

For Immediate Release

**MAN WHO CLAIMS THAT HE WAS ON THE S.I. FERRY
DURING THE TRAGIC 2003 CRASH
– AND WHOM THE CITY ALLEGES WASN'T –
LOSES LAWSUIT;
THIS VICTORY IS AN EXAMPLE OF HOW THE
CITY'S LAW DEPARTMENT AND DEPARTMENT OF INVESTIGATION
AGGRESSIVELY PURSUE FRAUDULENT CASES**

***PLAINTIFF GEORGE ADDE TESTIFIED THAT HE WENT TO BATTERY PARK AFTER THE FERRY CRASH
(ALTHOUGH THE FERRY WAS TRAVELING THE OTHER DIRECTION);
JUDGE SAYS THAT ADDE FAILED TO PROVE HIS CASE AND WAS "MUCH LESS THAN CREDIBLE"***

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New York, Nov. 4, 2009 – Corporation Counsel Michael A. Cardozo and City Department of Investigation Commissioner Rose Gill Hearn announced that the City prevailed late Monday in the case of Bronx resident George Adde, 66, whom the City claimed lied about being on the Staten Island ferry during the tragic 2003 accident – and who later sued the City and lost.

Adde's claim stems from the tragic Staten Island Ferry accident on the afternoon on October 15, 2003. That day, the ferry captain passed out at the wheel, and the boat collided with a concrete pier at the St. George ferry terminal in Staten Island. Eleven people were killed and dozens injured. Adde claimed that he fell to the ground after the accident, that others fell on top of him, and that he later sustained neck and back pain. He sued the City, but the Corporation Counsel's Office, which tried the case, suspected fraud because of Adde's changing stories.

The matter concluded after a two-day trial in federal court in the Eastern District of New York on Monday when Judge Tucker Melancon dismissed the case from the bench almost 10 p.m. after closing arguments. The judge stated on the record that the plaintiff had failed to prove by a preponderance of the evidence that Adde was on the ferryboat at the time of the accident and that Adde's credibility was suspect.

The City's unwavering position throughout the case was that Adde was not on the boat, because Adde himself testified in a sworn deposition that the ferryboat he was on was headed toward Manhattan. In fact, the ferryboat was en route to *Staten Island* (and it collided with the Staten Island pier). "Not only did Adde not even know which way the boat was going," noted Corporation Counsel Michael A. Cardozo, "but he didn't go for any medical treatment until two and a half months after the accident, when he claimed back pain." Cardozo added, "Our office will aggressively litigate cases that we believe are not meritorious, and we are pleased that the judge agreed that the plaintiff did not prove that he was even on the ferry that day.

DOI Commissioner Rose Gill Hearn said, "False claims made by people against the City intending to bilk the City of precious taxpayer funds, is yet another area of corruption that DOI has focused on. When

George Adde feigned an injury in an attempt to exploit the tragic Staten Island ferry crash, our investigation exposed what he did and the City's Law Department prevented the loss of tax dollars to a bogus claim. This case sends a message that the City is not a deep pocket that will passively pay out money to settle claims. Instead, DOI will work with other City agencies to aggressively investigate and stop anyone who tries to conjure up phony claims to siphon public funds."

The plaintiff's credibility was further undermined at trial when Adde denied that he had a meeting with a business colleague, contrary to what he had previously claimed in his sworn deposition.

"The City correctly decided that this was a case that begged to be tried – and justice prevailed," said Special Litigation Unit (SLU) Deputy Chief Ken Sasmor, who tried the case for the City. Sasmor added, "While Mr. Adde did speak accented English, he spoke and understood English clearly, and Judge Melancon expressly acknowledged that fact in weighing Mr. Adde's credibility."

"Nothing, though, detracts from the tragic nature of this terrible accident," Sasmor said. "The City has worked hard to fairly resolve all meritorious claims." In all, 161 Staten Island ferry cases have settled with the City for a total of \$66,871,451. Three cases have been tried to conclusion, including Adde, for a total of \$18,594,187 in judgments. Seven cases remain.

Segal & Lax, located in midtown Manhattan, were the attorneys of record for Adde. (They handled the case up until it was being prepared for trial, then the trial attorney took over.) The trial attorney was Jason Paris of Paris and Chaiken. The judge issued no written decision; instead, he ruled directly from the bench.

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