

SETTLEMENTS

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NEW YORK SUPREME

NY 10-36 TENANT RAPED - ASSAILANTS HAD
ELEVATOR PASSKEY

SETTLEMENT Foust v. Harlem River Park Houses, Inc.; RY Management, Inc.; River Park Towers; and River Park Assoc. 07019/87
Date of Settlement 4/6/89 Bronx Supreme v

Plf. Atty: Martin Garfield, Joel Schmelkin, and Kenneth A. Wilhelm for Alan J. Binger, Brooklyn

This was a structured settlement, made before jury selection, with a present value of \$400,000 and a payout of about \$2,500,000 for an 11-year-old girl who was raped in the elevator of her apartment building by three youths. The attack occurred on 7/2/86 at 40 Richman Plaza in the Bronx. River Park Towers was the building owner, RY Management was its managing agent, and River Park Assoc. was the landlord. Pltf. was riding in the elevator when three boys whom she knew from the building and school entered it. They used a copy of a pass key to the elevator to cause it to reverse direction and go to the basement. They then dragged Pltf. to the adjoining building and caused the elevator to go to an upper floor where they stopped it.

Pltf. claimed that the landlord and managing agent had inadequate key control and inadequate security. Evidence indicated that several tenants had copies of the elevator keys and that there had been several prior crimes in the building. River Park Assoc. contended that it had done all that it could to provide security and that it was not responsible for the acts of tenants. It also argued that the boys' possession of the pass key was not the proximate cause of the incident.