

<b>Knoch v City of New York</b>
2016 NY Slip Op 01810
Decided on March 16, 2016
Appellate Division, Second Department
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Decided on March 16, 2016 SUPREME COURT OF THE STATE OF NEW YORK  
Appellate Division, Second Judicial Department  
RANDALL T. ENG, P.J.  
REINALDO E. RIVERA  
L. PRISCILLA HALL  
SYLVIA O. HINDS-RADIX, JJ.

2013-10348  
(Index No. 43944/07)

**[\*1]Mary Lou Knoch, appellant,**

**v**

**City of New York, respondent.**

Brad A. Kauffman, PLLC, New York, NY, for appellant.

Zachary W. Carter, Corporation Counsel, New York, NY (Larry Sonnenshein and Michael J. Pastor of counsel), for respondent.

## DECISION & ORDER

In an action to recover damages for personal injuries, the plaintiff appeals from an order of the Supreme Court, Kings County (Silber, J.), dated May 20, 2013, which denied her motion for additur with respect to the jury verdict awarding damages for future pain and suffering.

ORDERED that the order is affirmed, with costs.

The amount of damages to be awarded to a plaintiff for personal injuries is a question for the jury, and its determination will not be disturbed unless the award deviates materially from what would be reasonable compensation (*see* CPLR 5501[c]; *Taveras v Vega*, 119 AD3d 853, 854). Prior damage awards in cases involving similar injuries are not binding upon the courts but serve to "guide and enlighten" them in determining whether a verdict constitutes reasonable compensation (*Miller v Weisel*, 15 AD3d 458, 459). Consideration should also be given to other factors, including the nature and extent of the injuries (*see* *Fryer v Maimonides Med. Ctr.*, 31 AD3d 604, 605). Here, upon our consideration of the nature and extent of the injuries sustained by the plaintiff, we find that the jury's award for future pain and suffering did not materially deviate from what would be considered reasonable compensation (*see* CPLR 5501[c]).

ENG, P.J., RIVERA, HALL and HINDS-RADIX, JJ., concur.

ENTER:

Aprilanne Agostino

Clerk of the Court

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