



228 A.D.3d 547, 211 N.Y.S.3d 391
(Mem), 2024 N.Y. Slip Op. 03394

****1** Bei Yang, Appellant,

v

The Pagan Law Firm, P.C., et al., Respondents.

Supreme Court, Appellate Division,
First Department, New York
158570/18, 2022-01936, 2538
June 20, 2024

CITE TITLE AS: Bei Yang
v Pagan Law Firm, P.C.

HEADNOTE

Attorney and Client

Malpractice

Proximate Cause—Inability to Show Plaintiff Would Have
Obtained Verdict Exceeding Settlement Amount

Law Offices of Sanford F. Young, New York (Sanford F.
Young of counsel), for appellant.

Furman Kornfeld & Brennan LLP, New York (Aaron M.
Barham of counsel), for respondents.

Order, Supreme Court, New York County (Sabrina Kraus,
J.), entered April 29, 2022, which granted defendants' motion
for summary judgment dismissing the complaint in this legal
malpractice action, unanimously affirmed, without costs.

Defendants met their prima facie burden on a motion for
summary judgment by submitting the affidavit of their legal
expert, who averred that defendants did not depart from the
applicable standard of care in prosecuting plaintiff's medical
*548 malpractice action (*see Orchard Motorcycle Distribs.,
Inc. v Morrison Cohen Singer & Weinstein, LLP*, 49 AD3d
292 [1st Dept 2008]; *see e.g. Merlin Biomed Asset Mgt., LLC
v Wolf Block Schorr & Solis-Cohen LLP*, 23 AD3d 243 [1st
Dept 2005]). Defendants established that the decisions they
made in that case were reasonable and strategic courses of
action (*see Orchard Motorcycle*, 49 AD3d 292).

Plaintiff cannot show that, but for defendants' negligence, she
would have obtained a verdict after trial that exceeded the
\$1.3 million settlement amount defendants negotiated (*see
Gallet, Dreyer & Berkey, LLP v Basile*, 141 AD3d 405 [1st
Dept 2016]; *see also Schloss v Steinberg*, 100 AD3d 476
[1st Dept 2012]). Concur—Oing, J.P., Friedman, González,
Rodríguez, O'Neill Levy, JJ. [Prior Case History: 75 Misc
3d 757.]

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