

2013 WL 4521109 (N.Y.Sup.) (Verdict, Agreement and Settlement)
Supreme Court of New York.
Kings County

Theresa GUSS, Plaintiff,
v.
THE CITY OF NEW YORK, Defendant.

No. 8353/06.
2013.

Verdict Sheet

Question #1:

Did The City of New York, by an affirmative act of negligence immediately cause the existence of a hole where plaintiff (Theresa Guss) fell in the street in front of 116 Ainslie Street on November 5, 2005?

ANSWER TO QUESTION #1

X
Yes

No

AT LEAST FIVE JURORS MUST AGREE ON THE ANSWER TO THIS QUESTION.

Jurors, after answering the above question will sign their names below:

1. <<signature>>

4. <<signature>>

2. <<signature>>

5. <<signature>>

3. <<signature>>

6.

I, the undersigned juror, do not con r in the above.

1. <<signature>>

Note: If your answer to Question # 1 is "No", proceed no further and report your verdict to the Court.

If your answer to Question # 1 is "Yes", proceed to Question # 2.

Question #2:

Was The City of New York's negligence a substantial factor in causing plaintiff's accident?

ANSWER TO QUESTION #2

Yes

No

AT LEAST FIVE JURORS MUST AGREE ON THE ANSWER TO THIS QUESTION

Jurors, after answering the above question will sign their names below:

- | | |
|------------------|------------------|
| 1. <<signature>> | 4. <<signature>> |
| 2. <<signature>> | 5. <<signature>> |
| 3. <<signature>> | 6. |

I, the undersigned juror, do not concur in the above.

1. <<signature>>

NOTE: If your answer to Question #2 is "No", proceed no further and report your verdict to the Court.

If your answer to Question #2 is "Yes", proceed to Question #3.

Question #3:

Was plaintiff Theresa Guss negligent?

ANSWER TO QUESTION #3

Yes

No

AT LEAST FIVE JURORS MUST AGREE ON THE ANSWER TO THIS QUESTION

Jurors, after answering the above question will sign their names below:

- | | |
|------------------|------------------|
| 1. <<signature>> | 4. <<signature>> |
| 2. <<signature>> | 5. <<signature>> |
| 3. <<signature>> | 6. |

I, the undersigned juror, do not concur in the above.

1. <<signature>>

Note: If your answer to Question #3 is "No", proceed to Question #6

If your answer to Question #3 is "Yes", proceed to Question #4

Question #4:

Was the negligence of the plaintiff Theresa Guss a substantial factor in causing the accident?

ANSWER TO QUESTION #4

YES NO

AT LEAST FIVE JURORS MUST AGREE ON THE ANSWER TO THIS QUESTION

Jurors, after answering the above question will sign their names below:

- 1. _____
- 2. _____
- 3. _____

- 4.
- 5.
- 6.

I, the undersigned juror, do not concur in the above.

- 1.

Note: If your answer to Question #4 is "No", proceed to Question #6

If your answer to Question # 4 is "Yes", proceed to Question # 5

Question #5:

What was the percentage of fault of the defendant The City of New York and what was the percentage of fault of the plaintiff Theresa Guss?

THE PERCENTAGES MUST EQUAL 100%.

AT LEAST FIVE JURORS MUST AGREE ON THE ANSWER TO THIS QUESTION.

DEFENDANT: (The City of New York) _____ %

PLAINTIFF: (Theresa Guss) _____ %

TOTAL MUST BE: 100%

JURORS, AFTER ANSWERING THE ABOVE QUESTION WILL SIGN THEIR NAMES BELOW.

- 1. _____
- 2. _____

- 4.
- 5.

3. _____

6.

I, THE UNDERSIGNED JUROR, DO NOT CONCUR IN THE ABOVE.

I,

Note: Proceed to Question #6

Question #6:

State the total amount, if any, that you award to plaintiff (Theresa Guss) for the following items of damages caused as a result of the accident from the date of the incident (November 5, 2005) to the date of your verdict:

1) Pain and Suffering	\$ 433,333.33
2) Medical Expenses	\$ 123,000
TOTAL	\$ 556,333

If you make no award, you will insert the word "none"

AT LEAST FIVE JURORS MUST AGREE ON THE ANSWER TO THIS QUESTION

Jurors, after answering the above question will sign their names below:

1. <<signature>>

4. <<signature>>

2. <<signature>>

5. <<signature>>

3. <<signature>>

6. <<signature>>

I, the undersigned juror, do not concur in the above.

1.

Note: Proceed to Question #7

Question #7:

State separately the amount, if any, that you award to the plaintiff (Theresa Guss) to compensate her for the following items of damages caused as a result of the accident from the date of your verdict until the period of time that the injury is expected to continue and indicate the period of years over which such amount is intended to provide compensation:

ANSWER TO QUESTION #7

1) Pain and Suffering (Including the permanent effect of the injury)	\$ 216,666	8 YEARS
(2) Medical expenses:		
(A) Doctor's Care	\$ 139,600	8 YEARS
(B) Physical Therapy	\$ 14,400	8 YEARS
(C) Mental Health Care	\$ 14,400	8 YEARS
(D) Nursing Home Care	\$1,344,000	8 YEARS
(E) Medication	\$ 480,000	8 YEARS
(F) Transportation	\$ 19,200	8 YEARS
(G) Medical Equipment	\$ 14,000	8 YEARS
TOTAL For Medical Expenses (A-G):		\$ 2,242,266

If you decide not to make an award, as to any of the above items, you will insert the word "none" as to that item.

AT LEAST FIVE JURORS MUST AGREE ON THE ANSWER TO THIS QUESTION

Jurors, after answering the above question will sign their names below:

- | | |
|------------------|------------------|
| 1. <<signature>> | 4. <<signature>> |
| 2. <<signature>> | 5. <<signature>> |
| 3. <<signature>> | 6. <<signature>> |

I, the undersigned juror, do not concur in the above.

1.

Note: Report your verdict to the court.