



NEW YORK CITY LAW DEPARTMENT
OFFICE OF THE CORPORATION COUNSEL

Michael A. Cardozo, *Corporation Counsel*

Press Release

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For Immediate Release

LAW DEPARTMENT'S TORT DIVISION PREVAILS IN CASE WHERE MAN ASSAULTED WIFE FOR REFUSING TO MAKE HIM DINNER, THEN SUED THE CITY WHEN HE FELL DOWN HOUSE STAIRS DRUNK AFTER BEING ARRESTED

CASE IS INDICATIVE OF THE ECLECTIC DAY-TO-DAY SUITS THAT NEW YORK CITY MUST DEFEND IN ITS EFFORTS TO PROTECT THE PUBLIC FISC

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New York, Oct. 29, 2004 – A Manhattan jury returned a verdict this week in favor of the City in a case where a man assaulted his wife for refusing to make him dinner, then fell down his front house stairs drunk after the police arrived and arrested him. He later sued the City, alleging it had failed to monitor him properly when he fell.

The case, *Jose Ordonez v. City of New York*, involved an incident in November 1999, in which the New York City Police Department responded to an apartment to handle an assault. According to the complaint, the plaintiff, Jose Ordonez, had arrived home around midnight and was intoxicated. When his wife, Sixta, refused to make him dinner, he hit her several times. Later, after he left the room momentarily, she called the police.

The police arrived and handcuffed Mr. Ordonez. They were leading him down the stairs when he missed one of the steps and fell, breaking his ankle. Ultimately, he required surgery, and a plate and five screws were inserted into his ankle.

At trial, the plaintiff argued that the City was negligent in failing to prevent him from falling. The plaintiff argued that since the officers knew he was intoxicated, they had a duty to hold onto him securely, because they knew he could be unsteady on his feet. However, the evidence showed that the plaintiff was being held by two officers at the time he fell. One of the officers testified that due to Mr. Ordonez's size (he was 5 feet, 9 inches and 240 pounds) and the suddenness of his fall, he broke free of their hold on him.

Peter Shaw, a Senior Counsel in the New York City Law Department's Tort Division, represented the City successfully at trial. "It is gratifying to see that common sense prevailed in this case," he said. The law firm of Ronemus and Vilensky represented the plaintiff, led by lawyer Michael Ronemus. During summation, he asked the jury to award more than a half-million dollars. "Instead, the jury awarded nothing," Shaw noted. The decision came down on Tues., Oct. 26, 2004, in Manhattan State Supreme Court before Justice Rolando T. Acosta.

"This case is representative of the extraordinary – and occasionally extreme – cases that the City must sometimes defend in its efforts to protect the public fisc," noted Michael Cardozo, Corporation Counsel and head of the City's Law Department. He praised "the dedication of the Law Department's Tort Division," which is the largest in the Corporation Counsel's Office. The division is currently handling 37,000 cases, of which 1,200 are sent out to trial annually. In the instances where the City tries a case to

verdict, the Tort Division routinely wins 52 percent of the time, which is considered comparable to the private sector.

The New York City Law Department is one of the oldest, largest and most dynamic law offices in the world, ranking among the top three largest law offices in New York City and the top three largest public law offices in the country. Tracing its roots back to the 1600's, the Department's 650-plus lawyers handle more than 100,000 cases and transactions each year in 17 separate legal divisions. The Corporation Counsel heads the Law Department and acts as legal counsel for the Mayor, elected officials, the City and all its agencies. The Department's attorneys represent the City on a vast array of civil litigation, legislative and legal issues and in the criminal prosecution of juveniles. Its web site can be accessed through the City government home page at www.nyc.gov or via direct link at www.nyc.gov/html/law/home.html.

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