his base pay until April 2013and the guaranteed annual bonus.

The company contended that Speed would not have received the full $4.4 million as he would not have received a full bonus for working only a portion of 2010. The company further claimed that Speed shouldn't receive any options or equity because he did not accept the offer made on July 13, 2010.

Verdict Information: The arbitrator found in favor of the plaintiff on the breach of contract, equitable estoppel, fraudulent inducement and the fraudulent concealment claims. Speed was awarded $3,847,000 in severance pay and $19,882,000 in equity.

No 8. ***McCarthy v. A.C. & S.., Inc***

Products Liability:
Men's fatal cancer caused by asbestos, suit alleged
Verdict: (P) $22,150,000.00
Case Type: Failure to Warn, Products Liability - Asbestos
Case Name:
Carol Ann McCarthy, Individually & as Executrix for the Estate of Eugene G. McCarthy v. A.C. & S.., Inc. / Dorothy A. Koczur, Individually & as Executrix for the Estate of Walters S. Koczur v. A.C. & S., Inc., No. 100490/99; 122340/99

Venue: New York Supreme, NY
Judge: Martin Shulman
Date: 06-21-2011
Plaintiff(s) Attorney(s):
Michael Fanelli; Weitz & Luxenberg, P.C.,New York, NY, for Estate of Eugene G. McCarthy, Carol Ann McCarthy, Dorothy A. Koczur, Estate of Walter S. Koczur, Danny R. KraftJr., Weitz & Luxenberg, P.C., New York, NY, for Estate of Eugene G. McCarthy, Carol Ann McCarthy, Dorothy A. Koczur, Estate of Walter S. Koczur

Expert(s):
Barry Castleman Sc.D., Public Health, Garrett Park, MD called by: Michael Fanelli; Danny Kraft, James Strauchen M.D., Pathology, New York, NY called by: Michael Fanelli, Danny Kraft

Facts: During a period that spanned

-Continued on p34

Health Law

CASE	DATE	COURT	TYPE OF ACTION	PLAINTIFF'S COUNSEL	AMOUNT
Morrison v. Lutheran Care Center	6/30	Dutchess Supreme	Nursing Home:	Richard Greenblatt, Poughkeepsie, NY of Rutberg & Associates P.C.	$85,000

Insurance

CASE	DATE	COURT	TYPE OF ACTION	PLAINTIFF'S COUNSEL	AMOUNT
Helmrich v. New York Mutual Underwriters	10/4	Orange Supreme	Denial of Claim: Homeowner denied insurer's allegation of arson	Robert V. Magrino, New City, NY	$230,000
Massa v. Nationwide Mutual Fire Insurance Co.	8/15	Schenectady Supreme	Coverage: Couple sought indemnification for son's act at frat party	Steven X. Kouray, Schenectady, NY of Kouray & Kouray	$4,400

Intellectual Property

CASE	DATE	COURT	TYPE OF ACTION	PLAINTIFF'S COUNSEL	AMOUNT
Member Services Inc. v. Security Mutual Life Insurance Company of New York	10/13	U.S. District Court, N.D.N.Y.	Misappropriation of Trade Secrets: Companies' relationship ended in trade-secret dispute	Daniel M. Sleasman, Albany, NY; Alexander D. Brown & Peter G. Herman, Fort Lauderdale, FL of Tripp, Scott, P.A.	$26,000,000
Metso Minerals Inc. v. Powerscreen International Distribution Limited	3/3	U.S. District Court, E.D.N.Y.	Infringement: Processing plant's technology illegally copied, suit alleged	Lisa A. Ferrari & Michael C. Stuart, New York, NY of Cozen O'Connor	$15,800,000
BASCOM Global Internet Services Inc. v. AOL LLC	11/4	U.S. District Court, E.D.N.Y.	Infringement: AOL, Yahoo copied Web-filtering tech, suit alleged	Abbey Dennis, Eric Maurer & Michael Underhill, New York, NY of Boies, Schiller & Flexner, LLP; Carolyn Rendell, Jason Spiro & David S. Stone, New York, NY of Stone and Magnanini, LLP	$10,000,000
Seoul Broadcasting System International Inc. v. Sang	3/22	U.S. District Court, E.D.N.Y.	Copyrights:	Stuart A. Blander & Evan R. Shusterman, New York, NY of Heller Horowitz & Feit P.C.	$2,000,000

Intentional Torts

CASE	DATE	COURT	TYPE OF ACTION	PLAINTIFF'S COUNSEL	AMOUNT
Callegari v. Davis & Partners, LLC	11/2	New York Supreme	Non-Labor Law: Union worker sues after he was stabbed on jobsite	Patrick F. Bisogno, Brooklyn, NY of Bisogno & Meyerson L.L.P.	$11,333,602
Bellus v. Ice Entertainment Group Inc.	5/9	Suffolk Supreme	Assault: Nightclub's patron claimed he was drawn into brawl	Robert T. Samson, Bay Shore, NY of Siben & Siben, LLP	$3,022,560
McCauley v. Nigro	1/21	Westchester Supreme	Assault and Battery: Partygoer blind as a result of attempt to break up fight	Richard S. Vecchio, White Plains, NY of Worby Groner Edelman L.L.P.	$2,000,000
Estate of Toribio v. Battle	10/18	New York Supreme	Assault and Battery | Collateral Estoppel: Father of firebombing victim sued "Cuban Mafia" higher-ups	Ahmed A. Massoud & Lisa Pashkoff, New York, NY of Massoud & Pashkoff, LLP	$1,498,600
Maier v. Rapture	8/3	Suffolk Supreme	Assault and Battery:	Denny Brown, Ronkonkoma, NY of Gruenberg & Kelly, LLP	$750,000
Jules v. Polny Restaurant Corp.	1/14	Kings Supreme	Assault: Restaurant not liable for fight that left patron hurt	Henry J. Achiron, New York, NY of Marder Eskesen & Nass	$556,700
Fabian v. City of New York	12/9	New York Supreme	False Arrest: Investigators didn't look past fingerprints, arrestee claimed	Joseph S. Bavaro, New York, NY of Salenger, Sack, Schwartz & Kimmel, LLP	$400,000
Pierre v. City of New York	4/21	Kings Supreme	False Arrest: Arrestee claimed jail attendant punched him after using slur	Jonah Grossman, Jamaica, NY of Jonah Grossman, Esq.	$305,000
Thomson v. Steinberg	7/8	Orange Supreme	Trespass: Homeowners claimed neighbor cut down hundreds of their trees	Anthony M. DeFazio & Kenneth M. Stenger, Wappinger Falls, NY of Vergilis, Stenger, Roberts, Davis & Diamond, LLP	$287,690
Martire v. City of New York	5/13	New York Supreme	Battery: Plaintiff claimed he was beaten while trying to stop rough arrest	Christopher J. Donadio, New York, NY of Burns & Harris	$250,000
Stram-Delacruz v. Lam	5/20	Westchester Supreme	Battery: Landlord-tenant scrum ended with tenant being bound	Stanley A. Tomkiel, III, Scarsdale, NY of Tomkiel & Tomkiel PC	$100,000
Cruz v. Nieves	2/1	Bronx Supreme	Discrimination - Sexual Preference: Apartment's tenant claimed superintendent harassed him	Katherine R. Rosenfeld & Mariann Meier Wang, New York, NY of Emery Celli Brinckerhoff & Abady LLP	$35,000
Loudis v. Either	8/16	Albany Supreme	Fraudulent Concealment: Home's sellers didn't disclose mold, infestation, suit alleged	Steven D. Farer, Latham, NY of The Law Offices of Farer & Schwartz PC	$27,750
Bernier v. Peters	3/14	Ulster Supreme	Assault and Battery: Partygoer claimed host slapped him, damaged eye	David J. Clegg, Kingston, NY	$25,000
Epstein v. John Wiley & Sons Inc.	1/25	New York Supreme	Intentional Misrepresentation: Book publisher denied accepting author's manuscript	John A. Dalley, New York, NY	$25,000
Morton v. McKenna	5/25	Albany Supreme	Assault: Police-department clerk alleged officer pointed loaded gun at her	Mark D. Greenberg, New York, NY of Greenberg & Greenberg	$23,384
O'Neill v. Brunet	9/26	Ulster Supreme	Assault: Man hurt in bar fight retains scar of face	Bruce D. Blatchly, New Paltz, NY of Blatchly & Simonson, P.C.	$10,000

Landlord Tenant

CASE	DATE	COURT	TYPE OF ACTION	PLAINTIFF'S COUNSEL	AMOUNT
Brown v. Benedict	11/15	Westchester Supreme	Breach of Lease: Renters walked out on lease, landlords claimed	William J. Florence, Peekskill, NY of Florence & Smith	$6,649

Legal Malpractice

CASE	DATE	COURT	TYPE OF ACTION	PLAINTIFF'S COUNSEL	AMOUNT
Litchfield v. Altschul	12/6	New York Supreme	Malpractice: Tenants claimed attorney gave bad advice regarding rent dispute	Roger J. Bernstein, New York, NY	$110,000
Falso v. Kirwan	12/7	Lewis Supreme	Malpractice: Law firm too late with filing of child-support claim	James G. DiStefano, Syracuse, NY of James G. DiStefano, Esq.	$51,381

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1969 and 1973, plaintiff's decedent Walter Koczur, a steamfitter in his late 30s or early 40s, worked at several Buffalo-based sites at which he cut gaskets that contained asbestos. The gaskets' manufacturers included Toronto-based Goodyear Canada Inc. and Akron, Ohio-based The Goodyear Tire and Rubber Co. Koczur claimed that another company, Lancaster, Pa.-based A.C. & S. Inc., also produced products that contained asbestos, and he contended that his work involved the handling of those products.

In January 1998, Koczur, 66, learned that he was suffering advanced cancer of his lungs. The disease ultimately claimed his life. Koczur's widow, Dorothy Koczur, claimed that her husband's cancer stemmed from his exposure to the asbestos that was contained in the gaskets that he handled.

During the early 1960s, plaintiff's decedent Eugene McCarthy, a mechanic in his late 20s, began servicing machinery that utilized gaskets that contained asbestos. McCarthy's tasks included the grinding of those gaskets, and that work continued until the early portion of the 1970s. The gaskets' manufacturers included Goodyear Canada and Goodyear Tire and Rubber. McCarthy claimed that his work also involved the handling of products that had been produced by A.C. & S., and he contended that those products contained asbestos.

In 1996, McCarthy learned that he was suffering advanced cancer of his lungs. The disease ultimately claimed his life. McCarthy's widow, Carol Ann McCarthy, claimed that her husband's cancer stemmed from his exposure to the asbestos that was contained in the gaskets that he processed.

Ms. McCarthy, acting individually and as the executor of her husband's estate, sued A.C. & S., Goodyear Canada, Goodyear Tire and Rubber, and many other companies that were alleged to have distributed, manufactured, sold and/or utilized products that contained asbestos. The plaintiffs alleged that the defendants negligently failed to provide warnings that fully disclosed asbestos's hazardous nature.

In a subsequent action, Ms. Koczur, acting individually and as the executor of her husband's estate, sued Goodyear Canada, Goodyear Tire and Rubber, and many other companies that were alleged to have distributed, manufactured, sold and/or utilized products that contained asbestos. The plaintiffs alleged that the defendants negligently failed to provide warnings that fully disclosed asbestos's hazardous nature.

The cases were consolidated. Plaintiffs' counsel discontinued the claims against many of the defendants. Some defendants negotiated settlements, and others defaulted. The matter ultimately proceeded to a trial against Goodyear Canada and Goodyear Tire and Rubber.

Plaintiffs' counsel claimed that Mr. Koczur and Mr. McCarthy performed tasks that liberated dust of the asbestos that was contained in the gaskets that they processed, and they contended that the men inadvertently inhaled that dust. The plaintiffs' expert pathologist opined that the men endured substantial exposure to the dust. He acknowledged that the men's cancer was somewhat attributable to their longtime use of cigarettes, but he opined that asbestos and smoking synergistically increased their likelihood of developing cancer, and he concluded that asbestos's dust was a substantial cause of their cancer.

Plaintiffs' counsel acknowledged that neither decedent suffered asbestosis, which is an asbestos-induced, chronic, inflammatory condition of the lungs, but they contended that asbestosis is not a consistent element of cancer that stems from the exposure to asbestos.

Plaintiffs' counsel also presented an expert who studies issues that are related to the public's general health, and the expert opined that the defendants had access to literature that disclosed asbestos's asso-

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  - $11.8 million: Quadriplegia trip and fall, construction site, labor law
  - $6.7 million: Mild traumatic brain injury, car accident(lifetime yield)
  - $3.5 million: Paraplegia, legal malpractice
  - $3.265 million: Liver damage due to nutritional supplement, products liability
  - $2.622 million: Contract dispute
  - $1.55 million: Brain injury and fractures, car accident(policy limit)
  - $1.5 million: Comminuted fracture of leg with many surgeries, motorcycle
  - $1.375 million: Hip fractures with many surgeries, defective product
  - $1.225 million: Pre-existing hydrocephalus resulting in incomplete quadriplegia, malpractice
  - $1.1 million: Burst fracture of C-6 resulting in paraplegia, car accident
  - $1.1 million: Fractures to hip and pelvis with surgery, scaffold collapse on job site
  - $925,000: Wrongful death, hemorrhagic complications during birth, malpractice

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ciated hazards. He contended that the defendants did not adequately disseminate that information.

Defense counsel acknowledged that the defendants manufactured gaskets that contained asbestos, but they contended that those materials did not cause the decedents' cancer. They claimed that Goodyear Tire and Rubber's gaskets were not manufactured after 1969, and they contended that Goodyear Canada's gaskets were not sold in the United States, where the decedents worked. The defense's expert hygienist opined that the gaskets' asbestos did not approach the permissible limits that had been established by the Occupational Safety and Health Administration, and he contended that the asbestos could not have caused the decedents' cancer.

The defense's expert pulmonologist noted that the decedents' medical records indicated that they did not suffer asbestosis. As such, he opined that the decedents' cancer was entirely caused by their use of cigarettes. The decedents' medical records indicated that their smoking spanned several decades. McCarthy's records indicated that he continually smoked during a 33-year-long period that spanned 1953 and 1986, and Koczur's medical records indicated that he continually smoked during a 25-year-long period that spanned 1948 and 1973. Their daily habits were extensive: McCarthy typically smoked two or three packages of cigarettes, and Koczur typically smoked more than half of a package of cigarettes.

Injury: In January 1998, Koczur learned that he was suffering advanced cancer of his lungs. He claimed that the disease was a result of his exposure to asbestos that was contained in the defendants' products. He underwent chemotherapy and the application of radiation, but the disease could not be eradicated. It spread to his spine, and he died in March 1998. Koczur, 67, was survived by his wife. Koczur's widow claimed that her husband endured severe pain.

Mr. Koczur's estate sought recovery of damages for Koczur's pain, suffering, mental anguish and lost enjoyment of life. Koczur's widow sought recovery of damages for her loss of consortium.

In 1996, McCarthy learned that he was suffering advanced cancer of his lungs. He claimed that the disease was a result of his exposure to asbestos that was contained in the defendants' products. He underwent chemotherapy and the application of radiation, but the disease could not be eradicated. It spread throughout his body, and he died in 1998. McCarthy, 64, was survived by his wife. McCarthy's widow claimed that her husband endured severe pain.

Mr. McCarthy's estate sought recovery of damages for McCarthy's pain, suffering, mental anguish and lost enjoyment of life. McCarthy's widow sought recovery of damages for her loss of consortium.

The defense's expert pulmonologist acknowledged that the decedents would have suffered significant pain.

Verdict Information: The jury found that the defendants were partially liable for the decedents' cancer. Goodyear Tire and Rubber was assigned 27.19 percent of the liability for Mr. Koczur's cancer, and it was assigned 7 percent of the liability for Mr. McCarthy's cancer. Goodyear Canada was assigned 18.13 percent of the liability for Koczur's cancer, and it was assigned 5 percent of the liability for McCarthy's cancer. Koczur was assigned 27.5 percent of the liability for his cancer; McCarthy was assigned 55 percent of the liability for his cancer; and the remaining liability was assigned to defendants that had defaulted, settled or been released.

The jury determined that the plaintiffs' damages totaled $22.15 million. Mr. Koczur's estate's share totaled $11,666,667, all for Koczur's pain and suffering; Ms. Koczur's share totaled $1,983,333, all for her past loss of consortium; and McCarthy's estate's share totaled $8.5 million,

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Medical Malpractice - Birth Injury

CASE	DATE	COURT	TYPE OF ACTION	PLAINTIFF'S COUNSEL	AMOUNT
Bustos v. Lenox Hill Hospital	3/31	New York Supreme	Childbirth: Doctors, nurse mismanaged delivery of child, suit alleged	Scott Occhiogrosso, New York, NY of Hill & Moin, LLP	$5,500,000
Tranchina v. Stern	10/7	Dutchess Supreme	Birth Injury:	Thomas A. Moore, New York, NY of Kramer, Dillof, Livingston & Moore	$4,600,000
Torres v. New York City Health and Hospitals Corp.	6/16	New York Supreme	Birth Injury: Birthing techniques led to nerve damage, plaintiff contended	Robert Vilensky, New York, NY of Ronemus & Vilensky, LLP	$1,000,000
Delgado v. Murray	10/14	Bronx Supreme	Birth Injury: Plaintiff: doctor used exceussive force during delivery	Stephen E. Erickson, Lake Success, NY of Pegalis & Erickson, L.L.C.	$1,000,000
Castillon v. Kaufman	7/8	Queens Supreme	Failure to Consult: Obstetrician's oversight caused child's palsy, suit alleged	Evan Gewirtz, Jericho, NY of The Gewirtz Law Firm	$800,000

Medical Malpractice - Failure to Diagnosis/Treat/Monitor/Test

CASE	DATE	COURT	TYPE OF ACTION	PLAINTIFF'S COUNSEL	AMOUNT
Carelli v. Westchester County Health Care Corp.	8/5	Westchester Supreme	Failure to Monitor: Hospital didn't anticipate or treat bedsore, patient alleged	Peter E. Tangredi, White Plains, NY of Peter E. Tangredi & Associates	$14,500,000
Luna v. Spadafora	12/1	Suffolk Supreme	Failure to Diagnose: Doctors failed to recognize signs of thyroid cancer, plaintiff contended	Diane Paolicelli & Daniel J. Woodard, New York, NY of Levy Phillips & Konigsberg, LLP	$6,832,875
Smith v. Long Island College Hospital	8/19	Kings Supreme	Failure to Treat: Untreated arterial condition turned fatal, estate alleged	Dennis A. Breitner, New York, NY of Dinkes & Schwitzer	$5,720,000
Perazzo v. Maimonides Medical Center	5/6	Kings Supreme	Failure to Diagnose:	Michael M. Bast, New York, NY of Silverstein & Bast	$4,000,000
Younus v. Gusset	2/4	Kings Supreme	Delayed Diagnosis: Colon cancer patient claimed doctors failed to diagnose	Harvey Weitz, New York, NY of Weitz & Associates, P.C., New York, NY, trial counsel, Perry Silver, John Chambers P.C.	$3,975,000
Kremer v. Lieffrig	11/21	Suffolk Supreme	Delayed Treatment: Plaintiff said that doctor failed to consult with Infectious Disease expert, schedule follow-up appointment after diagnosing her with MRSA	Thomas P. Giuffra, New York, NY of Rheingold, Valet & Rheingold, P.C.	$3,250,000

Medical Malpractice - Failure to Diagnosis/Treat/Monitor/Test					
CASE	**DATE**	**COURT**	**TYPE OF ACTION**	**PLAINTIFF'S COUNSEL**	**AMOUNT**
Vizzini v. Nezhat	11/1	Kings Supreme	Cancer Diagnosis: Plaintiff: ovarian growth was not adenocarcinoma	Richard A. Gurfein, New York, NY of Gurfein Douglas LLP	$2,433,000
Scali v. Bacola	5/12	Suffolk Supreme	Failure to Refer: Doc's oversight led to removal of boy's colon, suit alleged	Jeffrey A. Block & S. Joseph Donahue, New York, NY of Block, O'Toole & Murphy LLP	$2,300,000
Sedaghatpour v. Kobren	2/2	Nassau Supreme	Failure to Test: Cancer sufferer blamed doc's lack of tests	Eric H. Morrison, New York, NY of Morrison & Wagner	$2,300,000
Beck v. Rodgers	6/27	New York Supreme	Lost Chance of Recovery: Pathologist accused of missing signs of cancerous cells in liver	Alan L. Fuchsberg, New York, NY of Jacob D. Fuchsberg Law Firm	$2,200,000
Lilith James v. Interfaith Medical Center	7/26	Kings Supreme	Failure to Diagnose:	H.Q. Nguyen, New York, NY; Dawn S. DeWeil, Union, NJ of Law Offices of Craig M. Rothenberg	$2,000,000
Watson v. Mohandoss	9/7	Bronx Supreme	Failure to Refer: Doctor overlooked tumors in bladder, patient alleged	Peter E. Tangredi, White Plains, NY of Peter E. Tangredi & Associates	$1,900,000
Gonzalez v. Goodman	5/27	Bronx Supreme	Failure to Treat: Doctors' treatment of ectopic pregnancy leads to ruptured fallopian tube	Edward Sanocki, New York, NY of Sanocki Newman & Turret, LLP	$1,500,000
Peters v. Krall	12/2	Columbia Supreme	Failure to Refer: Doc ignored glaucoma's worsening symptoms, suit alleged	Alan S. Zwiebel, Kingston, NY of Zwiebel and Fairbanks, L.L.P.	$1,375,000
Boragine v. Magliulo	11/14	New York Supreme	Failure to Diagnose: Plaintiff alleged failure to diagnose, causing death by sudden cardio pulmonary arrest	Richard H. Abend, New York, NY of Abend & Silber	$1,150,000
Estate of Browne v. Plummer	2/24	Bronx Supreme	Cancer Diagnosis: Parties disputed site of origin of fatal tumor	David S. Pollack, Uniondale, NY of Duffy & Duffy	$880,000
Dragonetti v. Peloro	1/13	Kings Supreme	Failure to Diagnose: Docs overlooked signs of fatal cancer, suit alleged	Lambros Y. Lambrou, New York, NY of New York, NY, of counsel, Krentsel & Guzman, LLP	$850,000
Gentile v. Benedicto	12/5	Kings Supreme	Failure to Diagnose: Plaintiff said defendant failed to properly perform cholecystectomy, order proper post-operative diagnostic testing, caused hepatic duct stricture	Charles A. Cerussi & David Pierguidi, Shrewsbury, NJ of Cerussi & Gunn PC	$825,000
Dahan v. Ghatan	5/19	Kings Supreme	Failure to Test: Doc's needless procedure damaged nerves, patient alleged	Alan S. Ripka, New York, NY of Napoli Bern Ripka, LLP	$825,000
Deo v. Neuberger	3/10	Kings Supreme	Failure to Test: Doc overlooked symptoms of lymphoma, suit alleged	Michael K. Eidman, New York, NY, trial counsel, Charles I. Epstein, Queens, NY	$760,000
Clarke v. Chang	4/13	Bronx Supreme	Delayed Treatment: Doctor on the hook after patient declines treatment, plaintiff contended	Robert Vilensky, New York, NY of Ronemus & Vilensky, LLP	$645,000
Kim v. Hwang	4/22	New York Supreme	Delayed Diagnosis: Plaintiff alleged internist failed to diagnose and treat her renal disease, decreased her life expectancy	Eric K. Schwarz, New York, NY of Sullivan Papain Block McGrath & Cannavo, P.C.	$500,000
Estate of Silverman v. Peninsula Hospital Center	4/5	Queens Supreme	Delayed Diagnosis: Untreated osteomyelitis, bedsores turned fatal, suit alleged	Brad A. Kauffman, New York, NY of Law Offices of Brad A. Kauffman, PLLC	$500,000
Walker v. Jack D. Weiler Hospital of the Albert Einstein College of Medicine	9/12	Bronx Supreme	Failure to Test: Ankle worsened while docs deliberated, patient alleged	Craig D. Rosenbaum, New York, NY of Rosenbaum & Rosenbaum, P.C.	$500,000
Walpole v. Mehta	3/18	Bronx Supreme	Failure to Communicate: Surgery's risks weren't disclosed, patient alleged	Louis G. Solimano, Bronx, NY of William A. Gallina	$340,000
Kennedy v. Capital Care Family Practice	9/7	Schenectady Supreme	Failure to Diagnose: Undiagnosed diabetes caused neuropathy, plaintiff alleged	Frank G. Cernigliaro, Carle Place, NY of Landers & Cernigliaro, P.C.	$285,000
Ivashkina v. New York Community Hospital of Brooklyn	7/25	Kings Supreme	Failure to Diagnose: Plaintiff: Doctor missed signs of appendicitis	Robert Vilensky, New York, NY of Ronemus & Vilensky, LLP	$195,000
Gashi v. Doe Bronx Hospital	5/20	Bronx Supreme	Failure to Diagnose:	Ylber Albert Dauti, New York, NY of The Dauti Law Firm, P.C.	$150,000

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all for McCarthy's pain and suffering. After the offset of comparative negligence and the liability of the defendants that had defaulted, settled or been released, the plaintiffs' recovery totaled $7,206,180.

No 9. ***Kusz v. New York City Transit Authority***

Motor Vehicle:
Woman hit by bus, underwent amputations of arm and leg
Verdict: (P) $20,316,048.93
Case Type: Pedestrian, Motor Vehicle - Bus
Case Name:
Alfreda Kusz and Marian Kusz v. The New York City Transit Authority, Metropolitan Transit Authority, MTA Bus Company and Jose Mateo, No. 20460/09

Venue: Queens Supreme, NY
Judge: Martin E. Ritholtz
Date: 08-17-2011
Plaintiff(s) Attorney(s):
Alan M. Shapey, Lipsig, Shapey, Manus & Moverman, PC, New York, NY, for Alfreda Kusz

Expert(s):
Joseph Carfi M.D., Life Care Planning, Great Neck, NY called by: Alan Shapey; Robert Goldstein M.D., Psychiatry, New York, NY called by: Alan Shapey; Jeffrey Kaplan M.D., Orthopedic Surgery, New York, NY called by: Alan Shapey; Albert Rudick, Ophthalmology, New York, NY called by: Alan Shapey; Alan Leiken Ph.D., Economics, Stony Brook, NY called by: Alan Shapey

Defendant(s) Attorney(s):
Antonia M. Sciretta; Sciretta & Venterina, L.L.P., Brooklyn, NY, for New York City Transit Authority, Metropolitan Transportation Authority, Jose Mateo, MTA Bus Co.

Expert(s):
Robert Orlandi M.D., Orthopedics, Brooklyn, NY called by: Antonia Sciretta

Facts: On June 15, 2009, plaintiff Alfreda Kusz, 59, a housekeeper, was struck by a bus. The incident occurred on Jackson Avenue, alongside its intersection at 23rd Street, in the Long Island City section of Queens. Kusz sustained injuries of an arm, her buttocks, an eye, a foot and her head.

Kusz sued the bus's driver, Jose Mateo, and the bus's operators, the Metropolitan Transportation Authority, MTA Bus Co. and the New York City Transit Authority. Kusz alleged that Mateo was negligent in his operation of the bus. She further alleged that the remaining defendants were vicariously liable for Mateo's actions.

Kusz claimed that a green pedestrian traffic signal permitted her entrance to the intersection. Her counsel presented surveillance videotape that was recorded by a nearby diner's security system, and he contended that the tape established that the traffic signal was green. He claimed that Mateo should have yielded the right of way.

Defense counsel challenged the validity of Kusz's counsel's videotape. She claimed that Kusz was not identifiable in the recording. Defense counsel also retained a witness who contended that Kusz was crossing outside of the nearest crosswalk.

Kusz's counsel moved for summary judgment of liability, and the motion was granted. The trial addressed damages.

Injury: Kusz sustained a crushing, degloving injury of the upper portion of her right, dominant arm. The injury caused transections of arteries and nerves. She also sustained fractures of the same arm's humerus, radius and ulna; a crushing injury of her right foot; a degloving injury of her buttocks; and abrasions and contusions of her head.

Kusz was placed in an ambulance, and she was transported to Bellevue Hospital Center, in Manhattan. Her right arm was amputated above its elbow, and her right leg was amputated below its knee. Her hospitaliza-

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Medical Malpractice - General

CASE	DATE	COURT	TYPE OF ACTION	PLAINTIFF'S COUNSEL	AMOUNT
Manganiello v. Ahmed	7/8	Orange Supreme	Prescription and Medication: Doc didn't spot patient's sodium deficiency, suit alleged	Robert Winters, Parsippany, NJ of Law Offices of Robert Winters, Parsippany, NJ, of counsel, Fein, Such, Kahn & Shepard, P.C.	$33,745,000
Estate of Lee v. New York Hospital Queens	12/23	Queens Supreme	Hospital: Suit: decedent was nil per os for three days before surgery	Judith A. Livingston, New York, NY of Kramer, Dillof, Livingston & Moore	$7,579,560
Messina v. DeBlasi	6/3	Richmond Supreme	Negligent Treatment: Hospital's staff didn't properly treat bedsores, plaintiff alleged	Mitchel H. Ashley, New York, NY of The Ashley Law Firm, PLLC	$5,402,748
Louis-Jeune v. New York City Health and Hospitals Corp.	2/9	Kings Supreme	Negligent Injection: Hospital's patient claimed IV treatment caused painful scars	Richard R. Mogg, Brooklyn, NY of trial counsel, Frekhtman & Associates	$1,500,000
Cifuentes v. New York Health and Hospitals Corporation	6/1	Bronx Supreme	Negligent Treatment: Brain injury the result of childbirth, plaintiff claimed	Louis G. Solimano, Bronx, NY of William A. Gallina	$1,500,000
Desai v. St. Vincent's Midtown Hospital	4/20	New York Supreme	Negligent Treatment:	Andrew Friedman, Brooklyn, NY of Friedman, Khafif & Sanchez, LLP	$1,142,310
Harris v. Orange Regional Medical Center	9/20	Orange Supreme	Negligent Treatment: Plaintiff sues after intestines detach during appendectomy	Jeff Brody, Kingston, NY of Jeff Brody Injury Law	$700,000
Watkins v. Goldberg	7/8	Queens Supreme	Negligent Treatment: Patient passes away after two injuries on operating table	Stanley A. Landers, Carle Place, NY of Landers & Cernigliaro P.C.	$560,000
Badolato v. Rosenberg	4/11	Kings Supreme	Chiropractor: Plaintiff: IME liable for medical malpractice.	Alan S. Ripka, New York, NY of Napoli Bern Ripka, LLP	$400,000
Bianco v. Topal	1/20	New York Supreme	Informed Consent: Plaintiff: Dentist never disclosed need for caps, crowns	Albert W. Chianese, Rockville Centre, NY of Albert W. Chianese & Associates	$310,000
Bucci v. Abramow	5/12	New York Supreme	Podiatrist: Podiatrist accused of botching procedures on plaintiff's toes	Gregory Menillo, New Rochelle, NY	$225,000
Weinberg v. Liverpool	3/22	Nassau Supreme	Negligent Treatment: Dentist's work led to decay of teeth, patient alleged	Albert W. Chianese, Rockville Centre, NY of Albert W. Chianese & Associates P.C.	$125,000
Trush v. St. Joseph's Hospital Health Center	8/5	Onondaga Supreme	Prescription and Medication: Patient received overdose of drug, claimed cognitive woes	Frank S. Gattuso, Fayetteville, NY of O'Hara, O'Connell & Ciotoli	$75,000

Medical Malpractice - General

CASE	DATE	COURT	TYPE OF ACTION	PLAINTIFF'S COUNSEL	AMOUNT
Scott v. Allani	6/3	Queens Supreme	Negligent Treatment: Weights were excessive in physical therapy treatments, plaintiff contended	Marvin D. Fuhrman, New York, NY of Wolf & Fuhrman, L.L.P.	$65,000

Medical Malpractice - Misdiagnosis

CASE	DATE	COURT	TYPE OF ACTION	PLAINTIFF'S COUNSEL	AMOUNT
Capwell v. Guneratne	5/27	Westchester Supreme	Misdiagnosis:	Matthew Gaier & Judy A. Livingston, New York, NY of Kramer, Dillof, Livingston & Moore, P.C.	$9,000,000
Shickle v. Das	5/26	Westchester Supreme	Misdiagnosis: Surgeons removed nerves not tumor, plaintiff contended	Peter E. Tangredi, White Plains, NY of Peter E. Tangredi & Associates	$2,871,666
Rivera v. Jothianandan	5/6	Bronx Supreme	Misdiagnosis: Appendicitis's effects permanent, suit alleged	Robert J. Bellinson, New York, NY of New York, NY, trial counsel, Law Office of Martha Gold	$2,599,000
Ryan v. NYCH & H	4/7	Kings Supreme	Misdiagnosis: Doc overlooked signs of fatal appendicitis, suit alleged	Allan Zelikovic, New York, NY of Weitz & Luxenberg, P.C.	$1,975,000
Helm v. Lentine	2/4	Richmond Supreme	Misdiagnosis: Doc's errors prolonged cancer's effects, plaintiff alleged	Bernadette Panzella, New York, NY of Bernadette Panzella, PC	$1,250,000
Lawson v. Brookdale Hospital	1/21	Kings Supreme	Misdiagnosis: Med mal case over finger surgery ends 21 years later	Arnold J. Goldstein, Brooklyn, NY of Goldstein & Goldstein	$70,000

Medical Malpractice - Surgery

CASE	DATE	COURT	TYPE OF ACTION	PLAINTIFF'S COUNSEL	AMOUNT
Nelson v. Narwal	10/26	Kings Supreme	Surgical Error: Gastroesophageal surgery doomed by sutures, suit alleged	James Wilkens, Uniondale, NY of Duffy & Duffy, Esqs.	$60,000,000
Subburamu v. Har-El	2/2	Kings Supreme	Surgical Error: Sinus biopsy left patient blind in one eye	Thomas P. Giuffra, New York, NY of Barton, Barton & Plotkin, LLP	$2,250,000
Nicolosi v. Plestis	9/28	New York Supreme	Heart Surgeon: Plaintiffs argue that doctor's first hear repair procedure was good enough, second was negligent	Edward A. Ruffo, New York, NY of Danker, Milstein & Ruffo, P.C.	$2,080,000
Santiago v. Garan	11/30	Bronx Supreme	Foreign Object: OB-GYN didn't remove sponges used during Caesarean delivery	Steven T. Halperin, New York, NY of Halperin & Halperin, P.C.	$1,500,000
Severance v. Landsman	5/17	Suffolk Supreme	Surgical Error: Surgeon's mistakes scarred breast, plaintiff alleged	Mitchell D. Kessler, Mineola, NY of Levine & Grossman	$1,250,000
Adams v. Foster	6/29	Tompkins Supreme	Gallbladder: Plaintiff sues after complications from gallbladder removal	Jacqueline M. Thomas & Peter T. Rodgers, Rochester, NY of Lacy, Katzen, Ryen & Mittleman, LLP	$1,250,000
Doobay v. Girardi	3/17	Kings Supreme	Surgical Error: Surgical mishap damaged plaintiff's vocal cords	Julian J. Bailey, Manhasset, NY of Julian J. Bailey and Associates; Robert J. Bellinson, Manhasset, NY of trial counsel	$965,500
Oritz v. N.Y.C.H. & H. Corp.	6/1	Bronx Supreme	Surgical Error: Surgeon punctured patient's colon, kidney, spleen	Louis G. Solimano, Bronx, NY of William A. Gallina	$850,000
Lawrence v. Kchao	2/15	Kings Supreme	Surgical Error: Surgeon accidentally sliced bile duct, plaintiff claimed	Jeffrey A. Guzman, New York, NY of Krentsel & Guzman LLP	$800,000
Austin v. Springer	4/27	Westchester Supreme	Unnecessary Procedure: Doc needlessly removed thyroid, patient alleged	Jay Kenneth Margolis, New York, NY of of counsel, Peter E. Tangredi and Associates	$340,000
Asif v. Alam	7/14	Kings Supreme	General Surgery: Doctor allegedly improperly circumcised 7-year-old	Robert Vilensky, New York, NY of Ronemus & Vilensky, LLP	$300,000
Muriel v. NYC Health and Hospitals Corp	6/14	Kings Supreme	Surgical Error: Surgeon's mishap led to fatal sepsis, suit alleged	Louis E. Solimano, Bronx, NY of William A. Gallina	$275,000
Bartle v. Sisters of Charity Hospital	2/2	Erie Supreme	Surgical Error: Surgical patient infected by pad that wasn't removed	Patrick J. Maloney, Buffalo, NY of Dempsey & Dempsey	$260,121
Lipschitz v. Stein	4/11	Kings Supreme	Eye Surgery: Loss-of-eye med-mal case lead to Frye hearing debate	David M. Shearer, New York, NY of Shearer & Essner, L.L.P.	$250,000
Gustafson v. New York Downtown Hospital	1/26	New York Supreme	Surgical Error: Surgeon's error led to fear of hysterectomy, patient claimed	Stanley A. Tomkiel, III, Scarsdale, NY of Tomkiel & Tomkiel PC	$108,000

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tion spanned about 3.5 months. She underwent 20 operations, including debridement procedures and the application of grafts of skin. After her hospitalization had concluded, she underwent about seven months of inpatient physical rehabilitation and therapy.

Kusz was given a prosthetic device for her right leg, but she later fell and sustained a fracture of the remaining portion of the leg. After undergoing surgical repair of the fracture, she stopped walking and began to use a wheelchair.

Some 13 months after the accident, one of Kusz's retinae detached, causing blindness of that eye. She contended that the injury was a residual result of the trauma of the accident. She also contended that she suffers residual depression and post-traumatic stress disorder. Kusz, a Polish-speaking woman, underwent about eight months of psychiatric treatment, but the treatment ended when her Polish-speaking doctor relocated. Kusz's expert psychiatrist opined that Kusz must undergo lifelong psychiatric treatment.

Kusz sought recovery of her past medical expenses, a total of $4,832,141.96 for her future medical and life-care expenses, $6 million for her past pain and suffering, and $15 million for her future pain and suffering. Her husband initially sought recovery of damages for his loss of consortium, but he ultimately discontinued his claim.

The defense's expert orthopedist opined that Ms. Kusz will soon be able to resume walking, and defense counsel contended that Kusz does not suffer daily pain. Defense counsel also contended that Kusz's depression predated the accident, and she suggested that Kusz's retinal injury was not related to the accident.

Verdict Information: The jury found that Kusz's damages totaled $20,316,048.93.

Alfreda Kusz
$483,907 Personal Injury: Past Medical Cost
$4,832,142 Personal Injury: Future Medical Cost
$4,000,000 Personal Injury: Past Pain And Suffering
$11,000,000 Personal Injury: Future Pain And Suffering

Post Trial: Plaintiffs' counsel has moved to increase the award for past medical expenses. Defense counsel has appealed the finding of summary judgment. She has also moved to set aside the damages awards.

No 10. ***Konstantin v. 630 Third Avenue Associates***

Construction:
Contractor didn't disclose asbestos's dangers, suit alleged
Verdict: (P) $19,550,157.00
Case Type: Labor Law, Negligence - Failure to Warn
Case Name:
David Konstantin, & Ruby Konstantin v. 630 Third Avenue Associates, No. 190134/10

Venue: New York Supreme, NY
Judge: Joan A. Madden
Date: 08-16-2011
Plaintiff(s) Attorney(s):
Bryan Belasky; Belluck & Fox, L.L.P., New York, NY, for David Konstantin, Ruby Konstantin; Seth A. Dymond, Belluck & Fox, L.L.P., New York, NY, for David Konstantin, Ruby Konstantin; Jordan C. Fox, Belluck & Fox, L.L.P.,New York, NY, for David Konstantin, Ruby Konstantin; James C. Long, Jr., Belluck & Fox, L.L.P., New York, NY, for David Konstantin, Ruby Konstantin; William N. Papain, Belluck & Fox, L.L.P., New York, NY, for David Konstantin, Ruby Konstantin

Expert(s):
Richard Hatfield, Materials Science, Atlanta, GA; Barry Castleman Sc.D., Asbestos-related Lung Disease; Garrett Park, MD, Stephen Markowitz M.D., Occupational Medicine; New York, NY; James Strauchen M.D.,

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Motor Vehicle Accident - Bicycle

CASE	DATE	COURT	TYPE OF ACTION	PLAINTIFF'S COUNSEL	AMOUNT
Cropper v. Stewart	8/11	New York Supreme	Bicycle: Cyclist claimed bus hit him after he avoided taxi's open door	Walter G. Alton, Jr., New York, NY of Walter G. Alton, Jr. & Associates P.C.	$9,180,000
Preiss v. Precision Elevators	9/23	U.S. District Court, S.D.N.Y.	Bicycle: Bicyclist hit by bus after avoiding parked van's open door	Guy I. Smiley & Andrew J. Smiley, New York, NY of Smiley & Smiley, LLP	$1,251,853
Dalliessi v. Bennett	10/12	Westchester Supreme	Bicycle: SUV's driver struck bicyclist from behind, suit alleged	Henry G. Miller & John S. Rand, White Plains, NY of Clark, Gagliardi & Miller, P.C.	$1,250,000
Estate of Rahman v. Elite Delivery Systems, Inc	4/21	Kings Supreme	Bicycle: Bicyclist killed while trying to navigate between trucks	James J. McCrorie, New York, NY of Fanning & McCrorie, P.C.	$691,200
Harding v. Thomason	3/4	Niagara Supreme	Bicycle: Bicyclist hit by SUV, claimed spinal woes	Edward L. Smith, III & Marc C. Panepinto, Buffalo, NY of Cantor, Lukasik, Dolce & Panepinto, P.C.	$350,000
Tirado v. New York City Transit Authority	5/18	New York Supreme	Bicycle: Bicyclist claimed van's driver opened door in her path	Michael A. Madonna, New York, NY of Trolman, Glaser & Lichtman P.C.	$275,000
Lisa v. Konstantas	12/8	Queens Supreme	Bicycle: Teenager struck by car during nighttime bike ride	Todd M. Rubin, Mineola, NY of Finz & Finz, P.C.	$250,000
Juarez v. Mahmood	7/20	Kings Supreme	Bicycle: Bicyclist collided with U-turning motorist	Robert C. Rosenberg, Brooklyn, NY of Hill, Rosenberg & Thurston, trial counsel, Paul Koenigsberg	$97,000
Wentling v. Oh-Boy Cab Corp	5/23	Kings Supreme	Bicycle: Bicyclist, cabbie debated whether collision occurred	Adam H. Rossol, New York, NY of Robinson & Yablon, P.C., New York, NY, of counsel, Morton J. Sealove	$50,000
Watkins v. Stevens	7/23	Sullivan Supreme	Bicycle: Plaintiff sued after hit and run	Jeffrey S. Altbach, Ferndale, NY	$45,000
Hyatt v. Messana	3/15	Erie Supreme	Bicycle: Motorist claimed bicyclist darted into her vehicle's path	Michael A. Iacono, Buffalo, NY of Siegel, Kelleher & Kahn	$15,000

Motor Vehicle Accident - Bus

CASE	DATE	COURT	TYPE OF ACTION	PLAINTIFF'S COUNSEL	AMOUNT
Negron v. Santiago	10/5	Bronx Supreme	Right Turn: Bus struck and dragged car during turn	Todd A. Restivo, Garden City, NY of Law Office of Todd Restivo	$1,700,000
Paulino v. Outstanding Transport Inc.	8/5	Kings Supreme	Bus: Low-speed crash caused spinal injuries, bus's rider claimed	G. Michael Simmon, New York, NY of of counsel, Weingrad & Weingrad, L.L.P.	$416,000

Motor Vehicle Accident - Bus

CASE	DATE	COURT	TYPE OF ACTION	PLAINTIFF'S COUNSEL	AMOUNT
Metayer v. New York City Transit Authority	4/15	New York Supreme	Bus: Bus's driver closed doors too quickly, plaintiff claimed	Justin S. Blash, New York, NY of The Blash Firm, PLLC, New York, NY, trial counsel, Asher & Associates, P.C.	$152,764
Fludd v. City of New York	3/21	Kings Supreme	Bus: Bus stop marred by dangerous pothole, plaintiff claimed	Brian M. King, New York, NY of New York, NY, trial counsel, Burns & Harris	$85,000

Motor Vehicle Accident - Left Turn

CASE	DATE	COURT	TYPE OF ACTION	PLAINTIFF'S COUNSEL	AMOUNT
Combs v. Ward	6/13	Saratoga Supreme	Left Turn: Bartender blamed for drunken driver's accident	David F. Everett, New York, NY of David F. Everett, P.C.	$3,850,000
Kravets v. Metropolitan Transportation Authority	10/25	Kings Supreme	Left Turn: Auto accident due to bus driver's failure to yield, suit alleged	Frederick C. Aranki & Daniel P. O'Toole, New York, NY of Block O'Toole & Murphy, LLP	$3,000,000
Cassins v. Boro Wide Busses Inc.	11/7	Kings Supreme	Left Turn: Turning bus driver should have yielded, plaintiff claimed	Stephen J. Murphy & David L. Scher, New York, NY of Block O'Toole & Murphy, LLP	$1,490,000
Garcia v. Monessa	9/13	Kings Supreme	Left Turn: Car crash led to spinal fusion, plaintiff claimed	Timothy M. Sullivan, New York, NY of The Sullivan Law Firm	$900,000
Garden v. City of New York	3/1	Bronx Supreme	Left Turn: Street sweeper's wide turn caused accident, suit alleged	Glenn Auletta, Ronkonkoma, NY of Gruenberg & Kelly, P.C.	$500,000
Alicea v. Ferrandino	2/10	Nassau Supreme	Left Turn: Car accident led to spinal surgery, plaintiff claimed	Todd A. Restivo, Garden City, NY	$285,000
Williams v. Biruk	1/24	Westchester Supreme	Left Turn: Motorist's hasty turn caused crash, plaintiff claimed	Rachel F. Ciccone, New Rochelle, NY of Marcus, Ollman & Kommer LLP	$250,000
Caceres v. Norris	6/23	Queens Supreme	Left Turn: Motorist's hasty turn caused crash, plaintiffs claimed	Michael Dreishpoon, Forest Hills, NY	$214,375
Novoselov v. Nguyen	11/3	Kings Civil	Left Turn: Multi-car crash caused by motorist's hasty turn, suit alleged	Seth Katz, Brooklyn, NY of The Law Office of William Pager	$107,500
Burell v. Birkmier	7/12	Suffolk Supreme	Left Turn: Turning motorist didn't notice teen on scooter, suit alleged	Robert R. Arena, Astoria, NY of Robert R. Arena, Esq.	$97,500
Grant v. Park	11/15	Queens Supreme	Left Turn: Car crash's parties debated driver's sobriety	Steven Louros, New York, NY; Edmond C. Chakmakian, Hauppauge, NY of Law Offices of Edmond C. Chakmakian, P.C.; Joseph Endzweig, Great Neck, NY of Samanowitz & Endzweig	$87,500
Kalu v. Romelus	5/9	Kings Supreme	Left Turn: Motorist's hasty turn caused crash, plaintiff alleged	Julio Cesar Roman, Forest Hills, NY of Elliot Ifraimoff & Associates	$65,000
Amann v. O'Gara	5/10	Suffolk Supreme	Left Turn: Car crash caused injuries of knee, spine, chest, plaintiff claimed	Ian M. Sack, Islandia, NY of Davis & Ferber, LLP	$50,000

Motor Vehicle Accident - Motorcycle

CASE	DATE	COURT	TYPE OF ACTION	PLAINTIFF'S COUNSEL	AMOUNT
Roth v. Capizzuto	7/18	Suffolk Supreme	U-Turn: Motorcyclist permanently homebound after crash	Leonard J. Tartamella, Hauppauge, NY of Law Offices of Leonard J. Tartamella	$10,000,000
DeLuca v. Cerda	2/3	Nassau Supreme	Motorcycle: Driver's hasty exit caused crash, motorcyclist claimed	Anthony J. Montiglio, Mineola, NY; Raymond C. Baierlein, Westbury, NY, trial counsel, Alexander Sklavos	$5,550,000
Russell v. Hughes	4/8	Ulster Supreme	Left Turn: Motorcycle accident caused brain damage, plaintiff alleged	Richard Greenblatt, Poughkeepsie, NY of Rutberg & Associates, P.C.	$469,731
Stewart v. Ellison	1/18	Bronx Supreme	Motorcycle: Car's driver claimed he couldn't avoid skidding motorcyclist	Steven J. Zaloudek, New York, NY of Paul B. Weitz & Associates PC	$400,000
Chaikin v. The City of New York	3/11	New York Supreme	Motorcycle	Frederick C. Aranki & Daniel P. O'Toole, New York, NY of Block O'Toole & Murphy, LLP, trial counsel to the law offices of Bradley Gillam	$300,000
Schneider v. Home Depot U.S.A. Inc.	6/23	Queens Supreme	Motorcycle: Trucker's lane change caused crash, motorcyclist alleged	Neil Flynn, Garden City, NY of Paul Ajlouny & Associates	$125,000
Dobson v. Yuhasz	8/9	Niagara Supreme	Motorcycle: Motorcyclist struck car, claimed driver should have yielded	Richard A. Hall, Buffalo, NY of Law Offices of William Mattar	$25,000

Motor Vehicle Accident - Negligent Operation

CASE	DATE	COURT	TYPE OF ACTION	PLAINTIFF'S COUNSEL	AMOUNT
Turturro v. City of New York	5/26	Kings Supreme	Speeding: City didn't slow speeding drivers, accident's victim alleged	Robert J. Walker, Mineola, NY of Gallagher, Walker, Bianco & Plastaras	$36,161,798

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Pathology, New York, NY; Lawrence Spizman Ph.D., Economics, Oswego, NY .

Facts: During a period that spanned 1973 and 1975, plaintiff David Konstantin, a superintendent in his teens, worked at the premises of 633 Third Ave., in Manhattan. Workers were constructing a high-rise building, and their tasks involved occasional use of joint-sealing compounds that contained asbestos. Those compounds were routinely grinded by sanding machines. Konstantin performed carpentry and maintenance.

During a period that spanned 1976 and 1977, Konstantin worked at the premises of 641 Fifth Ave., in Manhattan. Workers were constructing a high-rise building, and their tasks involved occasional use of joint-sealing compounds that contained asbestos. Those compounds were routinely grinded by sanding machines. Konstantin performed carpentry.

In 2010, Konstantin learned that he was suffering mesothelioma, which is an aggressive, incurable cancer that often stems from exposure to asbestos. Konstantin claimed that his mesothelioma was a product of his inhalation of asbestos that was liberated from the compounds that his co-workers used.

Konstantin sued 633 Third Ave.'s owner, New York-based 630 Third Avenue Associates; the general contractor that supervised the construction of each high-rise building, New York-based Tishman Liquidating Corp.; three companies that were alleged to have provided the compounds that contained asbestos, Atlanta-based Georgia Pacific Corp., the now-defunct Kaiser Gypsum Co. Inc. and Chicago-based USG Corp.; and many other companies that were alleged to have distributed, manufactured, sold and/or utilized products that contained asbestos. Konstantin alleged that the defendants negligently failed to provide warnings that fully disclosed asbestos's hazardous nature. He further alleged that 630 Third Avenue Associates and Tishman Liquidating violated the New York State Labor Law.

Konstantin's counsel discontinued the claims against many of the defendants. Some defendants negotiated settlements, and others defaulted. The matter ultimately proceeded to a trial against Tishman Liquidating.

Konstantin's counsel claimed that Tishman Liquidating knew that its workers were using compounds that contained asbestos. They further claimed that the company knew that the asbestos was being liberated by sanding machines, and they contended that sweepers and other workers were recirculating the liberated asbestos. They claimed that Tishman Liquidating recklessly failed to provide warnings that disclosed the resultant hazard, and they argued that the company's inaction violated the general safety provisions of Labor Law § 200.

The defense's expert urologist opined that Konstantin's mesothelioma was not caused by asbestos.

Injury: During the summer of 2008, Konstantin developed a hydrocele: a fluid-filled sac that occupies the scrotum. The condition persisted until Jan. 5, 2010, when he underwent a hydrocelectomy. The pathology revealed mesothelioma of the tunica vaginalis: the serous membrane that covers the testis. The condition necessitated the removal of one of his testicles. In January 2011, he underwent the removal of resultant scarry tissue.

Konstantin also underwent chemotherapy, but doctors subsequently discovered abnormalities of his lungs. Doctors suspect that his cancer has metastasized to that area, and they have advised that his prognosis is poor. Konstantin's expert pathologist opined that Konstantin's cancer is a result of his exposure to the asbestos that he encountered during the period that spanned 1973 and 1977.

Konstantin, 55, sought recovery of his past and future lost earnings. He also sought recovery of damages for his past and future pain and suffering.

Motor Vehicle Accident - Negligent Operation

CASE	DATE	COURT	TYPE OF ACTION	PLAINTIFF'S COUNSEL	AMOUNT
Estate of Farinacci v. Powell	6/14	New York Supreme	Center Line: Fatal accident blamed on drunken driver	Diana M.A. Carnemolla & Ben B. Rubinowitz, New York, NY of Gair, Gair, Conason, Steigman, Mackauf, Bloom & Rubinowitz	$8,000,000
Benson v. World Wrestling Federation Entertainment Inc.	5/20	Kings Supreme	Sideswipe: Car crash led to five knee surgeries, plaintiff claimed	Andrew L. Libo, Nicolas Bagley & Jeff S. Korek, New York, NY of Gersowitz, Libo & Korek, P.C.	$5,000,000
Kerrigan v. Kollias	9/27	Westchester Supreme	Center Line: Car crash's parties each claimed other crossed the line	Frederick C. Aranki & Daniel P. O'Toole, New York, NY of Block O'Toole & Murphy, LLP	$4,500,000
Chaikin v. City of New York	6/16	New York Supreme	Traffic Offenses: Truck and scooter collided, occupants traded blame	Frederick C. Aranki & Daniel P. O'Toole, New York, NY of Block O'Toole & Murphy, LLP	$3,000,000
William v. Paul	10/4	Kings Supreme	Multiple Vehicle: Car crash's parties debated who struck whom	Stephen Z. Williamson, trial counsel to Elliot Ifraimoff & Associates, Queens, NY	$2,253,490
Sandy v. East Hills Chrysler Jeep Dodge	10/3	Queens Supreme	Red Light: Motorist drove through red light, caused crash, plaintiff alleged	H.Q. Nguyen, New York, NY & Michael A. Stea, Queens, NY, trial counsel to Elliot Ifraimoff & Associates, Forest Hills, NY	$1,700,000
Chin v. Patterson	6/1	New York Supreme	Red Light: Rig's drunken driver ran red light, caused crash	Michael A. Rose & Scott B. Schwartz, New York, NY of Hach & Rose, LLP	$1,350,000
Figueroa v. Paragon Security & Locksmith Inc.	9/20	Kings Supreme	Reversing Vehicle: Plaintiff in two traffic accidents in five months, claimed injuries	Jeffrey A. Block & S. Joseph Donahue, New York, NY of Block, O'Toole & Murphy LLP	$1,025,000
Sweet v. Rios	4/13	Dutchess Supreme	Multiple Vehicle: Motorist carelessly pulled out of stopped position, plaintiff alleged	Evan M. Foulke, Goshen, NY of Foulke Law Offices	$1,024,000
Curran v. Estate of Steinhoff	2/5	Erie Supreme	Stop Sign: Motorist ignored stop sign, caused crash, plaintiff alleged	John W. Looney, Buffalo, NY of Cellino & Barnes, P.C.	$1,000,000
Butterworth v. Praxair Inc.	3/18	Rockland Supreme	Question of Lights: Plaintiff claimed car crash led to chronic neurological condition	Spencer A. Leeds, Brooklyn, NY of Spencer A. Leeds, Esq.	$925,000
Huggett v. S & Z Construction Corp.	5/20	Bronx Supreme	Lane Change: Car crash's parties debated who moved into other's lane	Justin M. Blitz, New York, NY of Schulman Blitz, LLP	$650,000
Silverstein v. Enos	9/22	Onondaga Supreme	Stop Sign: Driver ignored stop sign, caused crash, plaintiff alleged	Michael P. Kenny, Syracuse, NY of Kenny & Kenny PLLC	$592,207
Witko v. State of New York	6/16	Court of Claims, Albany	Pain and Suffering: Accident caused disabling injuries, motorcyclist claimed	Mark D. Greenberg, New York, NY of Greenberg & Greenberg	$588,189

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-Continued from p42

His wife sought recovery of damages for her past and future loss of consortium.

Verdict Information: The jury found that Tishman Liquidating recklessly disregarded the safety of Mr. Konstantin and his co-workers. The company was assigned 76 percent of the liability for Konstantin's cancer. The remaining liability was equally allocated to Georgia Pacific, Kaiser Gypsum and USG.

The jury determined that Konstantin's damages totaled $19,550,157. After the offset of the nonparties' liability, his recovery totaled $14,858,119.32.

David Konstantin
$64,832 Personal Injury: Past Lost Earnings Capability
$485,325 Personal Injury: Future Lost Earnings Capability
$7,000,000 Personal Injury: Past Pain and Suffering
$12,000,000 Personal Injury: Future Pain and Suffering

Motor Vehicle Accident - Negligent Operation

CASE	DATE	COURT	TYPE OF ACTION	PLAINTIFF'S COUNSEL	AMOUNT
Williams v. Baker	6/9	Bronx Supreme	Stop Sign: Security guard claimed he hurt spine, shoulder in car crash	David B. Bowman, New York, NY of Bowman & Vlachos	$500,000
Felicies v. Gorecki	5/10	Kings Supreme	Lane Change: Motorcyclist claimed van struck him en route to parking space	Paul L. LaClair, New York, NY of the Gucciardo Law Firm	$425,000
McNeely v. City of New York	4/13	Richmond Supreme	Red Light: Reckless emergency-vehicle driver ran red light, plaintiff alleged	Rodney Stilwell, Staten Island, NY of Tracy & Stilwell	$400,000
Mughal v. Reilly	12/6	New York Supreme	Sideswipe: Inattentive trucker caused crash, cabbie claimed	Daniel J. Solinsky, New York, NY of Salenger, Sack, Kimmel, & Bavaro	$400,000
Guild v. NYSARC Inc.	6/21	Orleans Supreme	Center Line: Car crash caused permanent ankle injury, plaintiff claimed	J. Michael Hayes, Buffalo, NY	$390,000
Distel v. Rogers	7/25	Ulster Supreme	Sideswipe: Parties in car/bus crash debated who crossed the line	Greg M. Sobo, Middletown, NY of Sobo & Sobo, LLP	$298,288
Carnevale v. City of Albany	12/20	Albany Supreme	Broadside: Police ignored order to stop fatal car chase, estate alleged	Kevin A. Luibrand, Albany, NY of Luibrand Law Firm PC	$250,000
Buckles v. Crinieri	12/13	Sullivan Supreme	Center Line: Car crash caused ankle, back, knee injuries, plaintiff claimed	Steven I. Milligram, Newburgh, NY of Tarshis, Catania, Liberth, Mahon & Milligram, PLLC	$250,000
Ma v. Yam	3/23	Queens Supreme	Intersection: Car crash caused spine and knee injuries, plaintiff claimed	Robert Alan Saasto, Hicksville, NY of Hicksville, NY, trial counsel, Sim & Park, LLP, New York, NY	$250,000
Brown v. Campbell	5/18	Kings Supreme	Question of Lights: Car crash's parties debated status of traffic signals	Andrew Metzar, New York, NY of Raskin & Kremins	$250,000
Tahir v. Grgas	10/4	Queens Supreme	Question of Lights: Car crash's parties disputed status of traffic signals	Robert J. Menna, New York, NY of Law Offices of Alan M. Greenberg, P.C.	$250,000
Phaire v. Harris	8/11	Bronx Supreme	Reversing Vehicle: Auto accident caused injuries of spine, shoulder, plaintiff alleged	Erica B. Sattler, New York, NY of of counsel, Harmon Linder & Rogowsky, Esqs.	$250,000
Knapp v. Guppy	3/16	Onondaga Supreme	Question of Lights: Car crash's parties disputed status of traffic signals	Peter J. Addonizio, Syracuse, NY of Alexander & Catalano, LLC	$240,000
Williams v. New York Central Mutual Fire Insurance Co.	3/21	Matter not filed	Stop Sign: Woman broke spine, wrist, ribs, pelvis, sternum in car crash	Scott C. Gottlieb, Binghamton, NY of Law Offices of Scott C. Gottlieb and Associates, LLP	$238,000
Walker v. MTA Long Island Bus	3/30	Nassau Supreme	Question of Lights: Car crash's parties disputed status of traffic signals	Neil Flynn, Garden City, NY of Paul Ajlouny & Associates	$215,000
Roth v. Patil	4/26	Suffolk Supreme	Stop Sign: Motorist ignored stop sign, caused crash, plaintiff claimed	Glenn Auletta, Ronkonkoma, NY of Gruenberg & Kelly, P.C.	$215,000
Melbourne v. City of NY	5/5	Kings Supreme	Lane Change: Bus driver's abrupt move caused crash, plaintiff alleged	Stephen Z. Williamson, New York, NY, trial counsel, Elliot Ifraimoff & Associates, Queens, NY	$200,000
Bertone v. Bark	9/2	Queens Supreme	Question of Lights: Car's driver, injured bicyclist each claimed right of way	Brian R. Gunn, Garden City, NY of Cerussi & Gunn, P.C.	$200,000
Kairaktides v. J. Caiazzo Plumbing Corp.	3/30	Queens Supreme	U-Turn: Motorist's illegal turn caused crash, plaintiff claimed	Steven Bournazos & Dennis S. Matarangas, New York, NY of Bournazos & Matarangas PC	$197,500
Garrett v. Grant	6/7	Bronx Supreme	Lane Change: Parkway accident caused spine, shoulder injuries, couple claimed	Steven L. Raskind, Hempstead, NY	$155,000
Delahoz v. Doe	12/14	U.S. District Court, S.D.N.Y.	Lane Change: Trucker veered out of lane and caused crash, plaintiff claimed	Timothy M. Sullivan, New York, NY of The Sullivan Law Firm	$150,000
Moccio v. Highland Central School District	3/18	Ulster Supreme	Stop Sign: Driver ignored stop sign, caused crash, plaintiff claimed	William M. Tendy, Jr., Wappingers Falls, NY of Tendy & Cantor	$135,000
Lugo v. Baptiste	12/1	Kings Supreme	Center Line: Car crash's parties each claimed other crossed the line	Lee M. Huttner, New York, NY of Law Offices of Lee Huttner	$125,000
Nesin v. Martinez	5/6	Sullivan Supreme	Center Line: Motorists disputed location of head-on crash	Richard Greenblatt, Poughkeepsie, NY of Rutberg & Associates, P.C.	$125,000

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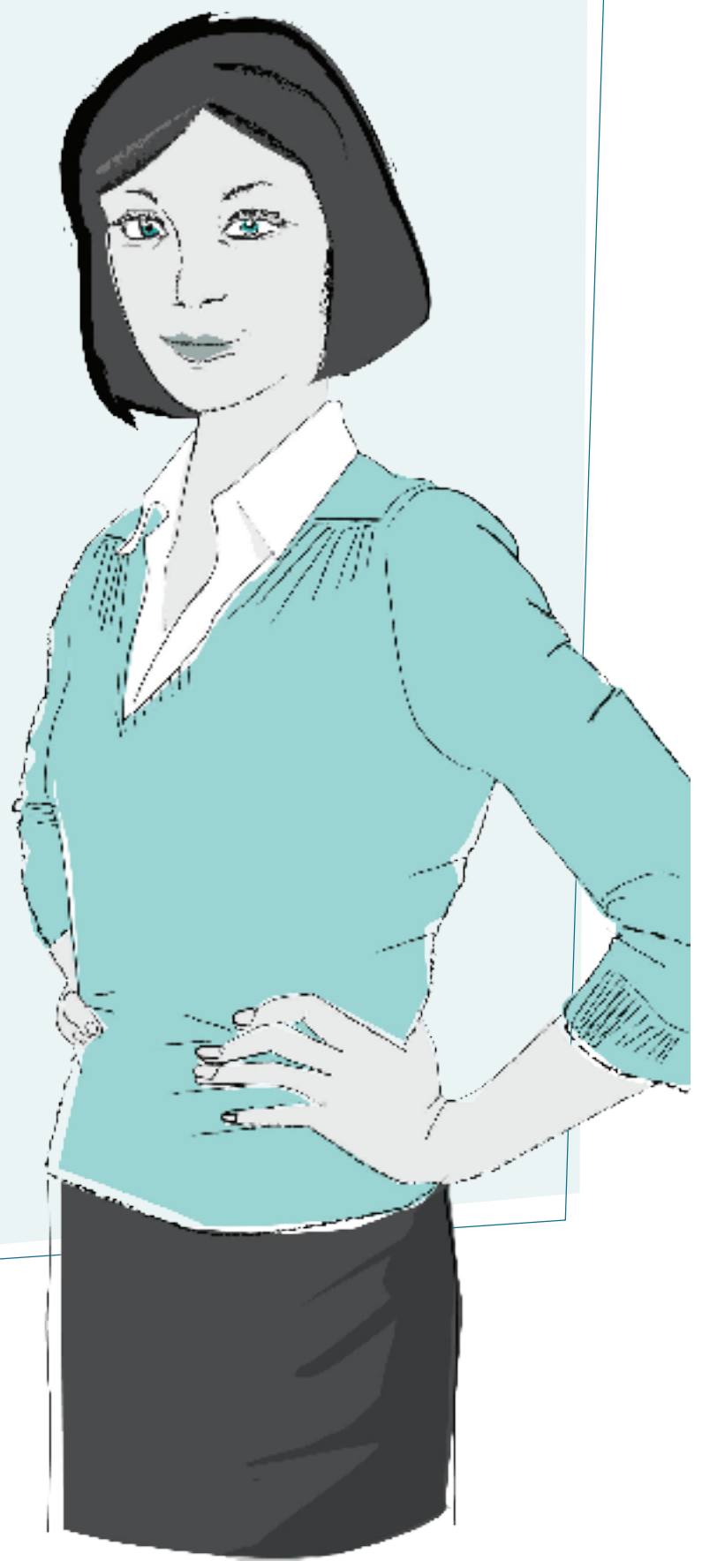

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Motor Vehicle Accident - Negligent Operation					
CASE	**DATE**	**COURT**	**TYPE OF ACTION**	**PLAINTIFF'S COUNSEL**	**AMOUNT**
Buttery v. Estate of Moyer	10/7	Niagara Supreme	Center Line: Trucker claimed crash caused permanent injuries of finger, leg	Michael J. Skoney, Niagara Falls, NY of Viola, Cummings & Lindsay, LLP	$120,000
Almonte v. O'Shea	2/8	Suffolk Supreme	Stop Sign: Car crash caused spinal injuries, plaintiff claimed	Michael DellaUniversita, Ronkonkoma, NY of Gruenberg & Kelly, P.C.	$115,000
Kocak v. Manne	8/26	Kings Supreme	Intersection: Motorist lost control, caused crash, plaintiff alleged	Seth M. Katz, New York, NY of Law Offices of William Pager	$100,000
Abo v. Chalik	12/5	Kings Supreme	Lane Change: Motorist's lane change caused crash, plaintiff alleged	Michael N. David, New York, NY of Michael N. David, Esq.	$100,000
Bari v. Romano	12/5	Suffolk Supreme	Lane Change: Spurned admirer caused car crash, plaintiff claimed	David Kaufman, Central Islip, NY of Law Offices of David Kaufman, trial counsel to Bornstein & Emanuel, P.C., Garden City, NY	$100,000
Pressner v. Najarro	6/7	Suffolk Supreme	Multiple Vehicle: Driver's turn from wrong lane caused crash, plaintiff alleged	Michael DellaUniversita, Ronkonkoma, NY of Gruenberg & Kelly, P.C.	$100,000
Han v. Zheng	9/26	Queens Supreme	Question of Lights: Motorist ran red light, caused crash, plaintiff alleged	Robert Alan Saasto, Hicksville, NY of Hicksville, NY, trial counsel, Sim & Park, LLP, New York, NY	$100,000
Guy v. Washington	5/11	Kings Supreme	Speeding: Plaintiff: Fire truck never flashed lights or sounded horn	Nicholas E. Warywoda, New York, NY of Douglas & London, P.C.	$100,000
McGruder v. Dalhouse	5/2	Kings Supreme	Speeding: Plaintiff's car hit while she was yielding to ambulance	Philip P. Vogt, New York, NY of Altier & Vogt, L.L.C.	$100,000
Rounds v. Turturo	7/29	Oneida Supreme	Tailgating: Auto accident disrupted spinal hardware, plaintiff claimed	Julio E. Urrutia, Liverpool, NY of Finkelstein & Partners, L.L.P.	$100,000
Hunt v. Jones	12/7	Erie Supreme	Negligent Entrustment: Hit-and-run driver had OK to use ex-wife's car, plaintiff claimed	Timothy J. Andruschat, Buffalo, NY	$94,121
Polonskaya v. M.A.B.S.T.O.A.	10/21	Kings Supreme	Multiple Vehicle: Motorist, bus driver disputed manner in which crash occurred	Seth M. Katz, New York, NY of Law Offices of William Pager	$90,000

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Representing an injured person in a personal injury case is both an art and a science. The outcome of each case can vary greatly based on decisions made by your attorney.

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The team of Eitan Ogen and Natalie Sedaghati have an impressive proven record of multiple 7 figure and 6 figure verdicts and settlements, many for non-surgical, "soft tissue," disputed cases and/or with problematic liability scenarios. We are pleased to once again have some of our recent "soft tissue" verdicts honored in this year's VerdictSearch's Top NY Verdicts.

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NOTEWORTHY CASES

$2.5 Million Jury Verdict
Award obtained against the MTA/NYC Transit Authority for a woman who sustained a shoulder impingement (no tear) with arthroscopic surgery resulting from MVA. She also had a disputed disc/bulge protrusion. Defendants' doctors testified that there was nothing wrong with her and that any symptoms were from an unrelated carpal tunnel condition for which she had surgery following the accident. Amount suggested to Jury was $1 Million. MTA's initial offer was $2,500. Maximum offer was $125,000.

$2.45 Million Pre-Trial Settlement
A 42 year old in a low speed, minimal impact, disputed liability MVA. Client had nearly identical degenerative MRI findings prior to the accident.

Defendants' doctors disputed any causality and necessity of any surgery or treatment, as client had retured to work after MVA, her EMGs/MRIs were normal for her age, she had minimal and sporadic therapy and she had resolved. Zurich previously had maintained a no pay position.

$1.375 Million Jury Verdict
A 39 year old unemployed man in a soft issue MVA, knee arthroscopy case with no property damage, no ER. No lost wages, minimal treatment.

Defendants' doctors testified that plaintiff's examination was normal and MRI films were normal with degeneration. Client had a prior injury and sugery to same body part. Allstate maintained no pay position through time of verdict.

NON-SURGICAL SOFT TISSUE DISPUTED LIABILITY CASES

$1.3 Million Jury Verdict
A 35 year old, in a soft tissue, non-surgical herniated disc MVA, where Defendants denied liability, plaintiff had minimal treatment, no lost wages. Defendants' doctors' testified that their examinations were normal. Defendants argued he had the same injury, from a prior MVA, which he failed to reveal to his doctors. Statefarm valued case at $50,000. Amount asked of the Jury was $1 Million.

$1.2 Million Jury Verdict
A 43 year old driver, in a soft tissue, non-surgical herniated disc MVA case, where Defendants denied liability, client's treatment was primarily with a chiropractor. No lost wages and minimal & sporadic treatment.

Defendants' doctors testified that Plaintiff's examination and films were normal. Jury determined 100% liability. Amount suggested to Jury was $1 Million. The award was one of the highest ever for pain and suffering only for a single non-surgical disc. App. Div. sustained $700,000, one of the largest amounts sustained ever for such inury. NJ Manufacturers valued case at $7,500. 100K policy tender during trial rejected as untimely. Bad faith lawsuit pending.

$960,000 Judicial Award
A 37 year old driver with non-surgical bulging discs. There was minimal damage to both vehicles involved.

$850,000 Jury Verdict
A 49 year old unemployed man in a soft tissue non surgical herniated disc MVA case, with minimal property damage, no ER, no lost wages. Plaintiff first sought medical attention 9 days after the accident with a chiropractor. Treatment thereafter was sporadic and minimal.

Defendant's doctors testified that plaintiff's back condition was pre-existing and degenerative. Plaintiff was not injured, and his exam was completely normal. American Transit valued case at $6,000.

$500,000 New York County Pre-Trial Settlement
A 43 year old immigrant residing in Suffolk County who claimed non-surgical bulging and a herniated disc, and was never recommended for any surgery.

Defendant's doctors stated Plaintiff's examinations were completely normal and that he was capable of working without any restrictions. Defendants argued plaintiff's alleged soft tissue injuries were minor, degenerative, and were completely resolved.

DISPUTED ON-THE-JOB CASES

$900,000 Settlement
In a case involving an employee injured on the job (ordinarily barred from suing the employer), wherein we successfully held the tenant (a separate but related corporate entity from the employer) liable for the client's injuries. St. Paul had previously maintained a no pay position.

$600,000 Settlement
Following liability jury verdict in a hotly disputed liability case where our client was injured while working. The tenant who operated the store was her employer. We sued the landlord, who denied any liability, and argued that he was an absentee landlord who had nothing to do with the store. Jury awarded 100% liability against the landlord, who settled immediately thereafter. Greater New York had no pay position until liability verdict reached.

$450,000 Settlement
For hand injury in a case involving an employee injured on the job (ordinarily barred from suing the employer), wherein we successfully sued related, but separate, corporate entities, despite the fact that they were owned by the same parent corporation and owners. Zurich had previously maintained a no pay position.

COURT DECISION IN THE NEWS

$**11 Million** lawsuit against Madison Square Garden given go-ahead to proceed by New York State Supreme Court in widely publicized case where spectator was struck by a hockey puck at MSG. (Precedent-setting case in New York).

DAILY NEWS

Judge slaps MSG in fan's puck-hit suit

by Idalia Peterson

A Manhattan woman went to a hockey game – and a lawsuit broke out. Grosgyl Tokatyl, 37, was watching her first Rangers game from the seventh row when a puck rolled from the ice and hit her in the face. The March 17, 2002, accident led to Tokatyl's $11 million negligence suit against Madison Square Garden – which a judge refused to dismiss yesterday. "This lady was sitting behind a glass partition where she had an expectation that she would be protected from flying pucks," said her attorney, Eitan Ogen.

– Daily News, Jan. 5, 2005

NEW YORK POST

MSG loses bid to duck puck suit

by Dareh Gregorian

A Manhattan woman who was smacked in the face with a hockey puck while watching the Rangers lose can sue Madison Square Garden for her injuries, a judge has ruled.

– New York Post, Jan. 5, 2005

Prior results do not guarantee a similar outcome.

Motor Vehicle Accident - Negligent Operation

CASE	DATE	COURT	TYPE OF ACTION	PLAINTIFF'S COUNSEL	AMOUNT
Taylor v. Metz	1/28	Ulster Supreme	Speeding: Trucker driving too fast in rainstorm, plaintiffs alleged	Thomas F. Vasti, III, Pleasant Valley, NY of Vasti & Vasti	$90,000
Perez-McDowell v. Joshua	11/11	Orange Supreme	Head-On: Car crash led to permanent knee, neck pain, plaintiff claimed	Richard Greenblatt, Poughkeepsie, NY of Rutberg & Associates, P.C.	$87,500
Choi v. Sun	5/13	Queens Supreme	Center Line: Driver's attempt to pass caused crash, plaintiff claimed	Robert Alan Saasto, Hicksville, NY of Hicksville, NY, trial counsel, Sim & Park, LLP, New York, NY	$85,000
Oscar v. Coren	5/11	Kings Supreme	Lane Change: Expressway crash's parties each claimed other initiated collision	Craig C. DeMeo, Syosset, NY of DeMeo & Associates, LLC	$85,000
Lee v. Penske Trucking Leasing	7/18	Queens Supreme	Lane Change: Plaintiff claimed crash caused permanent knee, shoulder woes	Robert Alan Saasto, Hicksville, NY of Hicksville, NY, trial counsel, Sim & Park, LLP, New York, NY	$85,000
Zu v. Elgouassi	2/14	Queens Supreme	Multiple Vehicle: Plaintiff claimed car crash caused injuries of back, neck, shoulder	Robert Alan Saasto, Hicksville, NY, trial counsel to Sim & Park, LLP, New York, NY	$82,500
Parawan v. Robinson	3/3	Kings Supreme	Sideswipe: Car crash caused injuries of neck, shoulders, plaintiff claimed	Justin M. Blitz, New York, NY of Schulman Blitz, LLP	$80,000
Lee v. Tow 2 Tow Recovery	11/7	Queens Supreme	Lane Change: Suit's parties disputed identity of hit-and-run driver	Robert Alan Saasto, Hicksville, NY, trial counsel to Sim & Park, LLP, New York, NY	$75,000
Oh v. Ryder Truck Rental Inc.	4/26	Queens Supreme	Sideswipe: Vehicles collided while making side-by-side turns	Robert Alan Saasto, Hicksville, NY, trial counsel to Sim & Park, LLP, New York, NY	$75,000
Redd v. Albero	1/10	Westchester Supreme	Speeding: Car crash caused nerve damage, plaintiff alleged	Barry Birbrower, Peekskill, NY of The Birbrower Law Firm	$75,000
Willis v. Millington	6/13	Kings Supreme	Stop Sign: Motorist ignored stop sign, caused crash, plaintiff alleged	Karen Emma, Brooklyn, NY of Gary Kauget, P.C.,	$75,000
Vasiluth v. Reid	8/25	Suffolk Supreme	Speeding: Motorist traveling too fast to avoid crash, plaintiff alleged	Michael A. Zimmerman, New York, NY of Baglio & Lewin, LLP, trial counsel, Portnoy & Portnoy, Huntington Station, NY	$67,800

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Motor Vehicle Accident - Negligent Operation					
CASE	**DATE**	**COURT**	**TYPE OF ACTION**	**PLAINTIFF'S COUNSEL**	**AMOUNT**
James v. Eng	9/27	Kings Supreme	Lane Change: Car crash caused back and neck injuries, plaintiff claimed	Gerald G. Arze, Brooklyn, NY of Arze & Mollica, LLP	$60,899
Vargas v. Villa Livery Corp.	6/20	Bronx Supreme	Lane Change: Motorist inattentive while entering traffic, plaintiff claimed	Eric H. Morrison, New York, NY of Morrison & Wagner	$60,000
Beaman v. Shaw	8/8	Oneida Supreme	Broadside: Car crash's parties both claimed right of way	Rocco L. Versace, Rome, NY of Versace Law Office, P.C.	$50,000
Sperrazza v. Anshel	9/1	Queens Supreme	Cell Phone: Parkway accident blamed on distracted and desperate drivers	Glenn A. Herman, New York, NY of Law Firm of Jonathan C. Reiter	$50,000
Yoon v. McClae	11/23	Bronx Supreme	Lane Change: Inattentive driver caused collision, plaintiff claimed	Robert Alan Saasto, Hicksville, NY, trial counsel to Sim & Park, LLP, New York, NY	$50,000
White v. Diaz	1/10	Ulster Supreme	Multiple Impact: Multi-car crash caused spine, shoulder injuries, plaintiff alleged	Derek J. Spada, Kingston, NY of Basch & Keegan, LLP	$49,000
Capone v. Estate of Gray	10/11	Nassau Supreme	Red Light: Crash led to fusion of neck, lost range of motion, plaintiff claimed	Ralph Carrieri, Mineola, NY of Carrieri & Carrieri, P.C.	$40,500
Detmer v. Finn	9/16	Monroe Supreme	Question of Lights: Plaintiff claimed car crash caused injuries of head, spine	Charles F. Burkwit, Rochester, NY of Cellino & Barnes, P.C.	$40,000
Moreno v. Ruiz	6/22	Queens Supreme	Stop Sign: Motorist disregarded stop sign, caused crash, bicyclist alleged	Julio Cesar Roman, Forest Hills, NY of Elliot Ifraimoff & Associates	$35,000
Galcik v. LaPointe	7/20	Saratoga Supreme	Stop Sign: Vehicular accidents aggravated shoulder injury, plaintiff claimed	Paul Pelagalli, Balston Spa, NY of Paul Pelagalli, Esq.	$30,000
Pryor v. Trzcinski	8/8	Niagara Supreme	Stop Sign: Passenger sues after broadside accident	David P. Feldman, Buffalo, NY of Law Office of David P. Feldman	$29,000

MASSIMO & PANETTA, PC

ATTORNEYS AT LAW

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Founded in 2000, the Garden City law firm of Massimo & Panetta, P.C., has earned its reputation by having scored multi-million dollar verdicts and settlements. Senior partners, Frank C. Panetta and Nicholas J. Massimo, know how to deal with those responsible for your matter, whether it be the operator of a motor vehicle, municipality, employer or a drug company. They have a proven track record representing client interests from the initial injury to case resolution. Frank C. Panetta in particular has an impressive track record of reversing judicial error and has argued in front of the Appellate Division numerous times.

With combined legal experience of over forty years, the law firm of Massimo & Panetta, P.C., have been representing plaintiffs in cases of personal injury, especially traumatic brain injury, construction accidents, medical malpractice, wrongful death, discrimination, civil rights, products liability (including, but not limited to taking on the drug companies) and have successfully won extensive settlements for their clients. With a doctor on staff, complex medical issues are part of their everyday practice.

In addition, Massimo & Panetta, P.C. has an extensive criminal defense practice. Nicholas Massimo is a past president of the Nassau County Legal Aid Society, and currently both Nicholas Massimo and Frank Panetta sit on the Board of the Nassau County Legal Aid Society. Both partners have been called upon numerous times to be commentator for Fox News and have had their cases featured on Fox, News 12, NBC, Telemundo and A Current Affair.

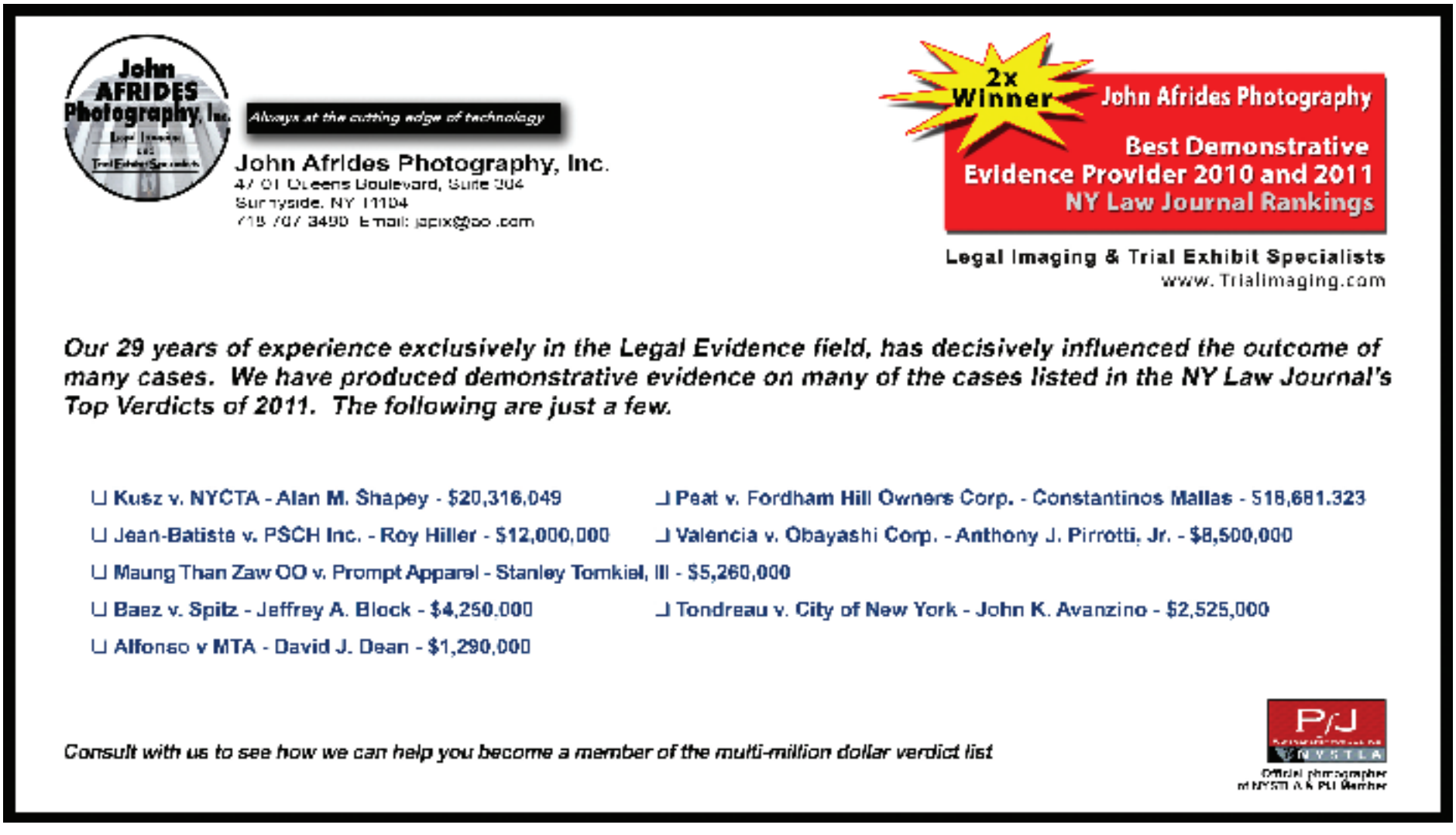
Most recently, after the liability trial and a 100% liability verdict, the firm obtained a $4.3 MILLION DOLLAR SETTLEMENT in the case of Marggie Batista by Antigua v. State of New York, during which the court found that the gas station's acceleration/deceleration lane was of insufficient length, The State of New York was aware of the hazard and even though a drunk driver was involved in the accident, the shortened acceleration lane was the proximate cause of the accident. Frank C. Panetta has turned other cases that seemed impossible or were all but dismissed into multi-million dollar cases, including one Labor Law matter where all but one defendant were out of the case, only to be brought back by the Appellate Division, Second Department. With this sort of track record, it's no wonder hundreds of attorneys turn their tort cases over to Massimo & Panetta, P.C.

Motor Vehicle Accident - Negligent Operation

CASE	DATE	COURT	TYPE OF ACTION	PLAINTIFF'S COUNSEL	AMOUNT
Melendez v. Gamory	12/30	Rockland Supreme	Center Line: Car crash caused disabling knee injury, plaintiff claimed	Scott Gilman, New York, NY of Scott Gilman, Esq.	$25,000
Stiel v. Northeastern Tire and Auto Inc.	3/14	Kings Supreme	Multiple Vehicle: Car crash caused knee, spine injuries, plaintiff claimed	Frank M. Melendez, New York, NY of Subin Associates	$25,000
Rodriguez v. Ramos	6/24	Kings Supreme	Question of Lights: Car crash's parties each claimed right of way	Michael Gould, Brooklyn, NY of Law Office of Larry Hallock, trial counsel, Wellerstein & Associates, P.C.	$20,000
Slayton v. Keller	4/14	Cayuga Supreme	Weather Conditions: Motorist not mindful of snowy, icy conditions, plaintiff alleged	Jan M. Smolak, Auburn, NY of Michaels & Smolak, P.C.	$20,000
Ortiz v. Ryszard Food Distributors	11/2	Kings Supreme	Crosswalk: 12-year-old plaintiff, an in-line skater, sustained injuries after he was hit by defendant's truck	Laurence E. Jacobson, New York, NY of Laurence E. Jacobson, P.C.	$10,000
Parente v. O'Connell	1/25	Queens Civil	U-Turn: Motorist's hasty U-turn caused collision, motorcyclist alleged	Joel L. Levine, Mineola, NY of Levine and Wiss PLLC	$10,000

Motor Vehicle Accident - Passenger

CASE	DATE	COURT	TYPE OF ACTION	PLAINTIFF'S COUNSEL	AMOUNT
Jean-Baptiste v. PSCH Inc.	2/10	Kings Supreme	Passenger: Man paralyzed for eight months after van crash	Roy S. Hiller, New York, NY	$12,000,000
McGinn v. Fasman	4/6	Westchester Supreme	Passenger: Teen endured four-month coma after Jeep accident at scout camp	Richard S. Vecchio, White Plains, NY of Worby Groner Edelman L.L.P.	$5,100,000
DiSalvio v. Tsui	12/23	Kings Supreme	Passenger: Front seat passenger said she was rear-ended by defendant, causing partial tear of posterior tibial tendon, ankle injury, spinal injury	Ira H. Goldfarb, New York, NY of Friedman, Levy, Goldfarb & Green P.C., trial counsel	$4,984,055



Motor Vehicle Accident - Passenger					
CASE	**DATE**	**COURT**	**TYPE OF ACTION**	**PLAINTIFF'S COUNSEL**	**AMOUNT**
Fowlkes v. Half Hollow Hills C.S.D.	4/4	Suffolk Supreme	Passenger: School bus accident left boy with brain damage, suit alleged	William Ricigliano & Joel H. Robinson, New York, NY of Robinson & Yablon, P.C.	$3,775,000
Tondreau v. City of New York	5/19	Queens Supreme	Passenger: Policeman wrong to pursue motorist for U-turn, suit alleged	John K. Avanzino, Brooklyn, NY of Avanzino & Moreno, P.C., Brooklyn, NY, trial counsel, Rubenstein & Rynecki	$2,525,000
Musheyev v. New York City Transit Authority	1/28	Queens Supreme	Passenger: Crash between bus and school van led to girls' lawsuits	Harry Burstein, Great Neck, NY of Fischer and Burstein, P.C.; Steven Miller, Roslyn Heights, NY of Miller, Montiel & Strano, P.C.	$1,966,000
Horton v. Hannaford Trucking Co.	3/7	Bronx Supreme	Passenger: Plaintiff claimed she tore knees in highway crash	Alan M. Greenberg, New York, NY of Law Offices of Alan M. Greenberg, New York, NY, trial counsel, Sheldon Leibenstern	$1,700,000
Murphy v. Hempstead Auto Sales, Ltd	6/23	Nassau Supreme	Passenger: Car crash caused injuries of spine, shoulder, plaintiff claimed	Joel Levine, Mineola, NY of Levine & Wiss	$1,505,000
Parchment v. Wolfe	8/23	Nassau Supreme	Passenger: Accident ended hope for football scholarship, plaintiff claimed	Mark E. Weinberger, Great Neck, NY of Mark E. Weinberger, P.C.	$1,220,000
Kellum v. Autorama Enterprises of Bronx Inc.	7/28	Bronx Supreme	Passenger: Teacher claimed she switched to sub position after accident	Kostantinos Mallas, Brooklyn, NY of Georgaklis & Mallas PLLC, Brooklyn, NY, trial counsel, Crasto & Associates	$1,000,000
Christie v. Minning-Hirschfield	2/3	Kings Supreme	Passenger: Cars collided during funeral procession, right of way debated	Michael P. Vessa, Uniondale, NY of Vessa & Wilensky, P.C.	$865,000
Estate of Gilmartin v. Commack Auto Transport Inc.	2/14	Suffolk Supreme	Passenger: Driver's failure to yield caused fatal crash, suit alleged	Robert M. Ginsberg, New York, NY of Ginsberg & Wolf, P.C.	$775,000
Vasquez v. Estate of Roots	7/25	Queens Supreme	Passenger: Plaintiff claimed car crash caused injuries of shoulder, spine	L. Michael Davicino, Huntington Station, NY of Cannon & Acosta LLP	$750,000
Quast v. Ibrahim	2/9	Queens Supreme	Passenger: Vehicular accident's parties disputed status of traffic signals	Robyn Brazzil & Daniel P. O'Toole, New York, NY of Block O'Toole & Murphy, LLP, New York, NY, trial counsel, Omrani & Taub, P.C.	$750,000
Mancini v. CSX Transportation Inc.	2/16	U.S. District Court, N.D.N.Y.	Passenger: Railroad didn't provide safe trip home, conductor claimed	David L. Lockard, Philadelphia, PA of David Lockard & Associates; Colleen M. Murphy & Christopher M. Murphy, Buffalo, NY of Doran & Murphy, PLLC	$646,105

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$4,580,000 – Premises Liability
Trip and fall in apartment building due to defective flooring. Plaintiff sustained third degree burns over 30% of her body as a result of boiling hot water that spilled on her.

$3,425,000 – Medical Malpractice
Failure to diagnose infection in child's hip results in orthopedic injury with permanent disability.

$3,000,000 Medical Malpractice
Hospital's failure to diagnose Meningitis in infant results in hearing loss in 2-year-old girl. Infant develops mental deficiencies due to infection.

$2,000,000 Medical Malpractice
Infant suffers from necrosis of leg due to compartment syndrome as a result of physician's negligence in improper casting and traction after infant sustained a fracture as a result of a fall.

$1,900,000 Pedestrian Knockdown
Transit Authority bus strikes elderly pedestrian causing traumatic brain injury.

$1,300,000 Motor Vehicle Accident
Wrongful death of minor child who was struck by a motor vehicle.

$1,300,000 Motor Vehicle Accident
Traumatic brain injury sustained by a minor child who was struck by a motor vehicle while roller skating across the street.

$850,000 Pedestrian
Trip and fall over raised oil fill cap causing plaintiff to sustain a fracture of the elbow, which resulted in hypertrophic ossification.

$800,000 Motor Vehicle Accident
Accident with a New York City Transit Authority bus, which caused plaintiff to sustain bilateral multiple leg fractures requiring open reduction internal fixation.

$625,000 Motor Vehicle Accident
Plaintiff was rear-ended causing her to sustain reflex sympathetic dystrophy (RSD) to the right wrist.

$617,000 Labor Law
Plaintiff slipped and fell off a scaffold at a construction site causing him to sustain a non-union displaced ankle fracture requiring open reduction and internal fixation.

Motor Vehicle Accident - Passenger					
CASE	**DATE**	**COURT**	**TYPE OF ACTION**	**PLAINTIFF'S COUNSEL**	**AMOUNT**
Smart v. Falcon Voice & Data Inc.	10/14	Bronx Supreme	Passenger: Motorist turned across traffic, caused crash, plaintiffs claimed	Stephen Z. Williamson, Queens, NY, trial counsel, Elliot Ifraimoff & Associates	$625,000
Lindlau v. Redland Insurance	4/5	Matter not filed	Passenger: Car crash caused injuries of spine, shoulder, claimant alleged	Michael DellaUniversita, Ronkonkoma, NY of Gruenberg & Kelly, P.C.	$475,000
Edwards v. Caledonia Limo & Car Service Inc.	3/7	Bronx Supreme	Passenger: Taxi's fare broke arm when cab struck pole	Robert J. Menna, New York, NY of the Law Offices of Alan M. Greenberg, P.C.	$400,000
Rodriguez v. Philadelphia Insurance Cos.	6/27	Richmond Supreme	Passenger: Auto accident caused injuries of back, knee, plaintiff claimed	Michael H. Bush, Staten Island, NY of Chelli & Bush	$350,000
Frank v. Marchica	3/18	Kings Supreme	Passenger: Car crash led to permanent hand pain, plaintiff claimed	Michael W. Gunzburg, New York, NY of Gunzburg & Associates	$350,000
Reyes v. Libster	1/11	Richmond Supreme	Passenger: Plaintiff claimed car crash caused pelvis, shoulder injuries	Jason L. Paris, New York, NY of Paris & Chaikin, P.L.L.C.	$350,000
Lopez v. Birnie Bus Service Inc	7/13	Oneida Supreme	Passenger: Bus's abrupt stop caused fall and fracture, rider claimed	Stephen P. Joyce, Sherburne, NY of Joyce and Holbrook	$340,000
Bush v. Shiavone	2/16	Westchester Supreme	Passenger: Mortgage broker claimed car crash caused permanent injury	Neil Flynn, Garden City, NY of Paul Ajlouny & Associates	$260,000
Perez v. Varughuse	2/3	Queens Supreme	Passenger: Motorist's lane change blamed for three-car crash	John Elefterakis, New York, NY of Elefterakis & Elefterakis	$260,000
Brown v. Outler	3/17	Bronx Supreme	Passenger: Driver's hasty turn led to crash, passenger contended	Raphael Rybak, New York, NY of Mark E. Seitelman Law Offices	$250,000
Zangari v. Pogue	8/10	Jefferson Supreme	Passenger: Outdoorsman claimed crash's injury affected his ability to work	Craig K. Nichols, Fayetteville, NY of Nichols Law Offices, PLLC	$250,000
Chiara v. Dernago	9/21	Nassau Supreme	Passenger: Drunken driver caused crash on bridge, plaintiffs alleged	Edmond C. Chakmakian, Hauppauge, NY of Law Offices of Edmond C. Chakmakian, P.C.	$230,000
Pomakoyk v. Inman	7/22	Saratoga Supreme	Passenger: Plaintiff claimed car accident resulted in permanent foot pain	Warren Redlich, Albany, NY of Redlich Law Firm	$225,000

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Motor Vehicle Accident - Passenger					
CASE	**DATE**	**COURT**	**TYPE OF ACTION**	**PLAINTIFF'S COUNSEL**	**AMOUNT**
Cotrone v. Peritore	12/12	Kings Supreme	Passenger: Expressway crash aggravated spinal woes, couple claimed	Anthony J. Rattoballi, Mineola, NY of Cartiglia, Connolly & Russo	$185,000
Hughes v. Penney	6/23	Greene Supreme	Passenger: Car's passenger couldn't save himself after driver passed out	William M. Simon, Tannersville, NY of Simon & Schneider PLLC	$175,000
Vainer v. Disalvo	10/28	Kings Supreme	Passenger: Car crash caused injury of knee, plaintiff claimed	Eitan A. Ogen, New York, NY of Ogen & Sedaghati, P.C.	$168,000
Rosado v. Johnson	1/19	Bronx Supreme	Passenger: Car crash caused tears of knees, plaintiff claimed	Adam Cahn & Matthew Sakkas, New York, NY of Sakkas, Cahn & Weiss, LLP	$150,000
White v. Diaz	6/7	Bronx Supreme	Passenger: Double-parked van's passenger hurt in crash	Alan A. Tarzy, New York, NY of Law Office of Alan A. Tarzy	$150,000
Mathis v. Walker	7/19	Onondaga Supreme	Passenger: Toddler hurt when cars collided at intersection	Laurence A. Wangerman, Syracuse, NY of Baldwin & Wangerman	$130,000
Kim v. Kim	6/22	Suffolk Supreme	Passenger: Plaintiff broke pelvis, ribs in car crash	Robert Alan Saasto, Hicksville, trial counsel, Sim & Park, LLP, New York, NY	$125,000
Lemire v. CSX Transportation Inc.	8/29	Onondaga Supreme	Passenger: Car crash caused herniation of neck, plaintiff claimed	Patrick J. Donoghue, Buffalo, NY of John J. Fromen Attorneys	$105,000
Matamoros v. Tovbin	5/18	Kings Supreme	Passenger: Car crash blamed on motorist's hasty lane change	John K. Avanzino, Brooklyn, NY of Avanzino & Moreno, P.C., trial counsel, Elliot Ifraimoff & Associates, Forest Hills, NY	$100,000
Brijlal v. Phillipson-Price	10/27	Queens Supreme	Passenger: Hasty turn, distracted driver blamed for car crash	Dimitri Kotzamanis, Jamaica, NY of Shaevitz & Shaevitz	$100,000
Khalek v. Abdel-Moemen	4/13	Suffolk Supreme	Passenger: Motorist's hasty turn caused crash, suit alleged	Gerard DeVita, Commack, NY of Sarisohn, Sarisohn, Carner & DeVita	$100,000
Choi v. Baez	6/1	Queens Supreme	Passenger: Motorist ignored red light, caused crash, plaintiff alleged	Robert Alan Saasto, Hicksville, NY, trial counsel, Sim & Park, LLP, New York, NY	$95,000
Shtivelman v. Imran	4/7	Kings Supreme	Passenger: Car crash's parties disputed status of traffic signals	Alan S. Ripka, New York, NY of Napoli Bern Ripka, LLP	$85,000

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$2.225 million award on Xhaferri v. Housing Partnership Development Corp., et. al. (2010);
$1.68 million award on Maliqi v. 17 E. 89th Street Tenants, Inc., et.al., where at the time of trial plaintiff was in deportation immigration proceedings (2009).

Mr. Dauti has been practicing civil litigation in New York for over a decade and he is also a duly licensed Solicitor in England and Wales (non-practicing).

Mr. Dauti has successfully tried and settled numerous civil actions on behalf of both his own clients and those referred to him by other attorneys. He continues to successfully champion the rights of undocumented workers to recover in personal injury cases.

The Dauti Law Firm, PC handles cases involving construction accidents, wrongful death, general liability, automobile accidents involving serious injuries, commercial litigation, international transactions and international arbitration.

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Yu v. 2030 Embassy LLC - $2,250,000.00
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Motor Vehicle Accident - Passenger					
CASE	**DATE**	**COURT**	**TYPE OF ACTION**	**PLAINTIFF'S COUNSEL**	**AMOUNT**
DeVino v. Manhattan and Bronx Surface Transit Operating Authority	6/15	New York Supreme	Passenger: Bus driver claimed motorist opened car door in bus's path	Jay Jacobson & Robert M. Unger, Great Neck, NY of Kupillas & Unger; David N. Sloan, Hicksville, NY of Law Offices of David N. Sloan	$75,000
Furman v. Lattka	8/3	Suffolk Supreme	Passenger: Motorist initiated crash during U-turn, defendant contended	Jason Herbert, New York, NY of Krentsel & Guzman, LLP	$75,000
Kajkowski v. Kenrich Cab Co. Inc.	2/10	Queens Supreme	Passenger: Taxi's fare claimed crash caused injuries of face, knee, shoulder	Mitchell J. Studley, Jamaica Estates, NY of DeBrosse & Studley, L.L.P.	$75,000
Barrett v. Barrett	2/10	Dutchess Supreme	Passenger: Teen suffers effects of car crash that killed her sister	Richard Greenblatt, Poughkeepsie, NY of Rutberg & Associates, P.C.	$65,000
Post v. Stawicki	4/19	Orleans Supreme	Passenger: Impaired, speeding driver flipped vehicle, plaintiff claimed	Norman A. Palmiere, Rochester, NY of Palmiere Law Firm	$50,000
Duncan v. NYCTA	8/10	Kings Supreme	Passenger: Turning bus scraped pipe protruding from rear of truck	Hiram Anthony Raldiris, New York, NY of Law Offices of Eric H. Green	$45,000
Miller v. New York City Transit Authority	1/18	New York Supreme	Passenger: Passengers claimed bus stopped short, causing injuries	James W. Bacher, New York, NY of The Saftler Law Firm	$40,000
Zarrella v. Leonard	1/13	Kings Civil	Passenger: Driver's switch from HOV lane caused crash, plaintiff alleged	Henry J. Achiron, New York, NY of Marder Eskesen & Nass	$25,000
Goddard v. Jones	4/11	Kings Supreme	Passenger: Car crash blamed on speeding driver, failure to yield	Eduard Tamma, New York, NY of Louis C. Fiabane	$24,000
Lawhorn v. Lawhorn	3/17	Monroe Supreme	Passenger: Plaintiff claimed he broke neck in highway accident	Shannon Olivier, Williamsville, NY of William K. Mattar, P.C.	$21,000
Switzer v. Springett	8/8	Chenango Supreme	Passenger: Whiplash caused bipolar disorder, plaintiff claimed	Stephen P. Joyce, Sherburne, NY of Joyce and Holbrook	$15,000

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Motor Vehicle Accident - Pedestrian					
CASE	**DATE**	**COURT**	**TYPE OF ACTION**	**PLAINTIFF'S COUNSEL**	**AMOUNT**
Kusz v. New York City Transit Authority	8/17	Queens Supreme	Pedestrian: Woman hit by bus, underwent amputations of arm and leg	Alan M. Shapey, New York, NY of Lipsig, Shapey, Manus & Moverman, PC	$20,316,049
Henderson v. Action Carting Environmental Services	5/24	New York Supreme	Pedestrian: Motorist's seizure results in pedestrian deaths and injuries	Frederick C. Aranki & Daniel P. O'Toole, New York, NY of Block O'Toole & Murphy, LLP; Scott Messinger, Forest Hills, NY of Gladstein & Messinger; Andrew Park, New York, NY of Sim & Park, LLP; Kenneth P. Nolan & Jeanne M. O'Grady, New York, NY of Speiser, Krause, Nolan & Granito	$10,500,000
Arvelo v. State of New York	9/19	Court of Claims, Buffalo	Pedestrian: Driver veered off road, struck girl, suit alleged	James E. Brown, Donald P. Chiari & Samuel J. Capizzi, Lancaster, NY of Brown Chiari LLP	$8,975,000
Lewis v. New York City Transit Authority	3/3	New York Supreme	Pedestrian: Inattentive bus driver ran over teen, suit alleged	Richard A. Gurfein, New York, NY of Gurfein Douglas LLP	$6,783,203
Anderson v. City of New York	6/30	New York Supreme	Pedestrian: Worker hit by forklift claimed career-ending injury	Ronald C. Burke & Todd J. Strier, New York, NY of Kelner & Kelner	$5,250,000
Ramos v. Charles	9/22	Kings Supreme	Pedestrian: Unlicensed driver's accident blamed on police officer's order	Robert S. Kelner & Gail S. Kelner, New York, NY of Kelner & Kelner	$5,025,000
Estate of Kull v. Alpine Bakery Inc.	1/5	New York Supreme	Pedestrian: Motorist's inattentive act had fatal result, suit alleged	David P. Kownacki & Andrew D. Leftt, New York, NY of David P. Kownacki, P.C.	$3,000,000
Davis v. City of NY	1/31	Kings Supreme	Pedestrian: Bystander hurt when car rolled out of crash, mounted sidewalk	Jeffrey A. Block & S. Joseph Donahue, New York, NY of Block O'Toole & Murphy, LLP	$2,875,000
Zeiset v. Trenway Wagar Inc	2/17	Livingston Supreme	Pedestrian: Fatal highway crash blamed on bus driver having fallen asleep	Richard J. Barnes, Buffalo, NY of Cellino & Barnes, P.C.; Alfred J. Monte, Jr., Blue Bell, PA of Fox Rothschild LLP; Edith A. Pearce, Philadelphia, PA of The Pearce Law Firm; Mark J. Valerio, Rochester, NY of Valerio & Kufta	$2,627,500

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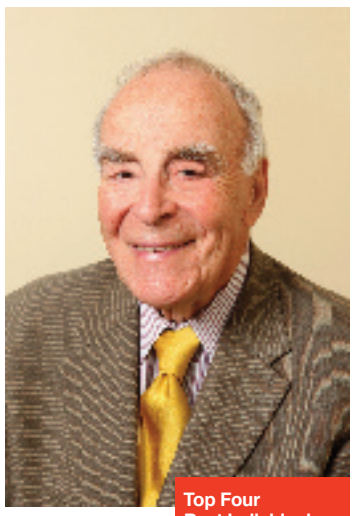

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Motor Vehicle Accident - Pedestrian					
CASE	**DATE**	**COURT**	**TYPE OF ACTION**	**PLAINTIFF'S COUNSEL**	**AMOUNT**
Simon v. Heins	9/28	Suffolk Supreme	Pedestrian: Plaintiff claimed she was struck by distracted motorist	Harvey Weitz, New York, NY of Weitz & Associates, New York, NY, trial counsel; Marc H. Miner, New York, NY of Zalman, Schnurman & Miner P.C.	$2,375,000
Ricardi v. Conley	1/17	Nassau Supreme	Pedestrian: Deliveryman struck by car while unloading truck	Seth I. Fields, West Babylon, NY of Fields & Levy, LLP	$2,000,000
Attoh v. New York City Transit Authority	7/11	Bronx Supreme	Pedestrian: Drunken man stumbled into bus's path, defense contended	James H. Bartolomei & Jeff S. Korek, New York, NY of Gersowitz, Libo & Korek, PC	$2,000,000
Estate of Dymburt v. NYCTA	6/9	Kings Supreme	Pedestrian: Woman sustained fatal injuries after being hit and dragged by bus	Nicholas A. Wise, New York, NY of Weitz & Luxenberg, P.C.	$1,500,000
Tiongson v. K.P. Hospitality LLC.	5/16	Queens Supreme	Pedestrian: Hotel's doorman was hit by shuttle bus, suffered knee injuries	Harlan A. Wittenstein, Oceanside, NY of Wittenstein & Associates, trial counsel, Law Office of Neil Kalra, P.C., Forest Hills, NY	$1,395,000
Alfonso v. Metropolitan Transit Authority	4/15	New York Supreme	Pedestrian: Woman struck by bus, claimed disabling fracture of wrist	David J. Dean, New York, NY of Sullivan Papain Block McGrath & Cannavo P.C.	$1,290,000
Tsoi v. Lucky River Transporation	10/11	New York Supreme	Pedestrian: Bus's driver should have yielded, injured pedestrian claimed	William J. Ryan, New York, NY of Lurie, Ilchert, MacDonnell & Ryan LLP	$1,250,000
Olsen v. Silverman	3/10	Suffolk Supreme	Pedestrian: Jogger struck by car, sustained fatal injuries	Mark E. Alte & Alexander J. Galvez, Mineola, NY of Law Offices of Mark E. Alter	$1,250,000
Kaplun v. Morris	12/23	Kings Supreme	Pedestrian: Man hit by mini-bus, claimed injuries of e lbow, head, wrists	Harlan A. Wittenstein, Oceanside, NY of Wittenstein & Associates	$1,100,300
Aguilar v. Williams	11/3	Queens Supreme	Pedestrian: Turning motorist didn't yield, injured pedestrian claimed	Elliott H. Taub, New York, NY of The Taub Law Firm, P.C.	$1,050,000
Estate of Acteopan v. FJC Security Services Inc.	9/14	Kings Supreme	Pedestrian: Boy fatally wounded after being hit by two cars, suit alleged	Donte O. Mills, New York, NY of Sullivan Papain Block McGrath & Cannavo P.C.	$1,000,000
Civitello v. E-Freight Seaboard World Logistics LLC	3/9	Kings Supreme	Pedestrian: Plaintiff claimed forklift accident led to permanent foot pain	John Bonina, Jr., Brooklyn, NY of Bonina & Bonina P.C.	$1,000,000
Testa v. Rywalt	1/31	Queens Supreme	Pedestrian: Car bounced out of collision, hit bystander on sidewalk	Frederick C. Aranki & Stephen J. Murphy, New York, NY of Block O'Toole & Murphy, LLP	$900,000

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Motor Vehicle Accident - Pedestrian					
CASE	**DATE**	**COURT**	**TYPE OF ACTION**	**PLAINTIFF'S COUNSEL**	**AMOUNT**
Caraballo v. Zhang	11/17	Kings Supreme	Pedestrian: Car hit by truck, was pushed into pedestrian	Kenneth R. Shapiro, Carle Place, NY of Philip J. Rizzuto, P.C.	$900,000
Geller v. Acme Bus Corp.	5/20	Nassau Supreme	Pedestrian: Teacher hit by car, claimed career-ending brain injury	Howard S. Kass, Carle Place, NY	$850,000
Sanabria v. Fulcher	6/1	Bronx Supreme	Pedestrian: Suit's parties debated whether motorist struck pedestrian	Tina M. Wells, New York, NY of Trolman, Glaser & Lichtman, P.C.	$800,000
Toribio v. Javier	5/10	U.S. District Court, E.D.N.Y.	Pedestrian: Speeding trucker didn't notice child in street, suit alleged	Robert Vilensky, New York, NY of Ronemus & Vilensky, LLP	$650,000
Crivello v. Beck	12/6	Suffolk Supreme	Pedestrian: Plaintiff claimed she was struck by inattentive driver	Michael P. Vessa, Uniondale, NY of Vessa & Wilensky, P.C.	$635,000
Estate of Stedge v. Danow	4/26	Rockland Supreme	Pedestrian: Defense: Pedestrian's poor judgment led to fatal accident	Jonathan Ripps, Suffern, NY; Jeffrey M. Adams, Bardonia, NY of Adams Law Firm, P.C.	$600,000
Skouras v. Enterprise Rent-a-Car	6/14	New York Supreme	Pedestrian: Plaintiff struck by van, claimed he suffers brain damage	Dennis S. Matarangas, New York, NY of Bournazos & Matarangas	$600,000
Brutting v. Town of Fishkill	11/1	Dutchess Supreme	Pedestrian: Drunken man struck by car, claimed driver never saw him	Barry Birbrower, Peekskill, NY of The Birbower Law Firm	$500,000
Wilensky v. Chesir	3/3	Kings Supreme	Pedestrian: Parked truck, inattentive driver blamed for pedestrian accident	David M. Godosky, New York, NY of Godosky & Gentile, P.C.	$500,000
Fisher v. Tickle	6/15	Richmond Supreme	Pedestrian: Plaintiff claimed car mounted sidewalk and struck him	Rodney Stilwell, Staten Island, NY of Tracy & Stilwell	$425,000
Fried v. MTA Long Island Bus	5/26	Nassau Supreme	Pedestrian: Plaintiff struck by bus, claimed driver ignored stop sign	Glenn Auletta, Ronkonkoma, NY of Gruenberg & Kelly, P.C.	$425,000
Hossain v. Cruz	6/2	Queens Supreme	Pedestrian: Motorist, pedestrian debated who initiated collision with whom	William C. Bellard, New York, NY of New York, NY, of counsel, Perry D. Silver, PLLC	$400,000
Sanchez v. Nichols	6/6	Westchester Supreme	Pedestrian: Plaintiff claimed speeding driver struck her	James C. Freeman, White Plains, NY of Kent Hazzard LLP	$400,000

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Motor Vehicle Accident - Pedestrian					
CASE	**DATE**	**COURT**	**TYPE OF ACTION**	**PLAINTIFF'S COUNSEL**	**AMOUNT**
Werner v. Falbo	7/20	Monroe Supreme	Pedestrian: Driver, pedestrian debated who initiated contact with the other	Anthony J. LaDuca, Rochester, NY of LaDuca Law Firm, L.L.P.	$350,000
Martinet v. Stevens	10/13	Ulster Supreme	Pedestrian: Vehicle bounced out of collision, hit fence, sign, house	Daniel G. Heppner, Kingston, NY of Rusk, Wadlin & Heppner	$328,500
Nguessan v. Mr. Tires Automotive Inc.	3/3	Bronx Supreme	Pedestrian: Plaintiff claimed careless mechanic struck him with car	Alexandra F. Pinilla, Forest Hills, NY of Law Offices of Morton Povman, P.C., Bronx, NY, trial counsel, Orlian & Levine, New York, NY	$310,000
Gill v. Alvarado	8/2	Bronx Supreme	Pedestrian: Plaintiff argued defendant was speeding before knockdown	Gerard A. Lucciola, New York, NY of The Cochran Firm	$250,000
Morrison v. Rasoulinejad	7/18	Bronx Supreme	Pedestrian: Plaintiff claimed distracted motorist backed into him	Julian J. Bailey, Manhasset, NY	$250,000
Kempf v. Allstate Insurance Co.	11/1	American Arbitration Association	Pedestrian: Plaintiff hit by car, claimed driver sped into intersection	Dennis S. Matarangas, New York, NY of Bournazos & Matarangas	$250,000
Estate of Munoz v. Guarino	3/29	Queens Supreme	Pedestrian: Suit's parties debated location of fatal car accident	George J. Pfluger, New York, NY of Sullivan Papain Block McGrath & Cannavo, P.C.	$225,576
Dinewitz v. Bouderau	4/5	Nassau Supreme	Pedestrian: Pedestrian, SUV's driver disputed whether contact occurred	Stuart Wagner, New York, NY of Morrison & Wagner L.L.P.	$200,000
Guzman v. Gee	3/24	Bronx Supreme	Pedestrian: Policeman hit by car, claimed motorist ignored his instructions	Marc D. Citrin, Suffern, NY of Suffern, NY, trial counsel, Park & Nguyen, Bronx, NY	$200,000
Reitman v. Blue Chip Building Maintenance Inc.	9/30	New York Supreme	Pedestrian: Plaintiff hit by van, fell and broke nose	Eric Richman, New York, NY of Law Office of Eric Richman;	$185,000
Batista v. Hartford Fire Insurance Co.	9/27	Bronx Supreme	Pedestrian: Man hit by car claimed disabling spinal injury	John J. Burnett, Howard Beach, NY of Scott Baron & Associates, P.C.	$150,000
Shortte v. Gibbs	3/15	Queens Supreme	Pedestrian: Car crash caused spinal injuries, plaintiff alleged	Dimitri Kotzamanis, Jamaica, NY of Shaevitz & Shaevitz	$140,000

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Motor Vehicle Accident - Pedestrian					
CASE	**DATE**	**COURT**	**TYPE OF ACTION**	**PLAINTIFF'S COUNSEL**	**AMOUNT**
Grinnage v. Flatrate Transportation LLC	1/28	Kings Supreme	Pedestrian: Livery cab bumped other cab, toppling fare	Richard M. Levy, Brooklyn, NY of Rubenstein & Rynecki	$125,000
Milonis v. Tietze	7/29	Nassau Supreme	Pedestrian: Woman hit by car, claimed fractures of spine	L. Michael Davicino, Huntington Station, NY of Cannon & Acosta LLP	$120,000
Pope v. Doe	4/1	Bronx Supreme	Pedestrian: Plaintiff struck by car, claimed injuries of back, shoulder	Daniel S. Berke, New York, NY, trial counsel to Scott Inwald, Fort Lee, NJ	$105,000
Guy v. O'Brien	8/12	Richmond Supreme	Pedestrian: Man hit by car, claimed injury ended hope of basketball career	Patrick F. Bisogno, Brooklyn, NY of Bisogno & Meyerson	$100,800
Gilfedder v. Super Josh Cab Corp.	6/14	Kings Supreme	Pedestrian: Cabbies traded blame for crash that ended with injured pedestrian	Barry Montrose, New York, NY, trial counsel to Robyn M. Brilliant, New York, NY	$100,000
Wallace v. Bryson	2/4	Queens Supreme	Pedestrian: Car's owners liable for thief's injurious jaunt, suit alleged	Joel A. Horowitz, New York, NY of Burns & Harris	$100,000
Broadway v. New Mega Limo Car Service	2/14	Kings Supreme	Pedestrian: Plaintiff claimed taxi backed into her on one-way street	Stephen H. Jacobson, New York, NY of Hecht Kleeger Pintel & Damashek	$100,000
Henderson v. Arnold	9/6	Oneida Supreme	Pedestrian: Plaintiff hit by SUV, claimed permanent shoulder injury	Victoria Lieb Lightcap, Liverpool, NY of Finkelstein & Partners LLP	$100,000
Portillo v. Franco	2/22	Queens Supreme	Pedestrian: Woman claimed she was hit by car, hurt back and knee	Steven L. Kaplan, Melville, NY of Kaplan & Kaplan, P.C.	$100,000
Semple v. Rocio	6/9	Kings Supreme	Pedestrian: Teen hit by car, claimed she sustained injuries of spine	Gencian Gjoni, New York, NY of Raphaelson & Levine Law Firm P.C.	$98,000
Ritsch v. Azad	8/12	Kings Supreme	Pedestrian: Plaintiff claimed car mounted sidewalk and struck her	Brad A. Kauffman, New York, NY of Law Offices of Brad A. Kauffman	$95,000
Baskin v. Giannini	3/9	Kings Supreme	Pedestrian: Motorist didn't yield right of way, injured pedestrian claimed	Avi D. Caspi, Brooklyn, NY of Law Offices of Avi D. Caspi PLLC, trial counsel, Gary R. Weinberg, PC	$80,000
Kenmochi v. Twin Marquis Inc.	6/24	Kings Supreme	Pedestrian: Motorist claimed umbrella-toting woman bumped into his car	Joshua Lockamy, Flushing, NY of Mallilo & Grossman	$75,000

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Motor Vehicle Accident - Pedestrian

CASE	DATE	COURT	TYPE OF ACTION	PLAINTIFF'S COUNSEL	AMOUNT
Chi v. Kamerman	8/23	Queens Supreme	Pedestrian: Plaintiff hit by car, claimed driver was speeding, inattentive	Elliot B. Pasik, Cedarhurst, NY of of counsel, Law Office of Gerald P. Gross	$55,000
Kosiarek v. Campanelli	10/25	Richmond Supreme	Pedestrian: Woman hit by car, claimed injuries of knee, shoulder, spine	Slawek W. Platta, New York, NY of Slawek W. Platta PLLC	$55,000
Pardue v. Reynolds	3/4	Onondaga Supreme	Pedestrian: Woman struck by car, claimed injuries of back, head	Anthony F. Endieveri, Camillus, NY	$55,000
Santana v. Kappock Street Management Corp.	7/27	Bronx Supreme	Pedestrian: Cabbie, pedestrian traded blame for accident	Craig Rosuck, New York, NY of Law Office of Craig Rosuck	$52,000
Carmichael v. Hodelin	5/12	Kings Supreme	Pedestrian: Parked vehicle was struck by car, knocked into bystander	Jerry E. Simon, Brooklyn, NY of Law Office of Lee A. Fine, trial counsel, Jonathan Mandell, Lynbrook, NY	$50,000
Estate of Petlyar v. Berardi	1/25	Kings Supreme	Pedestrian: Suit's parties debated where pedestrian was struck by car	Joseph S. Rosato, New York, NY of Rosato & Lucciola, P.C.	$41,500
Brown v. Rudder	10/12	Kings Supreme	Pedestrian: Motorist not attentive during turn, injured pedestrian claimed	David S. Kates, New York, NY of Schwartz, Goldstone, & Campisi LLP	$25,000
Reznitchenko v. Motor Vehicle Accident Indemnification Corp.	7/12	Kings Supreme	Pedestrian: Plaintiff claimed car inflicted permanent knee injury	James J. McGuire, Brookyn, NY of Law Office of Yuriy Prakhin, P.C.	$20,000
Golovanova v. Motor Vehicle Accident Indemnification Corp.	7/14	Kings Supreme	Pedestrian: Woman claimed knee was hurt in hit-and-run accident	James J. McGuire, Brooklyn, NY of Law Office of Yuriy Prakhin, P.C.	$20,000
Parada v. Dimitri	9/27	New York Supreme	Pedestrian: Cabbie claimed plaintiff walked into his vehicle's path	Michael Schlesinger, New York, NY of Julien & Schlesinger	$17,000
White v. Dillon	1/31	Nassau Supreme	Pedestrian: Driver backed out of space and into plaintiffs	Glenn Auletta & Michael DellaUniversita, Ronkonkoma, NY of Gruenberg & Kelly, P.C.	$16,500
Devito v. Hoch	3/21	Westchester Supreme	Pedestrian: Woman hit by car, claimed injuries of back, knee	Mitchell P. Lieberman, Yorktown Heights, NY of Lieberman & LeBovit	$15,000
Stocum v. Hess	2/22	Schuyler Supreme	Pedestrian: Plaintiff broke foot when clipped by truck's trailer	Scott J. Learned, Elmira, NY of Learned, Reilly & Learned	$5,000

Motor Vehicle Accident - Roadway

CASE	DATE	COURT	TYPE OF ACTION	PLAINTIFF'S COUNSEL	AMOUNT
Chun v City & State of NY	7/8	NY Supreme & Court of Claims	Roadways: Removal of signs created hazardous condition leading to intersection accident	Edward T. Cooper, New York, NY of Torgan & Cooper	$12,025,000
Batista v. State of New York	3/22	Court of Claims, New York	Dangerous Condition: Parkway's acceleration lane too short, claimant alleged	Frank Panetta, Garden City, NY of Massimo & Panetta	$4,300,000
Saling v. Triborough Bridge & Tunnel Authority	3/22	New York Supreme	Defective Roadway: Motorcyclist claimed bridge's roadway was poorly constructed	Andrew W. Siegel, New York, NY of Geller & Siegel	$2,500,000
Tower Insurance v. State of New York	2/14	Court of Claims, Binghamton	Roadways: Culvert's instability caused fatal accident, suit alleged	Peter H. Bouman, Binghamton, NY of Coughlin & Gerhart LLP; James J. D'Ambrosio, Irvington, NY of D'Ambrosio & D'Ambrosio, P.C.; Matthew Jones, Sayre, PA of DeSisti & Keeffe; Luis F. Ras, White Plains, NY of Ras Associates, PLLC	$2,336,000
Sawyer v. Town of Lebanon	9/20	Chenango Supreme	Roadways: Poor paving work led to accident, motorcyclist alleged	Stephen P. Joyce, Sherburne, NY of Joyce and Holbrook	$150,000

Motor Vehicle Accident - No-Fault

CASE	DATE	COURT	TYPE OF ACTION	PLAINTIFF'S COUNSEL	AMOUNT
Marquez v. Labriola	3/9	Bronx Supreme	No-Fault Case: Car crash caused spinal injuries, plaintiff claimed	Adam Handler, New York, NY of Law Offices of Spar & Bernstein	$2,550,000
Trezza v. M.T.A.	11/22	Bronx Supreme	No-Fault Case: Car crash caused shoulder, spine injuries, plaintiff claimed	Eitan A. Ogen, New York, NY of Ogen & Sedaghati, P.C.	$2,500,000
Anderson v. State of New York	6/23	Court of Claims, Albany	No-Fault Case: Car crash caused spinal injuries, claimant alleged	Alan J. Stern, Garden City, NY of Alan J. Stern, P.C.; Walter F. Benson, Syracuse, NY of Counsel	$2,233,288
Rotondo v. Northrop Grumman Corp.	6/24	Nassau Supreme	No-Fault Case: Car crash caused back, knee, neck injuries, plaintiff alleged	Marilyn Diamond, Garden City, NY of Diamond Law Offices; Michael W. Gunzburg, New York, NY of Michael Gunzburg, P.C.	$1,324,500
Schoenle v. Mosher	2/7	Erie Supreme	No-Fault Case: Vehicular accident aggravated spinal woes, plaintiff claimed	Stephen R. Foley, Buffalo, NY of Paul William Beltz, P.C.	$925,000
Cristo v. Lebron	2/9	Bronx Supreme	No-Fault Case: Plaintiff hit by passing truck's open door, claimed he can't work	Mark S. DeAngelis, Mount Vernon, NY of DeAngelis & Hafiz	$900,000

Motor Vehicle Accident - No-Fault

CASE	DATE	COURT	TYPE OF ACTION	PLAINTIFF'S COUNSEL	AMOUNT
Hume-Folk v. Paper Service Inc.	4/12	Bronx Supreme	No-Fault Case: Three-car crash caused injuries of shoulder, wrist, plaintiff claimed	Joseph Gorczyca & Christopher F. Holbrook, Jericho, NY of Schwartzapfel Partners P.C.	$900,000
Ahmad v. Bivomi	2/23	New York Supreme	No-Fault Case: Cabbie struck by taxi, claimed injuries of spine	Alan R. Inwood, New York, NY of Hochheiser Hochheiser & Inwood LLP	$800,000
Kahvejian v. Pardo	10/6	Rockland Supreme	No-Fault Case: Car crash caused permanent injury of hip, plaintiff claimed	Justin S. Blash, New York, NY of New York, NY, trial counsel, Neimark & Neimark LLP, New City, NY	$800,000
Alfred v. Dodge	8/4	Bronx Supreme	No-Fault Case: Traffic accident caused tear of shoulder, plaintiff claimed	Howard G. Frederick, New York, NY of Silbowitz Garafola Silbowitz Schatz & Frederick, L.L.P.	$800,000
Ventura v. Garcia Livery Corp.	12/16	New York Supreme	No-Fault Case: Crash caused injuries of knees, shoulder, spine, plaintiff claimed	David Aminov, Commack & Brad A. Kauffman, New York, NY of The Law Office of Brad A. Kauffman, PLLC, New York, NY, trial counsel to Mark H. Weiss, P.C., Commack, NY	$740,000
Ledbetter v. Guzman	9/13	Nassau Supreme	No-Fault Case: Car crash caused disabling spinal injuries, plaintiff claimed	Jason L. Paris, New York, NY of Paris & Chaikin, P.L.L.C.	$725,000
Washington v. Atenco	6/13	Bronx Supreme	No-Fault Case: Couple and children claimed car crash caused spinal injuries	Jay S. Knispel, New York, NY of Law Offices of Jay S. Knispel, LLC, New York, NY, trial counsel, Gassler & O'Rourke, P.C., Great Neck, NY	$635,000
Quiceno v. Mendoza	9/22	Kings Supreme	No-Fault Case: Car crash caused injuries of knee, spine, shoulder, plaintiff claimed	David E. Waterbury, Forest Hills, NY of Law Offices of David E. Waterbury, New York, NY, trial counsel, Taller & Wizman, P.C.	$500,000
Klein v. Cipriano	3/4	Queens Supreme	No-Fault Case: Car crash caused spine, knee injuries, plaintiff claimed	Daniel A. Thomas, New York, NY of Law Offices of Daniel A. Thomas, P.C., trial counsel, Peter S. Thomas, P.C., Forest Hills, NY	$500,000
Gonzalez v. Stamoulis	7/7	Bronx Supreme	No-Fault Case: Man hit by taxi's side-view mirror, claimed spinal injuries	Ian M. Chaikin, New York, NY of Paris & Chaikin, P.L.L.C.	$500,000
Khan v. Deodhari	10/20	Queens Civil	No-Fault Case: Couple hurt in car crash claimed ongoing injuries	Laurence L. Love, Flushing, NY of Law Offices of Laurence Love	$475,000
Apicella v. Van Winkle	9/29	Nassau Supreme	No-Fault Case: Expressway accident caused spinal injury, plaintiff claimed	Glenn Auletta, Ronkonkoma, NY of Gruenberg & Kelly, PC	$425,000
Grajales v. Colon	2/7	Queens Supreme	No-Fault Case: Restaurant's patron struck by car that crashed through window	Brad A. Kauffman, New York, NY of Law Offices of Brad A. Kauffman, PLLC	$425,000
Gonzalez v. Todd	4/8	Bronx Supreme	No-Fault Case: Couple claimed car crash caused knee, shoulder injuries	Stuart Wagner, New York, NY of Morrison & Wagner, L.L.P.	$300,000
Dosso v. Palmar de Ocoa Inc.	5/19	Queens Supreme	No-Fault Case: Car crash caused injuries of back, neck, wrist, plaintiff claimed	Joshua Lockamy, Flushing, NY of Mallilo & Grossman	$225,000
Kim v. B & D Electric	10/25	Queens Supreme	No-Fault Case: Crash caused injuries of knee, neck, spine, plaintiff claimed	Robert Alan Saasto, Hicksville, NY of Hicksville, NY, trial counsel, Sim & Park, LLP, New York, NY	$225,000
Cho v. Cedrick	7/1	Queens Supreme	No-Fault Case: Suit's parties disputed injuries' connection to minor accident	Peter S. Thomas, Flushing, NY of Forest Hills, NY, trial counsel, Charles C. Khym	$225,000
Harris v. Martin	6/9	Westchester Supreme	No-Fault Case: Car crash led to stress fracture of spine, plaintiff alleged	Richard S. Vecchio, White Plains, NY of Worby Groner Edelman L.L.P.	$215,000
Weinstein v. Flaster	5/25	Queens Supreme	No-Fault Case: Couple claimed car crash caused spinal injuries	Gary Slobin, New York, NY of Alpert, Slobin & Rubenstein, LLP	$200,000
Kondel v. Demera	9/13	Bronx Supreme	No-Fault Case: Plaintiff claimed car crash disabled him for three years	Jason S. Krakower, New York, NY of Raphaelson & Levine Law Firm P.C.	$200,000
Wang v. Lam-Lau	11/4	Queens Supreme	No-Fault Case: Woman hit by car, claimed injuries of back, knee, shoulder	Adam E. Deutsch, New York, NY of Morelli Ratner P.C.	$200,000
Badum v. Pulver	6/24	Monroe Supreme	No-Fault Case: Plaintiff claimed car crash caused permanent injury of neck	Peter K. Skivington, Geneseo, NY of Jones & Skivington, LLC	$175,000
Murray v. Lemner	4/13	Rensselaer Supreme	No-Fault Case: Car crash caused sprains of back and neck, plaintiff claimed	Jeffrey K. Anderson, Latham, NY of Anderson, Moschetti & Taffany, PLLC	$156,000
Tikvanska v. Vukelic	7/15	Queens Supreme	No-Fault Case: Auto accident caused spinal injuries, plaintiff claimed	Jeffrey I. Weiner, New York, NY of Kresman & Weiner, LLP	$154,000
Valerio v. Clarke	8/5	Queens Supreme	No-Fault Case: Plaintiff claimed auto accident caused permanent neck injury	Ronald W. Ramirez, Forest Hills, NY of Law Office of Ronald W. Ramirez	$150,000
Sixto v. David	10/21	Kings Supreme	No-Fault Case: Car crash caused back, neck injuries, plaintiff claimed	Brad A. Kauffman, New York, NY of Law Offices of Brad A. Kauffman	$125,000
Alcantara v. Moran	5/25	Bronx Supreme	No-Fault Case: Spinal injury severely limits family life, plaintiff contended	Robert L. Towsky, Garden City, NY of Andrea & Towsky	$125,000
Rivers v. Peters	1/20	Westchester Supreme	No-Fault Case: Plaintiff claimed car crash caused disabling spinal injuries	Michael Becker, New Rochelle, NY of Marcus Ollman & Kommer, LLP	$102,000
Habiniak v. Riccardi	3/8	Albany Supreme	No-Fault Case: Accident led to fusion of neck, plaintiff claimed	Joseph D. Giannetti, Amsterdam, NY of Horigan, Horigan & Lombardo	$100,000
Boros v. Deno	8/18	Bronx Supreme	No-Fault Case: Car crash caused injuries of back, neck, plaintiff claimed	Jeffrey A. Sunshine, Lake Success, NY of Jeffrey A. Sunshine, P.C.	$100,000
Febres v. Davis	7/29	Bronx Supreme	No-Fault Case: Car crash caused permanent back injury, plaintiff claimed	Erik L. Gray, New York, NY of Weiss & Rosenbloom, P.C.	$100,000

Motor Vehicle Accident - No-Fault

CASE	DATE	COURT	TYPE OF ACTION	PLAINTIFF'S COUNSEL	AMOUNT
Cabeza v. Fenrich	6/1	Kings Supreme	No-Fault Case: Car crash caused spinal injuries, plaintiffs claimed	David S. Dender, New York, NY of David S. Dender, P.C.,trial counsel to Malone, Tauber & Sohn, P.C., Freeport, NY	$100,000
Smith v. Nappi	1/20	Suffolk Supreme	No-Fault Case: Parkway crash caused spinal injuries, plaintiff claimed	Frank M. Maffei, St. James, NY of Jakubowski, Robertson, MAffei, Goldsmith and Tartaglia, LLP	$100,000
Park v. Diaz	6/29	Queens Supreme	No-Fault Case: Pedestrian claimed accident aggravated 40-year-old war injury	Mitchell Gorkin, Queens, NY of Queens, NY, trial counsel, Jay H. Tanenbaum, New York, NY	$100,000
Gallagher v. Lopez	8/30	Suffolk Supreme	No-Fault Case: Plaintiff's injuries predated car crash, defense contended	Daniel J. Hansen, New York, New York of Daniel Hansen, Esq.	$100,000
Sposato v. Siciliano	3/10	Kings Supreme	No-Fault Case: SUV collision caused shoulder, wrist injuries, plaintiffs claimed	Ernest Reece, New York, NY of Krentsel & Guzman LLP	$100,000
Ritter v. Brown	6/17	Kings Supreme	No-Fault Case: Car crash caused herniations of spinal discs, plaintiff claimed	William G. McCabe, Forest Hills, NY of Law Offices of Neil Kalra, PC	$90,000
Jordan v. Frizzell	1/14	Niagara Supreme	No-Fault Case: Car crash caused injuries of spine, plaintiff alleged	J. Patrick Lennon, Buffalo, NY of Rosenthal, Siegel & Muenkel LLP	$86,000
Martin v. Adom Rental Trans Inc.	8/16	Kings Supreme	No-Fault Case: Car crash caused concussion, spinal injuries, plaintiff claimed	Thomas Harnick, New York, NY of Harnick & Harnick	$80,000
Gonzalez v. Botticelli	5/27	Westchester Supreme	No-Fault Case: Plaintiff claimed car crash caused back, neck injuries	Craig C. DeMeo, Syosset, NY of DeMeo & Associates, LLC	$80,000
Mantello v. Mowafy	4/11	Richmond Supreme	No-Fault Case: Car crash caused injuries of spine, shoulder, plaintiff claimed	Carolyn M. Canzoneri, Garden City, NY of Morici & Morici, LLP	$75,000
Kim v. Darmanin	6/16	Queens Supreme	No-Fault Case: Car crash caused permanent shoulder injury, plaintiff claimed	Robert Alan Saasto, Hicksville, NY, trial counsel to Sim & Park, LLP, New York, NY	$75,000
Quito v. Ostapiuk	8/8	Kings Supreme	No-Fault Case: Car crash caused spinal injuries, plaintiff claimed	Bobby Walia, Flushing, NY of Walia & Walia, PLLC	$75,000
Aybar v. Lali NY Inc.	12/21	Queens Supreme	No-Fault Case: Multi-car crash caused spine, shoulder injuries, plaintiff claimed	Alan R. Inwood, New York, NY of Omrani & Taub, PC	$75,000
Kiji v. Vargas	5/3	Queens Supreme	No-Fault Case: Plaintiff claimed he tore shoulder in expressway accident	Robert Alan Saasto, Hicksville, NY, trial counsel to Sim & Park, LLP, New York, NY	$75,000
Hinds v. Metropolitan Transportation Authority	9/27	New York Supreme	No-Fault Case: Vehicular accident caused back, neck injuries, plaintiff claimed	Mitchell Berman, New York, NY of Krantz & Phillips	$75,000
Dire v. Macchirole	11/14	Suffolk Supreme	No-Fault Case: Expressway accident caused spinal injury, plaintiff claimed	Richard Johannesen, Rocky Point, NY	$71,400
Roberto v. Demos	8/22	Suffolk Supreme	No-Fault Case: Suit's parties debated extent of plaintiff's shoulder injury	Desiree Fusco, Garden City, NY of Bondi Iovino & Fusco	$70,000
Mimms v. Hollingsworth	1/11	Bronx Supreme	No-Fault Case: Plaintiff claimed injury made her put mother in nursing home	Peter M. Zirbes, Forest Hills, NY of Peter M. Zirbes & Associates, PC	$68,000
Murphy v. Coon	8/3	Otsego Supreme	No-Fault Case: Plaintiff claimed head-on car crash caused chest, knee injuries	Mark A. Panzavecchia, Garden City, NY of Panzavecchia & Associates PLLC	$65,000
Fryson v. Chung	10/11	Queens Supreme	No-Fault Case: Auto accident caused tears of shoulder, plaintiff claimed	Gene Duenas, Hempstead, NY	$60,000
Walsh v. Estate of Addolorato	3/1	Suffolk Supreme	No-Fault Case: Plaintiff claimed car crash caused spinal injury	Christopher S. Olson, Huntington, NY	$55,000
Holder-Watson v. Rodriguez	6/8	Bronx Supreme	No-Fault Case: Car crash caused permanent back injury, plaintiff claimed	Daniel Chavez, Bronx, NY; Bruce R. Birns, Bronx, NY, of counsel, Daniel Chavez	$50,000
Kim v. Niedowski	8/11	Nassau Supreme	No-Fault Case: Car crash caused permanent knee injury, plaintiff claimed	Jeffrey M. Kalenka, East Williston, NY of Law Offices of Jeffrey M. Kalenka PLLC, East, trial counsel, Jerald D. Werlin, Long Island City, NY	$50,000
Spreutels v. Allen	5/6	Chenango Supreme	No-Fault Case: Car crash caused spinal injuries, plaintiff alleged	Hugh Leonard, Binghamton, NY of Leonard & Cummings, LLP	$50,000
Ramos v. Montalvo	9/14	Bronx Supreme	No-Fault Case: Plaintiff claimed car crash caused injuries of knee, spine	Eliot M. Wolf, Bronx, NY of Wolf & Fuhrman LLP	$50,000
Paro v. LTS Enterprises of CNY	2/24	Onondaga Supreme	No-Fault Case: Car crash caused injury of lower back, plaintiff claimed	James B. Fleckenstein, Syracuse, NY	$40,000
Cicio v. Rando	3/23	Richmond Supreme	No-Fault Case: Car crash caused spinal injuries, plaintiff alleged	James A. Maleady, Staten Island, NY of Bosco, Bisignano & Mascolo	$40,000
Wong v. Elrac Inc.	12/21	Queens Supreme	No-Fault Case: Man's injuries predated car crash, defense contended	Margaret H. Mayo, New York, NY of Gaffin & Mayo, P.C.	$38,000
Jones v. Clark	9/19	Onondaga Supreme	No-Fault Case: Car crash caused spinal injury, plaintiff claimed	Joseph P. Stanley, Syracuse, NY of the Stanley Law Offices	$35,000
Steel v. Morrison	6/24	Kings Supreme	No-Fault Case: Nurse claimed car crash's injuries affect her work	Eduard Tamma, New York, NY of Louis C. Fiabane	$35,000
Petruski v. Chase	7/22	Ulster Supreme	No-Fault Case: Car crash caused soft-tissue injuries, octogenarian claimed	Paul A. Hurley, Albany, NY of Boeggeman, George & Corde, P.C.	$30,000
Arsenec v. Malinowski	6/28	Suffolk Supreme	No-Fault Case: Suit's parties debated injuries' relation to car crash	Mathew Marino, East Meadow, NY of Jacoby & Jacoby	$30,000

Motor Vehicle Accident - No-Fault

CASE	DATE	COURT	TYPE OF ACTION	PLAINTIFF'S COUNSEL	AMOUNT
Olmo v. Ness	8/5	Rockland Supreme	No-Fault Case: Car crash caused neck, shoulder woes, plaintiff claimed	Jennifer M. Spina, Garden City, NY of Rubin & Licatesi, P.C.	$25,000
Maalouf v. Abramchuk	4/1	Kings Supreme	No-Fault Case: Couple claimed car crash caused spinal injuries	Dennis S. Matarangas, New York, NY of Bournazos & Matarangas	$25,000
Wood v. Perez	3/7	Dutchess Supreme	No-Fault Case: Car crash caused back, neck, shoulder injuries, plaintiff claimed	Robert Borrero, Newburgh, NY of Finkelstein & Partners LLP	$20,000
Moore v. Korean Airport Service Inc.	4/7	Kings Supreme	No-Fault Case: Car crash caused injuries of spine, knee, plaintiff claimed	Debra Hirsch & Jeffrey Hirsch, Cedarhurst, NY	$15,000
Malcaus v. Kagan	3/15	Queens Supreme	No-Fault Case: Car crash caused permanent shoulder injury, plaintiff claimed	Desiree Lovell Fusco, Garden City, NY of Bondi Iovino & Fusco	$10,000
Manay v. Jones	9/22	Nassau Supreme	No-Fault Case: Couple claimed car crash caused injuries of back, neck	Kenneth M. Mollins, Melville, NY	$10,000
Ogrodowski v. Mashtalar	2/28	Niagara Supreme	No-Fault Case: Arm and shoulder painful since car crash, plaintiff claimed	Eric B. Grossman, Niagara Falls, NY of Grossman, Levine & Civiletto	$2,500
Banks v. Ruggiero	6/15	Ulster Supreme	No-Fault Case: No explanation for plaintiff's claimed injuries, defense argued	Robert Borrero, Newburgh, NY of Finkelstein & Partners LLP	$1,000

Motor Vehicle Accident - Rear end collision

CASE	DATE	COURT	TYPE OF ACTION	PLAINTIFF'S COUNSEL	AMOUNT
Baez v. Spitz	5/23	New York Supreme	Rear-ender: Accident will result in lifelong spinal woes, plaintiff claimed	Jeffrey A. Block, New York, NY of Block O'Toole & Murphy LLP	$4,250,000
Nyitrai v. Terhaar	10/21	Erie Supreme	Rear-ender: Accident aggravated spinal woes, plaintiff claimed	James E. Brown & Donald P. Chiari, Lancaster, NY of Brown Chiari LLP	$3,375,000
Tsang v. DiVito	11/16	Queens Supreme	Rear-ender: Expressway accident caused spinal injuries, plaintiff claimed	Frederick C. Aranki & Daniel P. O'Toole, New York, NY of Block O'Toole & Murphy, LLP	$2,400,000
Kalu v. Dolah	10/7	Kings Supreme	Rear-ender: Car crash led to fusion of neck, plaintiff claimed	Frederick C. Aranki & Daniel P. O'Toole, New York, NY of Block O'Toole & Murphy, LLP	$1,500,000
Metcalf v. Kelley	5/14	Suffolk Supreme	Rear-ender: Multi-car crash caused spinal injuries, plaintiff alleged	Mathew Marino & Christine M. Schibani, Medford, NY of Jacoby & Jacoby	$1,500,000
Alexis v. Carr	10/25	Kings Supreme	Rear-ender: Plaintiff: sudden stop caused accident.	Sean P. Constable & Stephen J. Murphy, New York, NY of Block O'Toole & Murphy, L.L.P.	$1,250,000
Forbes v. Jackson	3/29	Kings Supreme	Rear-ender: Car crash aggravated neck woes, led to fusion, plaintiff claimed	Stephen J. Murphy & David L. Scher, New York, NY of Block O'Toole & Murphy, LLP	$1,200,000
Rago v. Laura	1/14	Nassau Supreme	Rear-ender: Plaintiffs injured in multi-vehicle crash on bridge	Gerard N. Misk, Queens, NY of Ginsburg & Misk; Peter G. Prisco, Westbury, NY of McAndrew, Conboy & Prisco	$1,000,000
Jimenez v. Zambrano	8/11	Kings Supreme	Rear-ender: Expressway accident led to spinal fusion, plaintiff alleged	Stephen J. Murphy & David L. Scher, New York, NY of Block O'Toole & Murphy, L.L.P.	$950,000
Cerulli v. Wilson	3/30	Nassau Supreme	Rear-ender: Accident led to fusion of neck, motorcyclist claimed	Kostantinos Mallas, Brooklyn, NY of Georgaklis & Mallas PLLC	$875,000
Arieta v. MTA Bus Co.	10/30	Nassau Supreme	Rear-ender: Multi-vehicle crash caused spinal injuries, plaintiff claimed	Steven Bournazos & Dennis S. Matarangas, New York, NY of Bournazos & Matarangas	$845,000
Gaona-Garcia v. Estate of Ruckel	5/25	Bronx Supreme	Rear-ender: Defense experts: Car crash couldn't have caused injuries	Joshua N. Stein, New York, NY of Greenberg & Stein, P.C.	$741,944
Coster v. Williams	1/21	Erie Supreme	Rear-ender: Car accidents caused disabling spinal injuries, plaintiff claimed	John E. Ballow, Buffalo, NY of Ballow Law Firm	$676,500
Millard v. Baptiste	5/10	Kings Supreme	Rear-ender: Crash caused knee, shoulder, spinal injuries, plaintiffs alleged	Larry Hallock, Brooklyn, NY of Wellerstein & Associates	$562,250
Fernandes v. Jalloh	11/30	Bronx Supreme	Rear-ender: Car crash caused neck, shoulder injuries, plaintiff claimed	Liba N. Groveman, Mineola, NY of Sanders, Sanders, Block, Woycik, Viener & Grossman P.C, trial counsel, Bergman, Bergman, Lamonsoff & Goldman	$450,000
Ptach v. Lebron	11/10	Westchester Supreme	Rear-ender: Car crash caused back, knee injuries, plaintiff claimed	Scott J. Koplik & Todd J. Krouner, Chappaqua, NY of Law Office of Todd J. Krouner	$350,000
Jarrell v. Milken	5/2	Nassau Supreme	Rear-ender: Car crashes blamed on trucker's decision to park in traffic	Glenn Auletta, Ronkonkoma, NY of Gruenberg & Kelly, P.C.; Michael DellaUniversita, Ronkonkoma, NY of Gruenberg & Kelly, P.C.	$325,000
Polignone v. MetLife Auto & Home	12/2	Matter not filed	Rear-ender: Car crash caused spinal injuries, claimant contended	Edward J. Pavia, Jr., Staten Island, NY of Jonathan D'Agostino & Associates	$275,000
Ianno v. Geico Insurance Co.	10/24	American Arbitration Association	Rear-ender: Claimant broke leg in hit-and-run accident	Kenneth R. Torti, Eastport, NY of Kenneth R. Torti, Esq.	$250,000
Cruz v. Gadpaille	5/25	Kings Civil	Rear-ender: Multi-car crash's parties disputed sequence of events	Seth M. Katz, Brooklyn, NY of Law Offices of William Pager	$250,000
Nicholas v. C & F Trading Co.	7/27	Queens Supreme	Rear-ender: Suit's parties debated crash's link to plaintiff's injured shoulder	Marius C. Wesser, Brooklyn, NY of Law Offices of Marius C. Wesser, P.C., Brooklyn, NY, of counsel, Almonte & Bratkovsky, PLLC	$250,000

Motor Vehicle Accident - Rear end collision

CASE	DATE	COURT	TYPE OF ACTION	PLAINTIFF'S COUNSEL	AMOUNT
White v. Sparks	5/27	Niagara Supreme	Rear-ender: Suit's parties debated crash's relation to woman's injuries	Christopher J. O'Brien, Williamson, NY of O'Brien Boyd, P.C.	$225,000
Mero v. Penchina	5/31	Queens Supreme	Rear-ender: Car crash caused permanent shoulder injury, plaintiff alleged	Antonio S. Grillo, New York, NY of Jacoby & Meyers L.L.P.	$200,000
Walker v. Esses	12/9	Kings Supreme	Rear-ender: Short stops blamed for four-car crash on bridge	Joshua D. Gropper, New York, NY of Brown & Gropper, LLP	$200,000
Quizhpi v. Murph	9/9	Kings Supreme	Rear-ender: Car crash caused back, shoulder, foot injuries, plaintiff claimed	Timothy M. Sullivan, New York, NY of The Sullivan Law Firm	$150,000
Lee v. Hanson	12/22	Queens Supreme	Rear-ender: Car crash caused spine, knee injuries, couple claimed	Robert Alan Saasto, New York, NY of Hicksville, NY, trial counsel, Sim & Park, LLP, New York, NY	$144,000
Lee v. Varsam	1/5	Queens Supreme	Rear-ender: Car crash caused injuries of knees and spine, plaintiff alleged	Robert Alan Saasto, Hicksville, NY, trial counsel, Sim & Park, LLP, New York, NY	$135,000
Hummer v. Reyes	3/22	Suffolk Supreme	Rear-ender: Car crash aggravated 20-year-old injury, plaintiff claimed	Glenn Auletta, Ronkonkoma, NY of Gruenberg & Kelly, P.C.	$100,000
Lim v. Ordonez-Moran	1/19	Queens Supreme	Rear-ender: Car crash caused knee and spine injuries, plaintiff alleged	Robert Alan Saasto, Hicksville, NY, trial counsel to Sim & Park, LLP, New York, NY	$75,000
Park v. Franks Fishing Supplies Inc.	5/19	Queens Supreme	Rear-ender: Driver veered away from curb, caused crash, plaintiff alleged	Robert Alan Saasto, Hicksville, NY, trial counsel to Sim & Park, LLP, New York, NY	$75,000
Bakry v. Rabindranauth	8/17	Queens Supreme	Rear-ender: Suit's parties debated crash's relation to plaintiff's knee injuries	Jeffrey A. Aronsky, New York, NY of Jeffrey A. Aronsky, P.C.	$73,000
Oh v. Charles	3/16	Queens Supreme	Rear-ender: Motorists disputed sequence of multi-vehicle collision	Brian O'Connor, New York, NY of Sim & Park, LLP	$63,500
Perrion-Conde v. Maylath	3/11	Orange Supreme	Rear-ender: Plaintiff claimed tailgating drivers caused five-car crash	Joseph A. Owen, Goshen, NY of Owen Law Firm	$60,000
Lucia v. St. Paul Travelers Insurance Co.	8/30	American Arbitration Association	Rear-ender: Fender bender caused brain injury, claimant alleged	Sheldon J. Tashman, New York, NY of Martin R. Munitz, P.C.	$55,000
Oliveri v. Tsui	12/23	Kings Supreme	Rear-ender: Plaintiff said she was rear-ended by defendant on Belt Parkway, claimed torn medial meniscus	Lennon C. Edwards, New York, NY of Leav & Steinberg, L.L.P.	$55,000
Leonard v. Huff	7/7	Onondaga Supreme	Rear-ender: Motorist admitted to being distracted prior to crash	Craig K. Nichols, Syracuse, NY of Nichols Law Offices, PLLC	$50,000
Pennington v. Doe	3/1	Richmond Supreme	Rear-ender: Four-car crash caused injuries of elbows, spine, plaintiff claimed	Peter Sweeney, Staten Island, NY of Law Offices of Charles DeStefano	$40,000
Arnold v. Rogers	5/25	Nassau Supreme	Rear-ender: Parkway accident caused back, neck injuries, plaintiff claimed	Stacey Rinaldi Guzman, Franklin Square, NY of Stanton and Guzman	$40,000
Levinson v. Stevens	1/4	Ulster Supreme	Rear-ender: Defense: Plaintiff was hurt skateboarding before car crash	Maureen A. Keegan, Kingston, NY of Basch & Keegan	$25,000
McBride v. Johnson	2/2	Erie Supreme	Rear-ender: Motorist was tailgating in rainy weather, plaintiff claimed	Christopher M. Pannozzo, Hamburg, NY of Shaw & Shaw P.C.	$25,000
Davidson v. Fleurentin	3/23	Queens Supreme	Rear-ender: Vehicular accident aggravated ailing knees, plaintiff claimed	L. Michael Davicino, Huntington Station, NY of Cannon & Acosta LLP	$20,000
Penney v. Gates	6/23	Greene Supreme	Rear-ender: Nonspecific injuries ended career, trucker claimed	Jeff Brody, Kingston, NY	$15,000

Non-Motor Vehicles

CASE	DATE	COURT	TYPE OF ACTION	PLAINTIFF'S COUNSEL	AMOUNT
Pugh v. Besanceney	7/13	Queens Supreme	Bicycle: Bicyclist, injured pedestrian disputed right of way	Robert Dunne, New York, NY of The Law Office of Robert Dunne, LLC	$200,000

Negligence

CASE	DATE	COURT	TYPE OF ACTION	PLAINTIFF'S COUNSEL	AMOUNT
Zaldumbide v. Consolidated Edison Company of New York Inc.	6/7	Queens Supreme	Negligent Repair: Repairmen's oversight led to fatal explosion, suit alleged	Marie Ng, New York, NY of Sullivan, Papain, Block, McGrath & Cannavo, P.C.	$25,000,000
Morales v. Asarese Matters Community Center	11/29	Erie Supreme	Negligent Supervision: Lifeguards didn't notice bather in distress, suit alleged	Joseph (Jed) E. Dietrich, III, Amherst, NY of The Dietrich Law Firm	$7,000,000
Brethour v. Alice Hyde Medical Center	10/28	Franklin Supreme	Negligent Assembly or Installation: Patient struck by falling X-ray equipment, claimed brain injury	Lawrence Elmen, Jr. & Gregory J. Sanda, Glens Falls, NY of FitzGerald Morris Baker Firth, PC; Stephen R. Coffey, Albany, NY of O'Connell & Aronowitz, P.C.	$2,858,320

Negligence

CASE	DATE	COURT	TYPE OF ACTION	PLAINTIFF'S COUNSEL	AMOUNT
Roe v. Little Flower Children's Services of New York	3/23	Bronx Supreme	Child Care Agency/Worker: Siblings claimed they were abused in foster home	Adam M. Orlow, Flushing, NY of The Orlow Firm	$2,750,000
Maxwell v. Rockland County Community College	1/21	Rockland Supreme	Negligent Repair: Shoddy repair led to aerial lift's failure, worker's 35-foot fall	Stewart A. Rosenwasser, Montgomery, NY of Rosenwasser Law P.C.	$2,500,000
Llevano v. Roosevelt Hotel Corporation	4/6	New York Supreme	Hotel - Negligent Security: Tourist was pistol-whipped, robbed in her NYC hotel room	Theodore H. Friedman, New York, NY; Bruce K. Kaye, New York, NY of Barasch McGarry Salzman & Penson	$1,976,000
Roimesher v. 770 Lexington Assocs. Inc.	7/29	Bronx Supreme	Negligent Repair: Utility damaged sidewalk during work, plaintiff alleged	Seth A. Harris & Alison R. Keenan, New York, NY of Burns & Harris	$1,320,000
Kurtz v. Tonar Construction Corp.	1/11	Queens Supreme	Negligent Assembly or Installation: Poorly installed stairway collapsed, plaintiff alleged	James J. McCrorie, New York, NY of Fanning & McCrorie, P.C.	$1,300,000
Allow v. Spivey Oil Burner Service Inc.	2/3	Queens Supreme	Negligent Repair: Repairman, lack of smoke alarm blamed for fire's fatal result	Laurence C. Tarowsky, New York, NY; David Huberman, Philadelphia, PA of White & Williams LLP	$1,240,000
Bajrami v. 5400 Co.	7/13	Bronx Supreme	Negligent Repair: Elevator's malfunction ignored, plaintiff alleged	Ylber Albert Dauti, New York, NY of The Dauti Law Firm, P.C.	$1,200,000
Crowley v. Consolidated Edison Co. of New York Inc.	11/17	New York Supreme	Negligent Maintenance: Utility didn't fix tripping hazard on sidewalk, plaintiff claimed	David Dean, New York, NY of Sullivan Papain Block McGrath & Cannavo P.C.	$1,010,000
Shipley v. City of New York	11/23	Richmond Supreme	Mishandling of Corpses: Medical examiner secretly kept parts of corpse, suit alleged	Anthony L. Galante, Staten Island, NY of Ameduri, Galante & Friscia	$1,000,000
Fulmore v. MTA	3/9	Kings Supreme	Negligent Maintenance: Subway station's sidewalk cracked, plaintiff claimed	Marc J. Citrin, New York, NY of Shaub Ahmuty Citrin & Spratt LLP	$875,000
Victor v. New York City Transit Authority	12/14	New York Supreme	Subway Accident: Plaintiff said that subway doors closed on her, caused hip injuries	Robert Stein, New York, NY of Law Offices of Robert Stein	$850,000
Micky v. City N.Y.	2/28	Bronx Supreme	Negligent Maintenance: City neglected broken curb, plaintiff alleged	Mitchell R. Bloch, Scarsdale, NY of Law Office of Mitchell Bloch	$826,000
Mack v. City of Kingston	3/7	Ulster Supreme	Negligent Assembly or Installation: Dangerous lot not properly maintained, estate alleged	Alfred B. Mainetti, Kingston, NY of Mainetti, Mainetti & O'Connor, PC	$600,000
Rodriguez v. 2395 Washington Ave. Corp.	9/9	Bronx Civil	Negligent Maintenance: City, garage owner ignored cracked sidewalk, plaintiff alleged	Jason L. Paris, New York, NY of Paris & Chaikin, P.L.L.C.	$450,000
Kelly v. Paolone	4/25	Suffolk Supreme	Negligent Supervision:	Glenn Auletta, Ronkonkoma, NY of Gruenberg & Kelly, P.C.	$435,000
Tropez v. Hotel Chandler, LLC	10/3	New York Supreme	Negligent Maintenance: Hotel's guest claimed faulty boiler led to scalding incident	Kenneth R. Shapiro, Carle Place, NY of Philip J. Rizzuto, P.C.	$400,000
Ramos. v. New York City Transit Authority	10/28	New York Supreme	Negligent Maintenance: Wheelchair-bound woman claimed bus not well maintained	Peter A. Frankel, New York, NY of Peter A. Frankel, Esq.	$400,000
Estate of Bleestein v. NYSARC Inc	4/11	Sullivan Supreme	Negligent Supervision: Man with eating disorder died during unsupervised binge	Marty Rutberg, Poughkeepsie, NY of Rutberg Personal Injury Law	$400,000
Oritz v. New York City Transit Authority	5/24	New York Supreme	Pothole: City, transit authority blamed for pothole next to manhole cover	Matthew J. McMahon, Bronx, NY of McMahon, McCarthy & Verrelli	$400,000
Skala v. Taibi	2/4	Sullivan Supreme	Firearms: Hunter's stray bullet killed tot in nearby home	Marty Rutberg, Poughkeepsie, NY of Rutberg Personal Injury Law	$375,000
Deveaux v. Landau	3/30	Kings Civil	Negligent Repair: Deadly fire in adjacent building destroyed plaintiffs' home	Steven J. Pecoraro, New York, NY of Pecoraro & Schiesel LLP	$333,230
Gomez v. Barn Trailer Service, Inc	10/28	Queens Supreme	Negligent Assembly or Installation: Towing dolly too big for van, plaintiff alleged	Justin M. Blitz, New York, NY of Schulman Blitz, LLP	$250,000
Tahmaz v. City of New York	6/14	New York Supreme	Negligent Maintenance: Street's excavated area not safely covered, plaintiff claimed	Stuart M. Rissoff, Garden City, NY of Law Office of Stuart M. Rissoff	$205,000
Reid v. City of New York	1/4	Kings Supreme	Negligent Maintenance: Bus's passenger claimed she was discharged in icy area	Lester C. Rodriques, New York, NY of Kahn, Gordon, Timko & Rodriques, P.C.	$165,000
Gabber v. Con Edison	10/6	New York Supreme	Negligent Maintenance: Street's misaligned manhole cover a hazard, plaintiff claimed	Joseph Gorczyca, Jericho, NY of Schwartzapfel Partners P.C.	$130,000
Altieri v. Massa	6/23	Westchester Supreme	Intoxication: Party ended with oil drum falling out of window, onto plaintiff	John J. Bailly, White Plains, NY of Bailly & McMillan, L.L.P.	$125,000
Tulloch v. City of New York	6/21	Queens Supreme	Negligent Maintenance: Theft of catch-basin covers not properly addressed, suit alleged	Jeffrey L. Koenig, New York, NY of Spar & Bernstein, PC	$125,000
Moore v. County of Chemung	5/2	Chemung Supreme	Negligent Assembly or Installation: Airport's patron tripped on uneven curb	Jeffrey G. Pomeroy, Syracuse, NY of Greene & Reid, LLP	$75,000
Nicholas v. Empire Resorts Inc.	8/30	Sullivan Supreme	Restaurant - Hot Beverage: Patron burned when waiter spilled coffee	John V. Janusas, Liberty, NY of Rourke Fine & Janusas	$75,000
Ciminna v. G & G Electrical Supply Co, Inc.	2/25	Queens Supreme	Negligent Training: Trucker's toss of heavy coil led to injury, worker claimed	Martin Wolf, New York, NY of Ginsberg & Wolf, P.C.	$60,000

Negligence

CASE	DATE	COURT	TYPE OF ACTION	PLAINTIFF'S COUNSEL	AMOUNT
Zahedi v. City of Kingston	3/29	Ulster Supreme	Negligent Maintenance: City let sewer pipes decay, flooded homeowners alleged	Derek J. Spada, Kingston, NY of Basch & Keegan, LLP	$7,500

Nursing Homes

CASE	DATE	COURT	TYPE OF ACTION	PLAINTIFF'S COUNSEL	AMOUNT
Alvarez v. Beth Abraham Health Svcs.	3/9	Bronx Supreme	Abuse or Neglect: Quadriplegic man's bedsores deemed results of neglect	John Dalli, Mineola, NY of Dalli & Marino L.L.P.; David Grossman & Dennis Kelly, Hauppauge, NY of Kelly, Grossman & Flanagan, LLP, trial counsel	$750,000
Rodriguez v. City of New York	2/1	New York Supreme	Negligent Supervision: Medical facility's resident died after wandering outside	Steven Bournazos, New York, NY of Bournazos & Matarangas	$750,000

Premises Liability

CASE	DATE	COURT	TYPE OF ACTION	PLAINTIFF'S COUNSEL	AMOUNT
Higgins v. West 50th Street Associates LLC	2/4	New York Supreme	Negligent Repair and/or Maintenance: Building's managers neglected clogged roof drain, tenant alleged	Denise M. Dunleavy, New York, NY of Kramer & Dunleavy, LLP	$7,143,004
Greene v. 350 East Montauk Highway Corp.	4/1	Nassau Supreme	Negligent Repair and/or Maintenance: Firefighter electrocuted by improperly wired sign	Lucille Fontana & Henry G. Miller, White Plains, NY of Clark, Gagliardi & Miller, P.C.	$5,500,000
Page v. Ulrich Development Co.	3/11	Niagara Supreme	Negligent Repair and/or Maintenance: Building's landlord ignored damaged stairway, suit alleged	Thomas M. Mercure & Scott M. Schwartz, Buffalo, NY of Lipsitz Green Scime Cambria LLP	$3,900,000
Meek-Horton v. Salvation Army	4/28	New York Supreme	Negligent Repair and/or Maintenance: College professor: Need for pain meds led to end of career	Howard G. Frederick & Howard R. Schatz, New York, NY of Silbowitz, Garafola, Silbowitz, Schatz & Frederick, LLP	$3,100,000
Colon v. 315 West 115th Street Co., L.P.	1/20	Bronx Supreme	Negligent Repair and/or Maintenance: Child was poisoned by exposure to lead-based paint, suit alleged	Philip Monier, III, New York, NY of Levy, Phillips & Konigsberg, LLP	$3,000,000
Molina v. N.Y.C.T.A.	10/27	Bronx Supreme	Negligent Repair and/or Maintenance: Suit: Trash a recurrent problem on subway station's stairs	Andrea V. Borden, New York, NY of Burns & Harris	$2,610,000
Kaplan v. Port Authority of New York and New Jersey	1/18	New York Supreme	Negligent Repair and/or Maintenance: Fall in airport caused permanent knee damage, plaintiff claimed	Michael W. Gunzburg, New York, NY of Michael Gunzburg, P.C.	$2,305,000
Knab v. Mansell Real Estate Group, LLP	9/30	Erie Supreme	Negligent Repair and/or Maintenance: Landlord, contractor ignored dangerous parking lot, suit alleged	Thomas R. Elliot, Buffalo, NY of The Ballow Firm, PC	$2,100,000
Doe v. Bertuna	10/26	Kings Supreme	Inadequate or Negligent Security: Building not closed to outsiders, assaulted tenant claimed	Eric Richman, New York, NY of Law Office of Eric Richman	$2,000,000
Castro v. Baktidy Associates, LLC	3/21	Bronx Supreme	Negligent Repair and/or Maintenance: Roof's collapse a product of neglected drain, plaintiffs alleged	Benjamin E. Setareh, Pleasantville, NY of Benjamin E. Setareh, P.C.; Jordan D. Hecht, New York, NY of Hecht Kleeger Pintel & Damashek	$1,742,500
Roche v. Soho House New York, LLC	10/17	New York Supreme	Dangerous Condition: Club's freshly painted stairs a hazard, guest alleged	Natascia Ayers, New York, NY of Jaroslawicz & Jaros	$1,593,000
Cusumano v. City of New York	6/9	Queens Supreme	Dangerous Condition: Handrail violated building codes, injured fireman claimed	Michael P. Eisenman & Jonathan M. Kanuck, New York, NY of Miller & Eisenman, LLP	$1,255,000
Gondek v. CSX Transportation Inc.	10/13	Erie Supreme	Negligent Repair and/or Maintenance: Train yard's poor drainage caused hazard, worker claimed	John Collins, Hamburg, NY of Collins & Collins, LLC	$1,200,000
Ever Win Inc. v. I-10 Industry Associates LLC.	3/1	Kings Supreme	Negligent Repair and/or Maintenance: Warehouse flood damaged $1.3M of clothes, plaintiff claimed	Adam E. Deutsch, New York, NY of Morelli Ratner PC	$1,181,660
MacWhinnie v. MacWhinnie	3/30	Suffolk Supreme	Negligent Repair and/or Maintenance: Boiler-carrying plaintiff crushed when stairs collapsed	Denny Brown, Ronkonkoma, NY of Gruenberg & Kelly	$1,170,000
Hart v. Baer's Rug & Linoleum Co. Inc.	5/11	Suffolk Supreme	Failure to Warn: Plaintiff claimed no notice of workplace hazard	John L. Geis, Bay Shore & Mark A. Rudner, Bay Shore, NY of Siben & Siben, LLP	$1,150,000
Velez v. ASAP Distributing Inc.	6/10	Bronx Supreme	Falling Object: Supermarket's customer struck by falling shelf	Christopher A. Marothy, Bronx, NY of Dubow, Smith & Marothy, trial counsel, Michael A. Ruiz, New York, NY	$1,100,000
Wilson v. Skyline Windows, LLC	6/28	Bronx Supreme	Dangerous Condition: Workers' drop cloth created a hazard, apartment's tenant alleged	Glenn A. Herman, New York, NY of Law Firm of Jonathan C. Reiter	$1,050,000
Bradbury v. Greys	11/14	Kings Supreme	Negligent Repair and/or Maintenance: Plaintiff sustained three-part fracture of leg in fall on sidewalk	Dov Medinets & Martin Wolf, New York, NY of Ginsberg & Wolf, P.C.	$1,000,000

Premises Liability

CASE	DATE	COURT	TYPE OF ACTION	PLAINTIFF'S COUNSEL	AMOUNT
Gonzalez v. City of New York	4/14	Kings Supreme	Negligent Repair and/or Maintenance: School didn't address slippery vestibule, plaintiff alleged	Paul J. Edelstein, New York, NY of The Edelsteins, Faegenburg & Brown LLP	$1,000,000
Williams v. Singh	2/4	Albany Supreme	Negligent Repair and/or Maintenance: Siblings claimed they were poisoned by apartments' lead	Mo Athari, Utica, NY of Athari & Associates, LLC	$1,000,000
Alvarez v. 437 East 165th Street Realty Corp.	6/16	Bronx Supreme	Negligent Repair and/or Maintenance: Plaintiff claimed building's owner ignored damaged sidewalk	Andrea V. Borden, New York, NY of Burns & Harris	$930,000
Mejia v. Grove Gardens Associates LLC	4/29	Queens Supreme	Negligent Repair and/or Maintenance: Partygoer fell down elevator's shaft, claimed defect of door	Vito A. Cannavo & Liza Milgrim, New York, NY of Sullivan Papain Block McGrath & Cannavo P.C.	$900,000
Caraballo v. 783 Beck Street Housing Development Fund Corp.	6/29	Bronx Supreme	Negligent Repair and/or Maintenance: Landlord ignored slippery steps, tenant alleged	William Ricigliano, New York, NY of William Ricigliano, P.C.	$900,000
Leonard v. Home Cafe Inc	8/15	Monroe Supreme	Negligent Repair and/or Maintenance: Deliveryman claimed restaurant didn't clean greasy floor	Martin D. Smalline, Albany, NY of Smalline and Harri	$850,000
Barbaccia v. Jeanne Marie Associates, L.L.C.	1/3	Rockland Supreme	Negligent Repair and/or Maintenance: Apartment complex didn't repair broken floodlight, tenant alleged	Barry S. Kantrowitz, Chestnut Ridge, NY of Kantrowitz, Goldhamer & Graifman, P.C.	$826,576
Murray v. Barcov Holding Corp.	12/21	New York Supreme	Negligent Repair and/or Maintenance: Stairway's risers, handrail a hazard, plaintiff claimed	Andrew D. Leftt, New York, NY of David P. Kownacki, P.C.	$825,000
Bender v. 3616 Henry Hudson Parkway Corp.	9/14	Bronx Supreme	Negligent Repair and/or Maintenance: Building's manager didn't clear mounded snow, tenant alleged	Pablo A. Sosa, Bronx, NY of Law Office of William A. Gallina	$800,000
Rodriguez v. South Bronx Community Corp.	5/31	Bronx Supreme	Negligent Repair and/or Maintenance: Apartment building's tenant claimed frayed lobby rug a hazard	Pablo A. Sosa, Bronx, NY of Law Office of William A. Gallina	$800,000
Ortiz v. Joremi Enterprises Inc.	3/15	Bronx Supreme	Negligent Repair and/or Maintenance: Landlord's neglect of door led to girl's injury, suit alleged	John S. Manessis, Flushing, NY of Mallilo & Grossman	$750,000
Gomez v. Christos Realty Inc.	1/11	Queens Supreme	Negligent Repair and/or Maintenance: Building's owner didn't shut down faulty elevator, suit alleged	Robert J. Bellinson, New York, NY of trial counsel, Wingate, Russotti & Shapiro LLP	$750,000
Willacy v. Park-58 Corp.	1/20	Kings Supreme	Negligent Repair and/or Maintenance: Building's owner didn't clear icy, snowy sidewalk, suit alleged	Michael Maiolica, Great Neck, NY of Law Office of Steven Wildstein P.C.	$750,000
Torres v. The City of New York	11/15	Kings Supreme	Dangerous Condition: Construction caused hole in sidewalk, plaintiff alleged	Kostantinos Mallas, Brooklyn, NY of Georgaklis & Mallas PLLC	$675,000
Guerra v. New York City Transit Authority	4/7	Bronx Supreme	Negligent Repair and/or Maintenance: Subway station's icy platform was ignored, plaintiff alleged	Neil R. Kafko, Bronx, NY of Kafko Schnitzer LLP	$650,000
Groom v. Sagamore Realty, LLC	5/27	Bronx Supreme	Negligent Repair and/or Maintenance: Landlord ignored stairway's broken handrail, tenant alleged	Seth A. Harris & Alison Keenan, New York, NY of Burns & Harris	$617,000
Ogman v. Mastrantonio Catering Inc.	9/27	Richmond Supreme	Dangerous Condition: Partygoer scalded after coffee urn toppled	Martin Rubenstein, Staten Island, NY of Law Offices of Howard M. File	$600,000
Valez v. Smile Deli Grocery Ltd.	12/7	Bronx Supreme	Negligent Repair and/or Maintenance: Deli's slippery steps caused fall, deliveryman claimed	Timothy M. Sullivan, New York, NY of The Sullivan Law Firm	$600,000
Kahle v. New York State Electric & Gas	3/14	Niagara Supreme	Dangerous Condition: Plaintiff hit by falling debris, claimed injury of neck	Michael C. Scinta, Lancaster, NY of Brown Chiari LLP	$500,000
Doe v. Gateway Sherman Inc.	1/14	Kings Supreme	Inadequate or Negligent Security: Landlord's neglect of security system led to rape, suit alleged	Adam D. Cahn & Matthew Sakkas, New York, NY of Sakkas, Cahn & Weiss, LLP	$500,000
Phillips v. Kashtan Realty LLC	10/12	Bronx Supreme	Negligent Repair and/or Maintenance: Building's broken door lock allowed assault of tenant	Robert P. Kelly, New York, NY of Kelly & Rubin, L.L.P.	$500,000
Harrison v. New York City Transit Authority	6/28	Bronx Supreme	Negligent Repair and/or Maintenance: Subway station's icy platform not addressed, plaintiff claimed	Steven M. Gershowitz, New York, NY of Raphaelson & Levine Law Firm P.C.	$500,000
Hernandez v. 580-585 Realty, LLC.	2/15	Kings Supreme	Negligent Repair and/or Maintenance: Building's owner didn't clean up after workers, plaintiff alleged	John Burnett, Howard Beach, NY of Scott Baron & Associates	$500,000
Sow v. Harlem River Park Houses Inc.	1/25	Bronx Civil	Negligent Repair and/or Maintenance: Fall on stairs ended career, computer operator claimed	Howard G. Frederick, New York, NY of Silbowitz Garafola Silbowitz Schatz & Frederick, L.L.P.	$500,000

Premises Liability

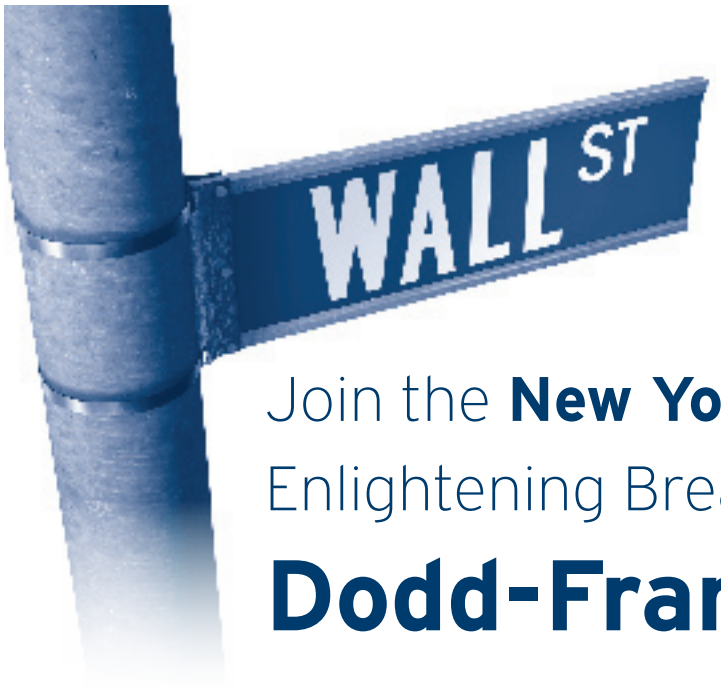
CASE	DATE	COURT	TYPE OF ACTION	PLAINTIFF'S COUNSEL	AMOUNT
Iginosun v. Jerome Cluster 1, LLC.	1/19	Bronx Supreme	Negligent Repair and/or Maintenance: Landlord ignored leaky pipe, injured tenant claimed	Joseph P. Stoduto, New York, NY of Wingate, Russotti & Shapiro, LLP	$500,000
Molina v. M. Plaza L.P.	10/26	Bronx Supreme	Negligent Repair and/or Maintenance: Building's porter ignored stairway's hazard, plaintiff alleged	Justin M. Blitz & Fredrick Schulman, New York, NY of Schulman Blitz, LLP	$500,000
Finck v. Marist College	1/19	U.S. District Court, S.D.N.Y.	Negligent Repair and/or Maintenance: College ignored dorm's leaking ceiling, plaintiff claimed	Frederick C. Aranki, New York, NY of Block O'Toole & Murphy, LLP	$475,000
Paternostro v. Glendale Business Park Ass.	7/7	Queens Supreme	Negligent Repair and/or Maintenance: Building's owner, tenant didn't clear icy lot, plaintiff alleged	Adam C. Yanover, Garden City, NY of Yanover & Yanover	$450,000
Marx v. Reckson Associates Realty Corp.	5/17	Suffolk Supreme	Dangerous Condition: HVAC company responsible for vent cover, plaintiff conteded	Ted M. Rosenberg, Holtsville, NY of Rosenberg & Gluck, L.L.P.	$437,500
Singleton v. RiverBay Corp.	4/11	Bronx Supreme	Negligent Repair and/or Maintenance: Co-op complex's tenant claimed she tripped on uneven walkway	Nicole M. Gill, New York, NY of Wingate, Russotti & Shapiro, LLP	$425,000
Encarnacion v. Monier and Encarnacion v. Ballanca	6/9	Richmond Supreme	Trip and Fall: Plaintiff sues after sideswipe auto accident, and subsequent trip and fall.	Christopher R. Dean, Bohemia, NY of Dell, Little, Trovato & Vecere LLP, trial counsel to Bergman, Bergman, Goldberg & Lamonsoff, LLP, Mineola	$417,500
Arroyo v. New York City Housing Authority	6/15	Bronx Supreme	Negligent Repair and/or Maintenance: Building's tenant fell in icy parking lot	Tina M. Wells, New York, NY of Trolman, Glaser & Lichtman, P.C.	$400,000
Ortiz v. NYCTA	9/14	New York Supreme	Negligent Repair and/or Maintenance: Subway station's patron claimed she slipped on broken step	Kevin Canfield, New York, NY of New York, NY, trial counsel, Stanley K. Shapiro	$400,000
Raniolo v. City of New York Educational Construction Fund	4/15	Bronx Supreme	Negligent Repair and/or Maintenance: Neglected elevator malfunctioned, plaintiff alleged	William G. Scher, New York, NY of Garbarini & Scher, P.C.	$400,000
Jean v. Slope 2015, LLC	6/9	Kings Supreme	Negligent Repair and/or Maintenance: Residence's owner ignored recurrent leak, plaintiff alleged	Nicholas E. Tzaneteas, Mineola, NY of Law Office of Stephen H. Frankel	$380,000
Rivera v. State of New York	2/23	Court of Claims, New York	Negligent Repair and/or Maintenance: Public pool's damaged gutter a hazard, claimant alleged	Steven E. Millon, New York, NY of Shapiro-Millon	$360,788
Sykes v. 247 West 38th Street Realty Corp.	9/26	New York Supreme	Negligent Repair and/or Maintenance: Buildings' owners ignored broken sidewalk, plaintiff alleged	Sherri L. Plotkin, New York, NY of Rheingold Valet Rheingold McCartney & Giuffra LLP	$350,000
Manzueta v. 610-620 West 141 LLC	1/24	New York Supreme	Negligent Repair and/or Maintenance: Apartment's tenant scalded in tub, claimed boiler was defective	Eric H. Morrison, New York, NY of Morrison & Wagner	$350,000
May v. Hartsdale Manor Owners Corp.	3/2	Westchester Supreme	Negligent Repair and/or Maintenance: Apartment's tenant claimed he broke leg in fall on icy stairway	Michael V. Kaplen, New York, NY of DeCaro & Kaplen, L.L.P.	$342,600
Chien v. Costco Wholesale	4/15	Westchester Supreme	Negligent Repair and/or Maintenance: Retailer ignored icy parking lot, patron alleged	Christina M. Killerlane & James J. Killerlane, White Plains, NY of Law Offices of James J. Killerlane	$340,000
Gecaj v. AutoZone Inc.	3/23	Bronx Supreme	Negligent Repair and/or Maintenance: Store ignored icy parking lot, plaintiff claimed	Stuart M. Rissoff, Garden City, NY	$325,000
Rakoff v. New York City Department of Education	6/20	Kings Supreme	Slip and Fall: School's instructor slipped in gym, blamed kids in wet clothes	Jeffrey L. Lessoff, New York, NY	$320,000
Schaer v. Stop & Shop Supermarket Co., LLC	7/12	Kings Supreme	Dangerous Condition: Supermarket's patron claimed she slipped on wrapping material	Vito A. Cannavo, New York, NY of Sullivan Papain Block McGrath & Cannavo P.C.	$300,000
Kurek v. Borkowski	2/17	Queens Supreme	Negligent Repair and/or Maintenance: Homeowner failed to address hazardous stairway, suit alleged	Joelle T. Jensen, New York, NY of Dinkes & Schwitzer	$300,000
Cappell v. Feinberg	1/17	Queens Supreme	Sidewalk: Trip-and-fall plaintiff sued entire city block of homeowners	Stuart Wagner, New York, NY of Morrison & Wagner	$297,500
Gray v. Love My Shoes of Bayside Inc.	1/19	Queens Supreme	Dangerous Condition: Shoe store's ramp dangerously steep, patron alleged	Kenneth R. Shapiro, Carle Place, NY of Philip J. Rizzuto P.C., Carle Place, NY, trial counsel, Michael Aranow, Sands Point, NY	$290,000
Gonzalez v. 106-20 Shorefront Realty, LLC	3/31	Queens Supreme	Negligent Repair and/or Maintenance: Defendants didn't clear icy parking lot, plaintiff alleged	Craig C. DeMeo, Syosset, NY of DeMeo & Associates, LLC	$290,000
Ronda v. Strong Arm Inc.	6/15	Bronx Supreme	Negligent Repair and/or Maintenance: Postal facility ignored recurrent leak, worker alleged	Pablo A. Sosa, Bronx, NY of Law Office of William A. Gallina	$275,000
Williams v. Saati Americas	2/8	Westchester Supreme	Negligent Repair and/or Maintenance: Building's drain system caused icy hazard, plaintiff alleged	Kevin J. Quaranta, Bronx, NY of Quaranta & Associates	$275,000

Premises Liability

CASE	DATE	COURT	TYPE OF ACTION	PLAINTIFF'S COUNSEL	AMOUNT
Silva v. Jerome Terrace Associates, L.P.	6/16	Bronx Supreme	Negligent Repair and/or Maintenance: Plaintiff claimed he broke shoulder after tripping in elevator	Jonathan O. Michaels, Bronx, NY of Pena & Kahn, PLLC	$266,000
Baez-Sharp v. New York City Transit Authority	8/18	New York Supreme	Negligent Repair and/or Maintenance: Subway station's leak ignored, plaintiff claimed	Joshua N. Stein, New York, NY of Greenberg & Stein, P.C.	$265,000
Cruz v. 2025 Regent Realty, LLC.	1/19	Kings Supreme	Negligent Repair and/or Maintenance: Child poisoned by apartment's lead-based paint, mother alleged	Richard L. Goldberg, Brooklyn, NY of Peters, Berger, Koshel & Goldberg	$265,000
DaSilva v. City of New York	11/10	Kings Supreme	Negligent Repair and/or Maintenance: Building's owner ignored icy sidewalk, plaintiff claimed	Norman Steiner, New York, NY, trial counsel, Berkman Law Office, Brooklyn, NY	$261,200
Wininger v. Congregation Nechlas Meharim	6/17	Kings Supreme	Dangerous Condition: Synagogue's entry-way area a hazard, visitor alleged	Irving Gertel, Brooklyn, NY of Kagan & Gertel	$253,400
Schmalfuhs v. Warwick Valley Stables & Equestrian Center	11/30	Orange Supreme	Inadequate or Negligent Security: Plaintiff said her six-year-old daughter suffered severe facial injuries after she was bitten by a horse, claimed stablehand was negligent	Adam M. Greenberg, New York, NY of Law Offices of Alan M. Greenberg, P.C.	$250,000
Moore v. Davidson Realty Associates, LLC	7/28	Bronx Supreme	Negligent Repair and/or Maintenance: Restaurant's customer claimed door slammed on her heel	John C. Naccarato, New York, NY of Kim I. McHale & Associates	$250,000
McPhaul v. Mutual of America Life Insurance Co.	12/8	Kings Civil	Negligent Repair and/or Maintenance: Building's lobby a slippery hazard, plaintiff claimed	Norman Steiner, New York, NY, trial counsel, Berkman Law Office, Brooklyn, NY	$250,000
Wojda v. Pezar	11/30	Queens Supreme	Negligent Repair and/or Maintenance: Neighbors didn't clear ice from shared driveway, plaintiff alleged	Adam C. Yanover, Garden City, NY of Yanover & Yanover	$247,500
Falzon v. JPMorgan Chase & Co.	6/15	U.S. District Court, E.D.N.Y.	Negligent Repair and/or Maintenance: Bank's staff didn't address slippery vestibule, patron alleged	Anthony J. Emanuel, Garden City, NY of Bornstein & Emanuel, P.C.	$240,000
Mulligan-Shaw v. Six Flags Inc.	12/16	Warren Supreme	Negligent Repair and/or Maintenance: Icy parking lot not addressed, plaintiff claimed	Michael T. McGarry, Albany, NY of Finkelstein & Partners, LLP	$225,000
Hicks v. Stern	9/16	Monroe Supreme	Negligent Repair and/or Maintenance: Landlord ignored chipping lead-based paint, tenant alleged	Neil J. McKinnon & Michael A. Ponterio & Keith R. Vona, Buffalo, NY of Lipsitz & Ponterio L.L.C.	$221,000
Bracker v. MTA / New York City Transit Authority	8/3	New York Supreme	Negligent Repair and/or Maintenance: Subway station's stairway sticky and hazardous, plaintiff claimed	Andrea V. Borden, New York, NY of Burns & Harris	$200,000
Battle v. City of New York	4/13	Kings Supreme	Negligent Repair and/or Maintenance: City ignored uneven sidewalk, plaintiff alleged	Christopher J. Donadio, New York, NY of Burns & Harris	$200,000
French v. Breezy Point Cooperative Inc.	9/28	Queens Supreme	Negligent Repair and/or Maintenance: Co-op's resident claimed she slipped on icy sidewalk	Craig C. DeMeo, Syosset, NY of DeMeo & Associates, LLC	$200,000
Means v. City of New York	2/23	New York Supreme	Negligent Repair and/or Maintenance: Plaintiff's fall on stairs blamed on sloppy repair work	Adam H. Rossol, New York, NY of Robinson & Yablon, P.C., New York, NY, trial counsel, Morton J. Sealove	$200,000
Brecker v. NYCMTA	8/3	New York Supreme	Stairway:	Andrea V. Borden, New York, NY of Burns & Harris	$200,000
Kotlarich v. Thompson Station Inc	2/9	Sullivan Supreme	Negligent Repair and/or Maintenance: Mall's patron claimed parking lot's manhole cover a hazard	Richard Greenblatt, Poughkeepsie, NY of Rutberg & Associates P.C.	$185,000
Visscher v. Waterhouse Restaurant Inc.	8/31	Saratoga Supreme	Negligent Repair and/or Maintenance: Guest cook claimed he slipped on restaurant's greasy stairs	John P. Coseo, Saratoga Springs, NY of McMahon & Coseo, P.C.	$180,000
Huallpa v. Raimondis	5/19	Westchester Supreme	Negligent Repair and/or Maintenance: Landlord failed to clear icy walkway, tenant alleged	Michael F. Rubin, New York, NY of Kelly & Rubin, LLP	$180,000
Hart v. Spinek	8/5	Onondaga Supreme	Door Accidents: Neighbor sues after fall, faulting a broken screen door	James G. DiStefano, Syracuse, NY of James G. DiStefano, Esq.	$175,000
Massey v. Newburgh W. Realty Inc.	8/11	New York Supreme	Negligent Repair and/or Maintenance: Plaintiff, store owner debated presence of ice on sidewalk	Erik L. Gray & Amy Rosenbloom, New York, NY of Weiss & Rosenbloom, P.C.	$175,000
Creagh v. Trata Estiatorio	7/13	New York Supreme	Negligent Repair and/or Maintenance: Restaurant's patron fell in puddle, blamed leaky refrigerator	Debra S. Reiser, New York, NY	$160,665
Lomanto v. Wasserman	2/10	Kings Supreme	Negligent Repair and/or Maintenance: Building's lobby slippery on rainy day, tenant alleged	Christopher J. Donadio, New York, NY of Burns & Harris	$160,000
Marcus v. New York City Transit Authority	5/6	New York Supreme	Negligent Repair and/or Maintenance: Defense: Woman fabricated claim of fall on stairway	Robert D. Becker, New York, NY of Becker & D'Agostino, P.C.	$153,357

Premises Liability

CASE	DATE	COURT	TYPE OF ACTION	PLAINTIFF'S COUNSEL	AMOUNT
Page v. Trade Fair Supermarkets	9/9	Queens Supreme	Dangerous Condition: Supermarket's customer tripped on box of merchandise	Michael Finkelstein, Hempstead, NY of Jacoby & Meyers	$150,000
Estate of Troutman v. 957 Nassau Rd LLC	4/8	Nassau Supreme	Negligent Repair and/or Maintenance: Suit's parties disputed location of man's fatal fall	Jay L. Feigenbaum, Mineola, NY of Finz & Finz, P.C.	$150,000
Beilush v. Lake Forest Estate Condominium	2/28	Sullivan Supreme	Negligent Repair and/or Maintenance: Failure to drain pipes blamed for damage to summer condos	Matthew S. Aboulafia, New York, NY of Aboulafia Law Firm LLC	$140,000
Moody v. B & T Subway Inc.	6/30	Kings Supreme	Negligent Repair and/or Maintenance: Sandwich shop's patron slipped on freshly mopped floor	Alan M. Greenberg, New York, NY of Law Offices of Alan M. Greenberg, P.C.	$125,000
Isham v. Northern Radiology Associates PC	9/22	Jefferson Supreme	Dangerous Condition: Medical facility's tight quarters a hazard, patient claimed	Michael G. Bersani, Auburn, NY of Michaels & Smolak, P.C.	$120,000
Carter v. 2391 Davidson Avenue Owner, LLC	3/11	Bronx Supreme	Negligent Repair and/or Maintenance: Building's managers ignored dangerous stairs, tenant alleged	Christopher J. Donadio, New York, NY of Burns & Harris	$100,000
Orlando v. Bitteker	3/9	Onondaga Supreme	Negligent Repair and/or Maintenance: Store's patron claimed he tripped on stray piece of wood	David W. Herkala, Syracuse, NY of Cerio Law Offices	$90,000
Workman v. 149 Sanford House Apartment Corp.	11/14	Queens Civil	Negligent Repair and/or Maintenance: Unaddressed leaks led to ceiling's collapse, plaintiff claimed	Eliot Lewis, Flushing, NY of Mallilo & Grossman	$90,000
Aiken v. Onondaga County Convention Center War Memorial Complex Management Corp.	8/23	Onondaga Supreme	Negligent Repair and/or Maintenance: Suit: Convention center's icy sidewalk not promptly addressed	Amy M. Vanderlyke, Syracuse, NY of Sugarman Law Firm LLP	$90,000
Secreto v. Mid-Hudson Park Management Corp.	4/11	Ulster Supreme	Negligent Repair and/or Maintenance: Trailer park, resident, disputed liability for icy culvert	Michael Forrester, New Windsor, NY of Silver, Forrester, Schisano & Lesser, P.C.	$85,000
Gollisz v. New York City Department of Education	3/24	Queens Supreme	Dangerous Condition: Teacher claimed she tripped on computer on classroom floor	Mariangela Chiaravalloti, New York, NY of Friedman, Friedman, Chiaravalloti & Giannini	$75,000
Celia v. Town of Whitestown	4/13	Oneida Supreme	Dangerous Condition of Public Property: Park's hill hazardous to sledders, plaintiff alleged	Marc Jonas, Utica, NY of Law Offices of Marc Jonas	$75,000
Lerman v. New York City Transit Authority	3/7	New York Supreme	Negligent Repair and/or Maintenance: Subway station's patron claimed damaged floor a hazard	Justin S. Blash, New York, NY of The Blash Firm, PLLC, trial counsel, Asher & Associates, P.C.	$75,000
Gordon v. Village of Port Dickinson	9/12	Broome Supreme	Negligent Repair and/or Maintenance: Garage's drainage gutters created icy condition, suit alleged	Victoria Lieb Lightcap, Liverpool, NY of Finkelstein & Partners LLP	$75,000
Hayes v. Norstar Apartments LLC	8/24	Onondaga Supreme	Negligent Repair and/or Maintenance: Apartment complex's staff ignored icy lot, plaintiff alleged	Frank S. Gattuso, Fayetteville, NY of O'Hara, O'Connell & Ciotoli	$75,000
Sharlow v. Flora	1/13	Livingston Supreme	Negligent Repair and/or Maintenance: Picnic table's collapse caused injury of back, plaintiff alleged	Amy L. DiFranco & Gary J. Gianforti, Rochester, NY of Culley, Marks, Tanenbaum & Pezzulo, LLP	$75,000
Sanford v. Faville	3/21	Ulster Supreme	Negligent Repair and/or Maintenance: Marina's oily doormat a hazard, patron alleged	David E. Gross, Newburgh, NY of Finkelstein & Partners	$70,000
Feldman v. TJX Cos. Inc.	5/16	Suffolk Supreme	Dangerous Condition: Accident in store led to tear of knee, plaintiff claimed	Robert T. Samson, Bay Shore, NY of Siben & Siben, LLP	$65,000
Nowak v. Lovern	8/26	Chautauqua Supreme	Negligent Repair and/or Maintenance: Window slammed on plaintiff's finger, leading to amputation	David G. Henry, Buffalo, NY of Lipsitz Green Scime Cambria LLP	$60,000
Pesce v. Fenton	6/27	Nassau Supreme	Negligent Repair and/or Maintenance: Home's occupants ignored damaged sidewalk, suit alleged	Stacey Rinaldi Guzman, Franklin Square, NY of Stanton and Guzman	$60,000
Baker v. Llaverias	2/3	Dutchess Supreme	Swimming Pool: Day care facility didn't safeguard pool, parent alleged	Richard Greenblatt, Poughkeepsie, NY of Rutberg & Associates, P.C.	$60,000
Khaikin v. Trump Village Construction Corp.	5/9	Kings Supreme	Negligent Repair and/or Maintenance: City, apartment building ignored uneven sidewalk, suit alleged	Alvin M. Bernstone, New York, NY of Alvin M. Bernstone, L.L.P.	$51,500
Smith v. Timian	6/20	Oneida Supreme	Negligent Repair and/or Maintenance: Woman hit by falling tree limb, claimed tree was neglected	Peter J. DiGiorgio, Jr., Uitca, NY of Law Office of Peter DiGiorgio	$50,000
Neville v. Golden & Golden Building Co.	6/6	Matter not filed	Negligent Repair and/or Maintenance: Stairway's warped wooden steps a hazard, claimant alleged	Richard Greenblatt, Poughkeepsie, NY of Rutberg & Associates, P.C.	$50,000
Satterwhite v. Hoke	2/4	Albany Supreme	Negligent Repair and/or Maintenance: Barn's owner didn't address damaged door, plaintiff alleged	Andrew J. Genna, Newburgh, NY of Finkelstein & Partners	$50,000



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Premises Liability

CASE	DATE	COURT	TYPE OF ACTION	PLAINTIFF'S COUNSEL	AMOUNT
Trojan v. Fucillo	8/15	Ulster Supreme	Negligent Repair and/or Maintenance: Landlords ignored broken walkway, tenant alleged	Regina Fitzpatrick, Kingston, NY of Mainetti, Mainetti & O'Connor, P.C.	$47,500
Lepka v. Roman Inn Inc.	8/23	Ulster Supreme	Negligent Repair and/or Maintenance: Hotel guest's hand crushed by window	Michael J. Kavanaugh, Kingston, NY of Mainetti, Mainetti & O'Connor, P.C.	$35,000
Nechiporuk v. Lisogor	6/29	Kings Supreme	Dangerous Condition: Suit's parties debated applicability of building codes	Lee M. Huttner, New York, NY of Law Offices of Lee Michael Huttner	$30,000
Panageas v. Ryder	8/30	Otsego Supreme	Negligent Repair and/or Maintenance: Woman broke hip, wrist when bicycle fell onto her	James E. Konstanty, Oneonta, NY of Konstanty Law Office	$25,000
Birch v. City of Rochester New York	3/29	Monroe Supreme	Dangerous Condition of Public Property: City challenged plaintiff's claim of injury at work site	Chad Hummel, Rochester, NY of Panzarella & Coia	$15,000
Brochu v. Murbro Parking Inc.	3/30	Onondaga Supreme	Negligent Repair and/or Maintenance: Hazardous parking lot was site of two falls, plaintiff alleged	Heather LaDieu & James A. Meggesto, Syracuse, NY of Meggesto, Crossett & Valerino	$15,000
Zingaro v. County of Monroe	9/8	Monroe Supreme	Negligent Repair and/or Maintenance: Zoo's visitor struck by branch that fell from tree	Scott D. Carlton, Rochester, NY of Alexander & Catalano LLC	$9,000
Jimerson v. 2025 Regent Realty LLC	12/21	Kings Supreme	Negligent Repair and/or Maintenance: Tenant hit by falling ceiling claimed spinal injuries	Michael B. Ronemus, New York, NY of Ronemus & Vilensky	$8,470
Collins v. Town of Afton, New York	9/19	Chenango Supreme	Negligent Repair and/or Maintenance: Town didn't address hazardous stairway, suit alleged	Lauren Kiley, Binghamton, NY of Levene Gouldin & Thompson LLP	$7,500

Products Liability

CASE	DATE	COURT	TYPE OF ACTION	PLAINTIFF'S COUNSEL	AMOUNT
Dummitt v. A.W. Chesterton	8/17	New York Supreme	Failure to Warn: Former U.S. Navy man linked mesothelioma to asbestos	Bryan Belasky, Seth A. Dymond, Jordan C. Fox, James C. Long, Jr.,& William N. Papain, New York, NY of Belluck & Fox, L.L.P.	$32,000,000
McCarthy v. A.C. & S.., Inc	6/21	New York Supreme	Failure to Warn: Men's fatal cancer caused by asbestos, suit alleged	Michael Fanelli & Danny R. Kraft, Jr., New York, NY of Weitz & Luxenberg, P.C.	$22,150,000
Marache v. New Palace Painters Supply Co. Inc.	9/23	Bronx Supreme	Warnings: Lacquer's sellers didn't disclose flammability, suit alleged	William Gentile, Anthony P. Gentile & David M. Godosky, New York, NY of Godosky & Gentile, P.C.	$15,195,840
Hoover v. New Holland North America Inc.	4/8	Niagara Supreme	Design Defect: Auger's protruding bolt a hazard, plaintiff alleged	Laraine Kelley & Richard P. Weisbeck, Jr., Buffalo, NY of Lipsitz Green Scime & Cambria LLP	$8,811,587
Marache v. Akzo Nobel Coatings Inc.	3/2	U.S. District Court, S.D.N.Y.	Warnings: Lacquer's label should have suggested ventilation, suit alleged	Anthony P. Gentile, New York, NY of Godosky & Gentile, P.C.	$4,000,000
Ginter v. Anderson & Vreeland Inc	7/13	Erie Supreme	Failure to Warn: Mesothelioma due to use of grinding machine, plaintiff alleged	Michael A. Ponterio & Keith R. Vona, Buffalo, NY of Lipsitz & Ponterio, LLC	$2,500,000
Failing v. Acbestos Corp. Ltd.	12/7	Niagara Supreme	Failure to Warn: Asbestos's distributor didn't disclose dangers, suit alleged	Michael A. Ponterio & Keith R. Vona, Buffalo, NY of Lipsitz & Ponterio, LLC	$2,000,000
Zarzycki v. LAN Metal Products Corp.	9/19	Kings Supreme	Design Defect: Unshielded press brake snared and crushed worker's hand	Richard A. Gurfein, New York, NY of Gurfein Douglas LLP	$1,100,000
Lamagna v. Koopers Co. Inc.	9/14	Nassau Supreme	Design Defect: Worker's hand mangled by box-making machine	Nicholas A. Wise, New York, NY of Weitz & Luxenberg, P.C.	$750,000
Calabria v. Dumore Corp.	4/4	Bronx Supreme	Marketing Defect: Machinist hurt when grinder's wheel exploded	Stuart L. Finz & Todd M. Rubin, Mineola, NY of Finz & Finz, P.C.	$745,000
Wilcox v. Brine Corp.	9/14	Onondaga Supreme	Design Defect: Athlete claimed helmet failed to prevent injury	Martin J. Rothschild, East Syracuse, NY of The Rothschild Law Firm	$125,000

School

CASE	DATE	COURT	TYPE OF ACTION	PLAINTIFF'S COUNSEL	AMOUNT
Boxhill v. NYC Dept of Education	2/17	Kings Supreme	Negligent Supervision: Gym-class golf activity ended with student being struck in eye	John J. Guadagno, East Islip, NY	$2,500,000
Schmidt v. Massapequa High School	6/16	Nassau Supreme	Negligent Supervision: Wrestling coach mismatched players, suit alleged	Brian R. Gunn, Garden City, NY of Cerussi & Gunn, P.C.	$275,000
Schwittek v. Fairport Central School District	8/15	Monroe Supreme	Negligent Supervision: Student punched by older girl who evaded school's security	Michael R. Law, Rochester, NY of Phillips, Lytle, Hitchcock, Blaine & Huber, L.L.P.	$45,000
Hymes v. Rochester City School District	9/12	Monroe Supreme	Negligent Supervision: Student burned by hot water during science-class activity	Robert L. Voltz, Rochester, NY of Cellino & Barnes P.C.	$15,000

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Toxic Torts

CASE	DATE	COURT	TYPE OF ACTION	PLAINTIFF'S COUNSEL	AMOUNT
Sanni v. Clark	1/19	Kings Supreme	Lead Poisoning: Mother alleged kids poisoned by apartment's lead-based paint.	Maria Castagnozzi, Yonkers, NY of Fitzgerald & Fitzgerald P.C.	$600,000
Lindor v. Gough	4/12	Kings Supreme	Lead Poisoning: Defense: Autism, not lead poisoning, caused defects	Alberto Casadevall, Yonkers, NY of Fitzgerald & Fitzgerald	$555,000
Patterson v. Bozart	3/29	Bronx Supreme	Lead Poisoning:	Charles Greene & Robert A. Levy, New York, NY of Friedman, Levy, Goldfarb & Green P.C.	$400,000
Tillet v. Podolski	3/30	Bronx Supreme	Lead Poisoning:	Liza Milgrim, New York, NY of Sullivan Papain Block McGrath & Cannavo P.C.	$375,000
Peralta v. 1512 LLC	3/30	New York Supreme	Lead Poisoning:	Dennis Bellovin, New York, NY of Trolman, Glaser & Lichtman, PC	$350,000
Sanchez v. Sacchetti	3/29	Bronx Supreme	Lead Poisoning:	David A. Kapelman, New York, NY	$250,000
Prieto v. 70 Rockaway, LLC	2/18	Kings Supreme	Lead Poisoning:	Steven A. Weissman, New York, NY	$175,000

Water Sports

CASE	DATE	COURT	TYPE OF ACTION	PLAINTIFF'S COUNSEL	AMOUNT
Clark v. Mead	1/3	U.S. District Court, W.D.N.Y.	Boating: Teen lost arm to boating accident, blamed poor supervision	Richard P. Amico, Rochester, NY of Cellino & Barnes, P.C.	$1,800,000

Workplace Safety

CASE	DATE	COURT	TYPE OF ACTION	PLAINTIFF'S COUNSEL	AMOUNT
Peat v. Fordham Hill Owners Corp.	6/24	Bronx Supreme	Negligence: Worker severely burned when lacquer ignited	Kostantinos Mallas, Brooklyn, NY of Georgaklis & Mallas PLLC, Brooklyn, NY, trial counsel to Bournazos & Matarangas P.C, New York, NY	$18,681,323
Simmons v. N.Y.C.T.A.	5/9	Bronx Supreme	Negligence: Man hit by train, claimed engineer could have stopped	Alan M. Shapey, New York, NY of Lipsig, Shapey, Manus & Moverman; Gerard Lucciola, New York, NY of Rosato & Lucciola, P.C.; Derek S. Sells, New York, NY of The Cochran Firm	$10,005,472
Alexander v. St. Mary's Institute	12/29	Montgomery Supreme	Negligence: Plaintiff: Building owner had knowledge of ice hazard	Jeffrey K. Anderson, Latham, NY of Anderson, Moschetti & Taffany, PLLC	$1,726,820
Rogers v. Hi-Tek United Corp	2/4	Kings Supreme	Negligence: Fall in car wash led to cognitive impairment, plaintiff claimed	Herbert Rodriguez, Jr., New York, NY of Schwartz, Goldstone & Campisi, LLP	$1,480,000
Jones v. NYC Center Inc.	1/11	New York Supreme	Negligence: Theatergoer broke leg in fall down stairs, blamed manager	Brian R. Gunn, Garden City, NY of Cerussi & Gunn, P.C.	$915,000
Williams v. Renco Construction Corp.	8/9	Kings Supreme	Negligence: Bystander hit by falling concrete during renovation of hotel	Mariangela Chiaravalloti, New York, NY of Friedman, Friedman, Chiaravalloti & Giannini	$880,223
Yin v. Steffens	2/7	Queens Supreme	Forklift: Forklift driver's view blocked by excessive load, suit alleged	Martin Wolf, New York, NY of Ginsberg & Wolf, P.C.	$700,000
Bossewitch v. City of New York	10/13	New York Supreme	Negligence: Teacher hit on head when chair fell from top of cabinet	Jeffrey L. Lessoff, New York, NY of Law Firm of Jeffrey L. Lessoff	$540,000
Walker v. NYCTA	11/9	Kings Supreme	Negligence: Subway rider claimed conductor didn't warn of closing door	Mark S. Pruzan, Yonkers, NY of Fitzgerald & Fitzgerald, P.C.	$415,000
Cenite v. Pyramid Floor Covering Inc.	11/10	New York Supreme	Forklift: Trucker struck by forklift during delivery, tore heel	Bryan P. Kujawski, Deer Park, NY of Kujawski & Kujawski	$377,500
Colon v. St. Patrick's Cathedral	12/9	Queens Supreme	Negligence: Cemetery's ground couldn't support truck, driver claimed	Jeffrey M. Blum, Flushing, NY of Mallilo & Grossman	$335,000
Bakker v. Long Island Railroad	11/30	Suffolk Supreme	Negligence: Roadwork site not well guarded, plaintiff claimed	Marc T. Wietzke, Garden City, NY of Law Offices of Michael Flynn, P.C.	$293,934
Walsh v. Trocom Construction Corp.	9/23	Matter not filed	Negligence: Bicyclist claimed work crew left road in dangerous condition	Timothy M. Sullivan, New York, NY of The Sullivan Law Firm	$225,000
Skellington v. KeySpan Gas East Corp.	8/23	Nassau Supreme	Negligence: Plaintiff tripped over hole in driveway	David S. Kates, New York, NY of Schwartz, Goldstone, & Campisi LLP	$170,000
Nucifora v. Wal-Mart Stores Inc.	6/20	Onondaga Supreme	Negligence: Shopper hit by falling bins claimed permanent effects	Laurence A. Wangerman, Syracuse, NY of Baldwin & Wangerman	$150,000
DeYoung v. Singer	5/18	Cortland Supreme	Negligence: Plaintiff claimed trailer, personal effects were damaged by mover	William D. Highland, Ithaca, NY	$4,000

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1/26/2010 Bronx Supreme
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20 of the Construction Accident NY Verdicts of 2011!

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3/8/2011 Queens Supreme
Construction - Construction worker struck by improperly secured concrete barrier

22 of the Construction Accident NY Verdicts of 2011!

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7/1/2011 Queens Supreme
Construction - Construction worker fell when ladder tipped over

27 of the Construction Accident NY Verdicts of 2011!

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1/6/2011 Bronx Supreme
Construction - Labor Law: Driver killed when Bobcat fell off side of building.

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CONSTRUCTION ACCIDENT:
$6 Million Awarded to construction worker that fell from ladder while installing window frame.

CONSTRUCTION ACCIDENT:
$6 Million Won by construction worker that fell from ladder sustaining serious injuries

NEGLIGENT SUPERVISION:
$6 Million Awarded to 19 year old mentally retarded man that suffered severe burns as a result of institution's failure to supervise.

CONSTRUCTION ACCIDENT:
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