

HIGHEST VERDICTS of

2004

MONDAY, MARCH 21, 2005

Sullivan Papain Block McGrath & Cannavo Wins 2 of the Highest Verdicts in the State

SUBWAY ACCIDENTS

6. *Alice Huang v. New York City Transit Authority, No. 106258/02*

Settlement: \$28.6 million

Court: New York Supreme, September 22

Plaintiff Attorney: **David J. Dean of Sullivan Papain Block McGrath & Cannavo, New York.**

Defense Attorney: Robert G. Spevack of Jeffrey Samel & Partners, New York.

Alice Huang, 18, was struck in the head and dragged by a traveling subway train. She had exited the train and bent over to pick up a book she had dropped. The train's side struck her head, causing her to spin three or four times, then stumble toward the train. Her left leg became caught and she was dragged through the station. Ms. Huang claimed the train's conductor was negligent for failing to observe her and directing the train's operator to proceed while there was insufficient clearance between the train and

a passenger in jeopardy. The train's conductor, John Rogers, testified that he looked at the platform before the train started and that he saw no one. He said after the train began to move he saw Ms. Huang at the rear of the platform and activated the emergency brake. Ms. Huang suffered multiple crush injuries in her left hip and leg, sustained a head injury that resulted in amnesia and claimed she would never be able to work as a graphic designer, her intended career. The jury awarded her a total of \$28.6 million.

8. *Aris Gil v. New York City Transit Authority, No. 8079/01*

Settlement: \$19.1 million

Court: Queens Supreme, April 14

Plaintiff Attorney: **David J. Dean of Sullivan Papain Block McGrath & Cannavo, New York.**

Defense Attorney: Alan M. Kramer of Kramer, Martynetz & Verbese, New York, trial counsel to Wallace D. Gossett, New York, for New York City Transit Authority.

Aris Gil, 20, was run over by a subway train at the 23 Street and Ely Avenue station in Queens. Mr. Gil claimed that after he exited the train, he reached his arm back into the train to help a friend who was being robbed. Mr. Gil's arm then got caught in the doors. He was dragged with the train, hit a wall, fell onto the train tracks and was run over by the train. Mr. Gil's right, dominant hand and arm are now in mangled condition and portions of several fingers were

amputated. The train conductor testified that there was nothing caught between the doors when he checked the doors before he started the train. Evidence included the train's use of sensory devices intended to prevent the train from moving if a solid object is in the door. The jury found that the transit authority was 50 percent liable, and that the unnamed attackers were 50 percent liable. Mr. Gil was awarded \$19.1 million.

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