

PART 10

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX: -----X

Case Disposed
Settle Order
Schedule Appearance

HUGH, ALLISON YUSEFA

Index No. 0020473/2005

-against-

Hon. ALAN SAKS

OFODILE, FERDINAND M.D. -----X

Justice.

The following papers numbered 1 to _____ Read on this motion, **ANNUL, SET ASIDE & VAC**
Noticed on **October 14 2009** and duly submitted as No. **34** on the Motion Calendar of **12/23/09**

	PAPERS NUMBERED	
Notice of Motion - Order to Show Cause - Exhibits and Affidavits Annexed	1-2	
Answering Affidavit and Exhibits	3	
Replying Affidavit and Exhibits	4	
_____ Affidavits and Exhibits		
Pleadings - Exhibit		
Stipulation(s) - Referee's Report - Minutes		
Filed Papers		
Memoranda of Law		

RECEIVED
CLERK OF COUNTY OF BRONX'S OFFICE

JAN - 4 2010

PAID NO FEE

Upon the foregoing papers this Defendant's motion pursuant to CPLR 4404 (a) is granted only to the extent of ordering a new trial on damages only unless plaintiff, within thirty days after service of a copy hereof with Notice of Entry, serves and files a stipulation consenting to a remittitur reducing the award for past pain and suffering to \$1,000,000.00 and the award for future pain and suffering to \$3,000,000.00. If plaintiff so stipulates the motion is otherwise deemed denied and plaintiff shall settle a judgment pursuant to CPLR Article 50-B. If plaintiff does not so stipulate the matter shall be referred to the Special Trial Part and counsel shall contact the clerk of the Special Trial Part to schedule the date for jury selection.

The foregoing shall constitute the decision and order of the Court.

Motion is Respectfully Referred to:
Justice:
Dated:

Dated: 12/31/09

Hon. 
ALAN SAKS, J.S.C.

KB