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XVI/8-44 ELEVATOR ACCIDENT — IMPROPER MAINTENANCE — BIMALLEOLAR ANKLE FRACTURE

SETTLEMENT: Sheree Harper v. Veemac Elevator Co., Inc.; 8-12 Realty Associates, L.P., and Mainco Elevator Co., Inc.
11679/94 Date of Settlement 4/10/98 New York Supreme

Pltf. Atty: Kenneth A. Wilhelm, Manhattan

This structured settlement, which was reached before jury selection on damages, has a present value of \$1,750,000 and a total future payout of over \$2,600,000, plus a waiver of a \$164,702 Workers' Compensation lien. The Workers' Compensation carrier also agreed to pay up to \$150,000 in future medical benefits. Pltf., a 31-year-old New York City worker, claimed that on 1/24/94 she was injured when an elevator in which she was a passenger fell three or four floors to the bottom of the elevator shaft. Pltf. claimed that the elevator maintenance company failed to properly inspect, maintain, and repair the elevator, citing numerous inadequate repairs during the 6 months prior to this accident. Liability was conceded by Deft. Veemac following a liability trial.

Injuries: bimalleolar ankle fracture requiring open reduction and internal fixation, with additional surgery to remove the hardware. Pltf. underwent a medial arthrotomy of the ankle and decompression of the tibia, as well as a joint cheilectomy and synovectomy of the big toe. Pltf. claimed that she has permanent restriction of motion in the ankle and requires a cane to ambulate. She claimed that she is limited to a sedentary job. Deft. would have disputed the severity of Pltf.'s injuries and would have argued that Pltf. was not restricted to a sedentary job.

Pltf. Experts: Pltf. would have called Dr. Martin O'Malley, orth. surg., Manhattan; Al Mickens, Ph.D., economist, Manhattan.

Deft. Experts: Deft. would have called Dr. John Nailor, orth. surg., Manhattan; Dr. Jerome Block, neurologist, Manhattan; Dr. Gary Solomon, rheumatologist, Manhattan. **F**