

Attorney of record: Kenneth A. Wilhelm of Manhattan

SETTLEMENT: Alfred Cacici v. Fernando Feria
8754/93 **Date of Settlement 10/17/96** Kings Supreme

This case settled before jury selection for **\$400,000**, plus the waiver of a Workers' Compensation lien of \$45,726. Pltf., a 48-year-old General Electric service technician, claimed that he was injured on 7/3/91 in Deft.'s home on Berry St. in Brooklyn as he descended a flight of stairs to retrieve a part. He claimed that he tripped and fell while descending an interior stairway because of a hole covered by a throw rug as he stepped off the first step onto the landing in the hallway. Deft. contended that he had no notice of a defect.

Injuries: osteochondral fracture of the talar dome of the right foot. Pltf. received emergency treatment at Wyckoff Heights Hospital on the day of the accident. An X-ray was negative for a fracture. Pltf. continued to have difficulty walking and 1 month later, an MRI revealed the fracture. Pltf. was treated with a closed reduction compression cast and was out of work for 6 months. Pltf. was subsequently involved in a mugging and injured his left arm and sought early retirement thereafter. Demonstrative evidence: MRIs. Pltf. Experts: Pltf. Would have called Dr. David Milbauer, neuroradiologist, Manhattan; and Dr. Barry Fisher, orth. surg., Great Neck. Deft. Expert: Deft. would have called Dr. Leonard Ebin, radiologist, Manhattan.

- The waiver of the Workers' Compensation lien mentioned above saved the injured person \$45,726.