



NEW YORK CITY LAW DEPARTMENT
OFFICE OF THE CORPORATION COUNSEL

Michael A. Cardozo, *Corporation Counsel*

Press Release

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For Immediate Release

**NEW YORK CITY LAW DEPARTMENT
PREVAILS IN TWO BRONX TRIP AND FALL LAWSUITS**

***IN THE SAME WEEK, BOTH JURIES ATTRIBUTE FAULT TO THE PLAINTIFFS;
WIN IS THIRD IN A WEEK FOR BRONX TORT***

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New York, Nov. 25, 2004 – In the space of two days, two different juries rejected claims that New York City was entirely responsible for the injuries sustained by plaintiffs who fell on Bronx sidewalks. On Nov. 16, 2004, after a weeklong trial, the first jury found that the City was not at fault in a case brought by a plaintiff named Daisy Mesa. The next day, in a different case, a jury awarded a very small amount to another plaintiff, Molly Misodi, because it found that she was primarily at fault for an accident in which she sustained injuries.

In the first case, Daisy Mesa, an ambulette driver, fell in a hole outside of a building owned by a disabled client she was transporting. Rejecting her claim that the City was responsible for the defect, the jury instead found the building's owner was liable for the \$25,000 it awarded Mesa. Assistant Corporation Counsel Michelle Stone tried the case for the City.

In the second case, Molly Misodi testified she fell and fractured her wrist while walking to the store. According to medical records, however, she told emergency room personnel she fell while running from a dog. Although the jury found that the City had notice of a sidewalk defect and had failed to repair it, it found the plaintiff's own negligence to be the primary cause of her accident and reduced its award of \$30,000 by 80 percent to \$6,000. Assistant Corporation Counsel Matthew Browne tried the case for the City.

"These verdicts demonstrate that common sense can prevail in the courtroom," said David Santoro, Deputy Chief of the New York City Law Department's Tort Division. "Because Ms. Vega could not connect the City to the defect on which she tripped, the jury rightfully found for the City. Likewise, the verdict in the Misodi case reflects that juries will hold plaintiffs accountable by significantly reducing their awards when they fail to act responsibly."

In addition to these verdicts, the Law Department also prevailed in a Bronx case this week involving two parents who chained their daughter to a radiator in an effort to control her allegedly rebellious behavior. The parents sued the City after they were arrested, but a jury awarded the parents nothing after two hours of deliberation. The Law Department's web site includes a press release covering this verdict as well.

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 via direct link at www.nyc.gov/html/law/home.html.

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