

<b>P.D. v LaCour-Gayet</b>
2021 NY Slip Op 03260
Decided on May 20, 2021
Appellate Division, First Department
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This opinion is uncorrected and subject to revision before publication in the Official Reports.

Decided and Entered: May 20, 2021

Before: Renwick, J.P., Manzanet-Daniels, Mazzarelli, Mendez, JJ.

Index No. 20207/13E Appeal No. 13897&M-1329 Case No. 2020-03680

**[\*1]P.D., an Infant by His Mother and Natural Guardian, Tynecca Velez, et al., Plaintiffs-  
Respondents-Appellants,**

v

**Francois LaCour-Gayet, M.D., Defendant, Montefiore Medical Center, Defendant-Appellant-  
Respondent.**

Wilson Elser Moskowitz Edelman & Dicker, LLP, White Plains (Alan Friedberg of counsel),  
for appellant-respondent.

Jonah Grossman, Jamaica (Lawrence B. Lame of counsel), for respondents-appellants.

Order, Supreme Court, Bronx County (Doris M. Gonzalez, J.), entered on or about May 8,  
2020, which granted defendant Montefiore Medical Center's motion to set aside the verdict  
awarding plaintiff \$1 million for past pain and suffering and \$1 million over 41 years for future  
pain and suffering to the extent of ordering a new trial on damages unless plaintiff stipulated to a  
reduction of the awards for past and future pain and suffering to \$150,000 and \$450,000,

respectively, unanimously modified, on the facts, to further reduce the award for future pain and suffering to \$100,000, and otherwise affirmed, without costs.

The award for future pain and suffering deviates materially from what would be reasonable compensation (*see* CPLR 5501[c]).

In view of this finding, we need not reach the remaining arguments.

**M-1329 - P.D., an infant by his mother and natural guardian, Tynecca Velez v Francois LaCour- Gayet, M.D.**

Motion to strike Points A-N of plaintiff's reply brief as improper surreply granted.

THIS CONSTITUTES THE DECISION AND ORDER

OF THE SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT.

ENTERED: May 20, 2021

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