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33 A.D.3d 545, 827 N.Y.S.2d
3, 2006 N.Y. Slip Op. 07789

Linda Boyd, Respondent

v

Manhattan & Bronx Surface Transit
Operating Authority et al., Appellants.

Supreme Court, Appellate Division,
First Department, New York
October 26, 2006

CITE TITLE AS: Boyd v Manhattan
& Bronx Surface Tr. Operating Auth.

Judgment, Supreme Court, Bronx County (Edgar G. Walker,
J.), entered June 8, 2005, after a jury trial, awarding plaintiff
the principal sum of \$450,000 for past and future pain
and suffering, plus interest in the amount of \$665.75,

unanimously modified, on the law, the award of interest
vacated and the matter remanded to the Clerk of Bronx
County with directions to recompute interest at the rate of 3%
per annum against both defendants, and otherwise affirmed,
without costs.

Taken as a whole, the court's charge to the jury met
the appropriate standard that defendants were required to
use reasonable care under all the circumstances in the
maintenance of the bus (*Bethel v New York City Tr. Auth.*, 92
NY2d 348 [1998]; *Bell v New York City Tr. Auth.*, 21 AD3d
299 [2005], *lv dismissed* 6 NY3d 770 [2006]).

To the extent that the judgment included interest at the
rate of 9% instead of 3%, the matter should be remanded
(Public Authorities Law § 1212 [6]; § 1203-a [6]; *Klos v New
York City Tr. Auth.*, 240 AD2d 635 [1997], *lv dismissed* 91
NY2d 885 [1998]; *Miller v Manhattan & Bronx Surface Tr.
Operating Auth.*, 120 AD2d 471 [1986]). Concur-Mazzarelli,
J.P., Saxe, Marlow, Sullivan and Williams, JJ.

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