

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

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MELISSA SHILLINGFORD,

Plaintiff,

Index No. 303660 / 12

-against-

**JUDGMENT**

NEW YORK CITY TRANSIT AUTHORITY and TONY  
BEETAN,

**RECEIVED BY:**

Defendants.

DEC - 9 2015

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**Judgment Department**

The issues in the above-captioned case having duly come on for Trial before Honorable Justice Alison Y. Tuitt, JSC and a Jury at a Trial Term, Part 5, of this Court held at the Courthouse located at 851 Grand Concourse – Room 415 on March 31, 2015, April 1, 2015, April 7, 2015, April 8, 2015, April 9, 2015, April 10, 2015, April 14, 2015, April 15, 2015, April 16, 2015, April 17, 2015, April 20, 2015, and April 21, 2015; and the plaintiff, MELISSA SHILLINGFORD having appeared by her attorneys, Wingate, Russotti, Shapiro and Halperin, LLP, by Trial Counsel Robert J. Bellinson, Esq. and defendants New York City Transit Authority and Tony Beetan, having appeared by their attorney, Lawrence Heisler, Esq., by Trial Counsel Sandra Bonnick, Esq. and the issue of Liability having been previously decided on February 1, 2013, and a jury having rendered a damages verdict on April 21, 2015 in favor of plaintiff MELISSA SHILLINGFORD and against defendant, and the jury duly awarding the following sums of money:

Past Medical /Surgical expenses :	<b>\$30,000.00</b>
Past Pain, Suffering & Loss of Enjoyment of Life:	<b>\$100,000.00</b>
Future Medical/Surgical Expenses over 40 years:	<b>\$800,000.00</b>
Future Pain & Suffering over 40 years: [reduced to 10 years per CPLR 5041(e)]	<b><u>\$1,500,000.00</u></b>
Total award:	<b>\$2,430,000.00</b>

AND the applicable interest rate is to be 3%, and the discount rates used to determine the present value of the future damages are to be 1.92% for the 10 year award and 2.58% for the 40 year award;

NOW on motion of Wingate, Russotti, Shapiro & Halperin, LLP, attorney for plaintiff, it is

ORDERED AND ADJUDGED, that plaintiff **MELISSA SHILLINGFORD**, residing at 3905 Seton Avenue, Bronx, N.Y. 10466, recover and have judgment jointly and severally against the defendants **NEW YORK CITY TRANSIT AUTHORITY**, located at 130 Livingston Street, Brooklyn NY 11201 and **TONY BEETAN**, residing at 91-07 Vanderveer Street, Queens Village NY, 11428 in the lump sum of **TWO HUNDRED FIFTY THREE THOUSAND THREE HUNDRED THIRTY THREE DOLLARS AND THIRTY FOUR CENTS (\$253,333.34)** said amount representing defendants' liability on the net lump sum awarded to plaintiff for past damages in the amount of \$86,666.67 and plaintiff's share of the first \$250,000 of future damages paid in cash in the amount of \$166,666.67. All amounts are after deduction of attorney's fees. Interest shall accrue on said amount of \$253,333.34 from the date of the summary judgment on liability, February 1, 2013, to the entry of judgment and costs and disbursements as taxed by the clerk, and the Plaintiff shall have execution thereon, and it is further

**ORDERED AND ADJUDGED**, that the plaintiff, **MELISSA SHILLINGFORD**, recover and have judgment jointly and severally against the defendants, **NEW YORK CITY TRANSIT AUTHORITY** and **TONY BEETAN**, in the sum of **NINE HUNDRED NINETEEN THOUSAND NINE HUNDRED TWENTY SIX DOLLARS AND NINETY SEVEN CENTS (\$919,926.97)**, for attorney's fees, plus interest from the date of the summary judgment on liability, February 1, 2013, to the entry of judgment, and the Plaintiff shall have execution thereon, and it is further

**ORDERED AND ADJUDGED**, that plaintiff, **MELISSA SHILLINGFORD**, have judgment jointly and severally against the defendants, **NEW YORK CITY TRANSIT AUTHORITY** and **TONY BEETAN**, in the amount of **ONE MILLION FIVE HUNDRED EIGHTY SIX THOUSAND FIVE HUNDRED TWENTY DOLLARS AND SIXTY TWO CENTS (\$1,586,520.62)** representing the present value of the award to Plaintiff for future damages after deduction of attorney's fees, and recover interest upon said sum from the date of the summary judgment on liability, February 1, 2013, to the entry of judgment, and it is further

**ORDERED AND ADJUDGED**, that based on the above award in the amount of **ONE MILLION FIVE HUNDRED EIGHTY SIX THOUSAND FIVE HUNDRED TWENTY DOLLARS AND SIXTY TWO CENTS (\$1,586,520.62)**, the defendants, **NEW YORK CITY TRANSIT AUTHORITY** and **TONY BEETAN**, be and hereby are directed to offer and purchase and guarantee payment to Plaintiff of an annuity contract by an insurance carrier, designated as qualified by the Superintendent of Insurance and rated A+ or better by A.M. Best Co., of the following annual payments in equal monthly installments in advance as follows:

- (a) For future pain and suffering – **EIGHTY NINE THOUSAND ONE HUNDRED THIRTY DOLLARS AND FORTY EIGHT CENTS (\$89,130.48)** per annum in

equal monthly installments, payable in advance, and commencing retroactively as of April 21, 2015, in the amount of **SEVEN THOUSAND FOUR HUNDRED TWENTY SEVEN DOLLARS AND FIFTY FOUR CENTS (\$7,427.54)** per month and increased by 4% per year and compounded annually and extending for the shorter of ten (10) years or the life of **MELISSA SHILLINGFORD**, and

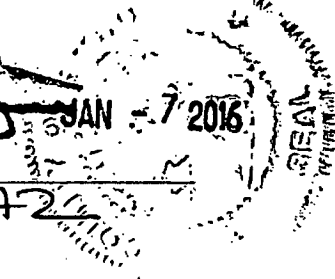
- (b) For future medical expenses – **ELEVEN THOUSAND EIGHT HUNDRED EIGHTY FOUR DOLLARS AND EIGHT CENTS (\$11,884.08)** per annum in equal monthly installments, payable in advance, and commencing retroactively as of April 21, 2015, in the amount of **NINE HUNDRED NINETY DOLLARS AND THIRTY FOUR CENTS (\$990.34)** per month and increased by 4% per year and compounded annually and extending for the shorter of twenty forty (40) years or the life of **MELISSA SHILLINGFORD**, and it is further

**ORDERED AND ADJUDGED**, that plaintiff, **MELISSA SHILLINGFORD**, residing at 3905 Seton Avenue, Bronx, N.Y. 10466, recover and have judgment jointly and severally against the defendants, **NEW YORK CITY TRANSIT AUTHORITY**, located at 130 Livingston Street, Brooklyn NY 11201 and **TONY BEETAN**, residing at 91-07 Vanderveer Street, Queens Village NY, 11428, and that the total present value of the award payable to **MELISSA SHILLINGFORD** is **TWO MILLION SEVEN HUNDRED FIFTY NINE THOUSAND SEVEN HUNDRED EIGHTY DOLLARS AND NINETY TWO CENTS (\$2,759,780.92)** representing the present value of the award to Plaintiff, plus interest from the summary judgment date, February 1, 2013, to the entry of judgment at the rate of 3% per annum for a per diem amount of \$226.83 for 1070 days in the sum of \$242,708.10, as and for pre-judgment interest and costs and disbursements as taxed by the Clerk in the amount of \$1,215.00 for a total award of \$3,003,704.02

*Alison Y. Tuitt*  
ALISON Y. TUITT, JSC

JUDGMENT signed this 4<sup>th</sup> day of December, 2015

*Luis M. Diaz*  
Clerk LUIS M. DIAZ



A circular seal of the Bronx County Clerk's Office is stamped over the signature. The seal contains the text "CLERK OF THE COUNTY OF BRONX" around the perimeter. In the center, there is a date stamp that reads "JAN 7 2016".