

New York Jury Verdict Report

X/37-27

CUSTODIAL NEGLIGENCE — SCALD- ING BATH WATER — BURNS TO BLIND AND RETARDED CHILD

SETTLEMENT: Tamekia Brown. Inf. by m/n/g Crystal Brown v. New York City Chapter of Association for the Help of Retarded Children d/b/a Manhattan Respite House and Hudson Court Condominium 29644/91 Date of Settlement 3/26/92 New York Supreme

Pltf. Atty: **Kenneth A. Wilhelm, Manhattan**

This action settled before trial for a lump sum of **\$670,000** for a 13-year-old blind and mentally retarded girl who was scalded on 7/7/90 while she was being given a bath at Def't.'s Respite House premises, a camp for children in Manhattan. Def't. Hudson Court Condominium was the owner of the building. Pltf. claimed that Def't. was negligent for bathing the child in water that was too hot. Injuries: second- and third-degree burns to the feet and legs with scarring. The infant is blind and retarded from birth. Settlement apportionment: \$490,000 was paid by Respite House; \$180,000 was paid by Hudson Court Condominium. In addition, a Medicaid lien in the amount of **\$134,485** was reduced to **\$75,000**.