

AUG 25 2017

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX IA 20 X

DOROTHY JONES,

Plaintiff,

-against-

NEW YORK-PRESBYTERIAN HOSPITAL a/k/a
COLUMBIA UNIVERSITY MEDICAL CENTER and
NEW YORK PRESBYTERIAN HEALTHCARE
SYSTEM, INC.,

Defendants.

Index No: 301984/2011

DECISION AND ORDER

Present:

HON. KENNETH L. THOMPSON, JR.

_____ X
The following papers numbered to read on this

No On Calendar of

PAPERS NUMBER

Upon the foregoing papers and due deliberation thereof, the Decision/Order on this motion is as follows:

The case was remanded back to this trial court to decide the appropriateness of the damages awarded to plaintiff. See, Jones v. New York-Presbyterian Hospital 150 A.D. 3d 412.

Plaintiff sustained a fracture of the proximal humerus, when she tripped over a rubber mat covering a missing floor tile in the entrance of defendant's building on February 16, 2011. She was treated at defendant's emergency room and thereafter receive conservative treatment including injections over a nine-month period. No surgical intervention was required to treat her injuries.

The jury awarded her \$600,000 for past pain and suffering and \$400,000 for future pain and suffering over a five-year period. At the time of the verdict plaintiff was 89 years old.

The case law in this area clearly demonstrates the jury's verdict was in excess. See, Elescano v. Eight -19th Co., LLC 17A.D. 3d 250; Konfidan v. FF Taxi, Inc. 95 A.D. 3d 471 and Lowenstein v. Normandy Group. LLC., 51 A.D. 3d 517.

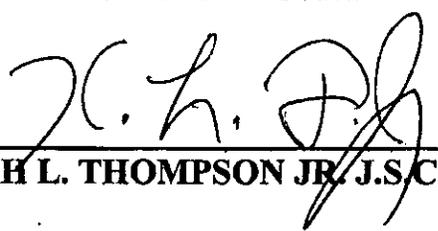
The defendant's post trial motion seeking to reduce the jury's verdict is granted. A new trial is ordered solely on issue of damages as it relates to defendant's negligence of placing the rubber mat over the floor tiles unless within 20 days after service of a copy of this order with notice of entry upon her attorney, plaintiff stipulates to accept a reduction of damages to \$150,000.00 for past pain and suffering and \$150,000.00 for future pain and suffering over a five-year period. Further, plaintiff shall serve and file in the Trial Support Office, Room 217 a written stipulation agreeing to said reduction and to the entry of an amended judgment in accordance therewith.

If plaintiff so stipulates, the judgment is modified and affirmed as amended.

The foregoing constitutes the decision and order of the Court.

Dated:

8/24/2017



KENNETH L. THOMPSON JR. J.S.C.