

161 A.D.3d 697
Supreme Court,
Appellate Division, First Department, New York.

Remigiusz NAWROCKI, Plaintiff–Appellant,

v.

HURON STREET DEVELOPMENT
LLC, et al., Defendants–Respondents.

[And a Third–Party Action]

6727

|
Index 303192/07

|
84001/08

|
ENTERED: MAY 31, 2018

Attorneys and Law Firms

Melcer Newman PLLC, New York (Jeffrey B. Melcer of counsel), for appellant.

Renwick, J.P., Manzanet–Daniels, Mazzarelli, Gesmer, Oing, JJ.

Opinion

*697 Order, Supreme Court, Bronx County (Ruben Franco, J.), entered January 14, 2016, which, after an inquest, inter alia, awarded plaintiff \$25,000 for past pain and suffering and \$25,000 for future pain and suffering, unanimously modified, on the facts, to increase the awards to \$250,000 for past pain and suffering, and \$250,000 for future pain and suffering, and otherwise affirmed, without costs.

Plaintiff, a 28–year–old plumber, fell from a ladder while *698 working, and sustained two fractures in his jaw and an impacted tooth, requiring internal fixation surgery and plastic surgery. He could not eat without using a straw for eight weeks, then not without pain for six to eight months, and was left with scarring. Under these circumstances, the amounts awarded for plaintiff's injuries deviate materially from what is reasonable compensation, and we modify to the extent indicated (CPLR 5501[c]; see e.g. *Garber v. Lynn*, 79 A.D.3d 401, 913 N.Y.S.2d 175 [1st Dept. 2010]; *Atkinson v. Buch*, 17 A.D.3d 222, 793 N.Y.S.2d 39 [1st Dept. 2005]).

All Citations

161 A.D.3d 697, 74 N.Y.S.3d 494 (Mem), 2018 N.Y. Slip Op. 03904