

POLICE OFFICER'S RIGHT TO SUE 2020 NEWSLETTER

DETECTIVE RECEIVES SETTLEMENT FROM THE CITY OF NEW YORK AFTER STATION HOUSE JAIL CELL ACCIDENT

A New York City Police Detective received a \$1,000,000 settlement from the City of New York after he injured his shooting hand on exposed edges of chicken wire improperly placed on the jail cell. The command had inserted the chicken wire to prevent prisoners from grabbing Officers and/or preventing them from throwing items from the jail cell. The Detective injured the top of his hand while uncuffing a prisoner. The Detective suffered significant nerve damage and complex regional pain syndrome to his shooting hand which resulted in the Detective receiving a 3/4 line-of-duty disability pension. The Detective retained DCD. DCD filed a notice of claim with the City of New York within the 90-day time limit. DCD then sued the City of New York pursuant to GML §205-e alleging the City violated New York City Administrative Code §28-301.1 and Labor Law §27-a(3). The City of New York moved to dismiss the Detective's case claiming the City of New York did not possess the requisite notice of the sharp edges of the chicken wire. Joseph Decolator successfully defended the motion by arguing that the chicken wire was not properly soldered to the jail cell and the City installed the chicken wire for the purpose of providing protection to Officers from prisoners. The defective condition at issue was created by the City and, therefore, they were ultimately responsible for maintaining the chicken wire in a safe manner to prevent a hazardous condition from occurring. Dominic DiPrisco settled the case for \$1,000,000 at a pre-trial conference.

SERGEANT RECEIVES A \$600,000 SETTLEMENT FROM THE CITY OF NEW YORK AFTER THE OPERATOR LOST CONTROL OF THE RMP STRIKING A STEEL BEAM STRUCTURE

A Sergeant received a settlement of \$600,000 from the City of New York after he was seriously injured in a one-vehicle RMP accident. The Sergeant, his operator and another MOS were performing routine patrol during a rain event. The operator, with a non-working front windshield defroster, drove the RMP at an excessive rate of speed and lost control of the vehicle crashing into a steel beam structure. The Sergeant suffered a labral tear which required surgery. The Sergeant was subsequently awarded a 3/4 line-of-duty disability pension. DCD filed a notice of claim within 90 days from the accident to preserve the Sergeant's right to sue the City of New York. DCD sued the City of New York pursuant to GML §205-e alleging the City of New York violated §27-a(3) of the Labor Law and §§1180(a), 1212 and 375(1) of the Vehicle and Traffic Law. Dominic DiPrisco settled the case for \$600,000 at a pre-trial conference.

OFFICER RECEIVES A SETTLEMENT OF \$750,000 FROM A PRIVATE BUILDING OWNER AFTER TRIPPING ON A DEFECTIVE EXTERIOR STAIRCASE

An Officer employed by the New York City Police Department received a settlement of \$750,000 from a private building owner after tripping on a defective staircase while responding to a 10-34 involving an EDP. The Officer sustained a tear of the medial meniscus and ACL sprain which necessitated a medial patella femoral ligament reconstruction surgery. The Officer underwent two surgeries. The Officer was subsequently awarded a 3/4 line-of-duty disability pension. The Officer was injured when she arrived at the scene of the 10-34 and attempted to ascend an exterior set of uneven steps and tripped. DCD hired an architect as a part of the litigation. The architect concluded that the staircase had been rebuilt and the risers on the four-step staircase were all different in violation of the Multiple Dwelling Law and the 1901 NYC Building Code. DCD sued the building owner pursuant to GML §205-e claiming the building owner violated New York City Administrative Code §§28-301.1, 27-375(f)(g)(h) and 27-376; Multiple Dwelling Law §§52 and 78; and the 1901 New York City Building Code.

ICE/STATION HOUSE PARKING LOT/SIDEWALK**OFFICER RECEIVES A SETTLEMENT OF \$650,000 FROM THE CITY OF NEW YORK AFTER FALLING ON ICE IN THE PRECINCT PARKING LOT**

A New York City Police Officer sustained a serious injury to his shoulder when he slipped on old ice while de-icing patrol cars in the command's parking lot. The Officer injured his shoulder necessitating surgery to repair a tear in his rotator cuff. The Officer retained DCD who filed a notice of claim against the City of New York and the New York City Transit Authority. The parking lot was used by the command; however, DCD was not certain who owned the parking lot at the time the notice of claim was filed. During the course of discovery, DCD obtained documents which proved the City of New York was responsible for the maintenance and safety of the parking lot. DCD sued the City of New York pursuant to GML §205-e claiming the City violated Labor Law §27-a(3) and §28-301.1 of the New York City Administrative Code alleging the City of New York did not properly maintain the parking lot in a safe condition. The City of New York settled the case for \$650,000 at a pre-trial conference.

SERGEANT RECEIVES A SETTLEMENT OF \$250,000 FROM THE CITY OF NEW YORK AFTER FALLING ON ICE IN A STATION HOUSE PARKING LOT

A Sergeant received a \$250,000 settlement from the City of New York after injuring her neck following slipping on ice in the station house parking lot. The Sergeant was walking to her RMP when she slipped on a patch of snow-covered ice causing her to fall backwards. The Sergeant sustained numerous herniated discs to her neck, several of which were degenerative in nature. The Sergeant did not have surgery and treated her injuries with physical therapy and epidural injections. The Sergeant was awarded a 3/4 line-of-duty disability pension. DCD filed a notice of claim within the 90-day prescribed time limitations. DCD then sued the City of New York pursuant to GML §205-e alleging the City of New York violated §2903(b)(2) of the New York City Charter and §27-a(3) of the Labor Law. The matter settled for \$250,000 at a pre-trial conference.

SERGEANT RECEIVES A SETTLEMENT OF \$110,000 FROM THE CITY OF NEW YORK AFTER FALLING ON BLACK ICE IN A STATION HOUSE PARKING LOT

A New York City Sergeant tore his right shoulder labrum necessitating arthroscopic surgery after falling on black ice while he was going to his RMP in the station house parking lot. The Sergeant returned to full duty. DCD sued the City of New York pursuant to GML §205-e alleging the City of New York violated New York City Administrative Code §§27-479, 19-152 and 7-201(c)(2) in failing to keep the parking lot free and unobstructed from dangerous conditions such as old ice. The matter settled for \$110,000 at a pre-trial conference.

OFFICER RECEIVES A \$600,000 SETTLEMENT FROM THE CITY OF NEW YORK AFTER FALLING ON ICE IN A STATION HOUSE PARKING LOT

A New York City Police Officer received a settlement of \$600,000 from the City of New York after falling down in an icy command parking lot and fracturing his ankle. The injury necessitated two surgeries. The Officer was responding to a 10-53 in the station housing parking lot prior to falling on the ice. As a result of the injury, the Officer was awarded a 3/4 line-of-duty disability pension. Initially, the Officer did not know he could sue the City of New York and approximately seven months elapsed from the date of the line-of-duty accident. Accordingly, the Officer was four months late to file a notice of claim. DCD filed an application in Bronx Supreme Court for permission to file approximately four months after the 90-day time limit to file expired. The application was granted by a Bronx Supreme Court Justice. DCD then sued the City of New York

pursuant to GML §205-e alleging the City of New York violated New York City Administrative Code §§27-479, 19-152 and 7-201(c)(2) in failing to keep the parking lot free and unobstructed from dangerous conditions such as ice. The case settled for \$600,000 at a pre-trial conference.

OFFICER RECEIVES A \$125,000 SETTLEMENT FROM THE CITY OF NEW YORK AFTER HITTING HIS KNEE ON A BENCH IN THE STATION HOUSE LOCKER ROOM

A New York City Police Officer received a settlement of \$125,000 from the City of New York when he was injured after he struck his knee on a bench which was placed on the floor of the men's locker room. The floor of the locker room was flooded as a result of a recurring leak and poor drainage. The floor had two to three inches of water. Members of the command had placed the bench over the flood to allow movement in the locker room. The Officer was walking on the bench and hit his knee while stepping off the bench causing a knee injury which necessitated surgery. The Officer retained DCD who filed a notice of claim against the City of New York. DCD then sued the City of New York pursuant to GML §205-e alleging the City of New York violated Labor Law §27-a(3) and New York City Administrative Code §§28-301.1 and 27-369 by not affording the Officer with a safe place to work. The matter settled for \$125,000 at a pre-trial conference.

OFFICER RECEIVES A SETTLEMENT OF \$600,000 FROM THE CITY OF NEW YORK AFTER INJURING HIS KNEE FROM FALLING DOWN A STATION HOUSE STAIRCASE

A New York City Police Officer received a \$600,000 settlement from the City of New York after slipping on water on a station house staircase. The Officer descended from the men's locker room on the third floor to the second floor landing when he slipped on water on the steps. The Officer fractured his knee and also sustained a tear to his meniscus. The Officer's injuries necessitated two arthroscopic procedures to correct the injury. The Officer was awarded a 3/4 line-of-duty disability pension. DCD filed a notice of claim with the City of New York within 90 days from the line-of-duty accident to preserve the Officer's right to sue. DCD then sued the City of New York pursuant to GML §205-e alleging the City violated New York City Administrative Code §§28-301.1, 27-375 and 27-376 and Labor Law §27-a(3). DCD argued that the City failed to put weather mats down at the entrance of the command to prevent melted snow to be brought into the command and onto the stairway steps. DCD also hired an architect who inspected the subject staircase. The architect noted that the City of New York failed to properly maintain the staircase to prevent a build-up of moisture on the stairs to the third floor locker room. In addition, the staircase should have had a handrail on the wall side of the staircase which could have stopped the Officer's fall. Dominic DiPrisco settled the matter for \$600,000 at a pre-trial conference.

OFFICER RECOVERS \$200,000 SETTLEMENT FROM CITY OF NEW YORK AFTER FALLING DOWN IN A POTHOLE IN THE PARKING LOT OF THE COMMAND

A New York City Police Officer received a settlement of \$200,000 from the City of New York after sustaining injuries from falling in a hole in the command's parking lot. The Officer suffered a SLAP tear to his dominant shoulder which required two surgeries. DCD sued the City of New York pursuant to GML §205-e and GOL §11-106 alleging the City of New York violated Labor Law §27-a(3) and New York City Administrative Code §28-301.1. DCD claimed the City of New York failed to properly maintain the station house parking lot. Although the Officer returned to full duty, Dominic DiPrisco negotiated a settlement of \$200,000 from the City of New York.

SERGEANT RECEIVES A \$500,000 SETTLEMENT FROM CITY OF NEW YORK AFTER SLIPPING AND FALLING ON A WET STAIRCASE IN THE COMMAND AND SUSTAINING AN INJURY TO HIS SHOULDER

A New York City Police Department Sergeant received a \$500,000 settlement from the City of New York after injuring his shoulder from falling on wet steps in a station house staircase. The Sergeant was leaving the command when he slipped on the wet staircase. The staircase was wet because the City of New York failed to provide mats to absorb the melted snow brought in from the parking lot into the command and onto the staircase. An MRI disclosed a torn rotator cuff which necessitated surgery. The Sergeant was subsequently awarded a 3/4 line-of-duty disability pension. Initially, the Sergeant was unaware of his right to sue and the 90-day notice of claim requirement lapsed. The Sergeant retained DCD. DCD immediately filed a notice of claim to "stop" the lateness and then successfully filed a petition in Bronx Supreme Court to allow the Sergeant to file a late notice of claim. DCD sued the City of New York pursuant to GML §205-e alleging the City violated New York City Administrative Code §28-301.1 and Labor Law §27-a(3) in failing to maintain the station house in a safe manner. The case settled for \$500,000 at a pre-trial conference.

FIREFIGHTER RECEIVES A \$500,000 SETTLEMENT FROM A COMMERCIAL BUILDING OWNER AFTER FALLING ON OLD ICE WHILE ATTEMPTING TO ATTACH A HOSE TO A HYDRANT

A New York City Firefighter was awarded \$500,000 from an arbitrator after sustaining serious injuries from slipping on old ice in front of a hydrant while battling a fire. Our client sustained serious injuries to his dominant shoulder which required two surgeries. The Firefighter was subsequently awarded a 3/4 line-of-duty disability pension. The Firefighter was injured after he was carrying a ten-foot hose onto the sidewalk toward the fire hydrant. He slipped on a patch of ice and fell to the ground. The Firefighter dropped the hose and attempted to extend his arm to brace for the fall causing a tear in his dominant shoulder. DCD sued the property owner pursuant to GML §205-a alleging the property owner violated New York City Administrative Code §7-210(a)(b) and Labor Law §27-a(3) by failing to keep the sidewalk free from ice and snow. The defendant property owner made a motion to dismiss claiming the Firefighter fell during a "storm in progress" and that there was no old ice. Joseph L. Decolator, in successfully defending the motion, hired a forensic meteorologist who determined there was a snow event several days prior to this accident and the weather conditions subsequent to that event were below freezing leading that snow to turn into ice. Dominic DiPrisco convinced an arbitrator that a \$500,000 award would be justified to compensate the Firefighter for his injuries.

VERTICALS

Officers often get injured in both private and public dwellings while conducting vertical patrols. Officers routinely encounter deplorable conditions which contribute to LOD accidents. These conditions include poorly lit staircases, broken or worn out steps, broken handrails, lack of skid-resistant steps, foreign substances in the stairways, and poorly lit rooftops.

OFFICER AWARDED \$575,000 SETTLEMENT AFTER SLIPPING ON ROOFTOP ICE

A New York City Police Officer was awarded a settlement of \$575,000 after he slipped on ice on a dimly lit rooftop during a vertical patrol in a residential building. The Officer sustained a right ankle fracture and a torn shoulder rotator cuff. The Officer had surgery to repair the right ankle. The Officer had to have a second surgery to remove the hardware. The Officer did not have a complete recovery and was forced to have a third

procedure to resolve a nerve complication. The Officer was subsequently awarded a 3/4 line-of-duty disability pension for Complex Regional Pain Disorder Right Foot. DCD sued the building owner pursuant to GML §205-e claiming the defendant violated §§37 and 78 of the Multiple Dwelling Law and §§27-381, 28-301.1, 27-103, 27-725 through 27-739 of the New York City Administrative Code in failing to remove snow and ice from the roof and failing to provide the Officer with adequate and proper lighting. The Officer received a \$575,000 settlement after a contentious seven-year litigation.

TRAINING

OFFICER RECEIVES \$175,000 SETTLEMENT FROM CITY OF NEW YORK AFTER INJURING HIS ACHILLES TENDON IN A TACTICAL TRAINING SESSION

An Officer assigned to a specialized detail sustained a torn Achilles tendon after physically engaging with another member of the service during tactical training. The training took place in a trailer with a make-shift floor. DCD, on behalf of the Officer, argued the City of New York violated Labor Law §27-a(3) in not providing the Officer with a facility and flooring which was designed to handle physical training. Although the Officer was unable to articulate a specific reason why he suffered the Achilles injury, DCD was able to demonstrate the flooring was not suitable for training and also had a hole which may have contributed to the Officer's injury. Although the Officer returned to full duty status, DCD settled the case for \$175,000.

RMP/EQUIPMENT

OFFICER RECEIVES A \$200,000 SETTLEMENT FROM CITY OF NEW YORK AFTER SUSTAINING INJURIES WHEN THE RMP HE WAS OPERATING HAD AN EQUIPMENT MALFUNCTION CAUSING THE RMP TO REAR-END A CIVILIAN VEHICLE

An Officer received a settlement of \$200,000 from the City of New York. The Officer was operating a Ford Fusion RMP on an emergency run and when he attempted to avoid traffic, the RMP's brakes locked up causing the vehicle to skid into the rear of a civilian vehicle. Prior to the accident, the Anti-lock Brake System (ABS), Electronic Stability Control (ESC), and the front airbag warning lights were all illuminated on the dashboard. The Officer suffered a neck injury but did not require surgery. The Officer was awarded a 3/4 line-of-duty disability pension. Unfortunately, the Officer did not know he could sue the City of New York and approximately five months elapsed from the date of the line-of-duty accident. DCD successfully filed a petition with a Justice of the Supreme Court, Queens County, which permitted the Officer to file a late notice of claim. DCD then sued the City of New York pursuant to GML §205-e alleging the City of New York violated Vehicle and Traffic Law §375(1) and Labor Law §27-a(3). DCD hired an accident reconstructionist expert who examined the RMP's black box. The expert concluded that the ABS did not activate at any time prior to the impact which was consistent with the warning lights being on. The expert opined that not only the ABS malfunction caused the Officer to lose steering control, it also greatly increased the impact speed and, thus, the severity of the crash. The matter settled for \$200,000 at a pre-trial conference.

AUTO/PRIVATE

SUFFOLK COUNTY OFFICER RECEIVES A \$650,000 SETTLEMENT FROM A PRIVATE MOTORIST AFTER SUSTAINING SERIOUS INJURIES IN AN RMP ACCIDENT

An Officer employed by the Suffolk County Police Department received a \$650,000 settlement from a private motorist after the motorist lost control of his vehicle on a slippery road surface causing his vehicle to skid into the driver's door of the RMP. The Officer sustained a serious head injury resulting in a concussion and recurring post-concussion syndrome. As a result of these injuries, the Officer was compelled to retire on a 3/4 line-of-duty disability pension. DCD sued the private motorist pursuant to GML §205-e alleging the motorist violated Vehicle and Traffic Law §§129(a), 1180(a), 1212 and 375(1) in causing the accident. The matter settled in a pre-trial mediation for \$650,000.

OFFICER RECEIVES A SETTLEMENT OF \$800,000 FROM A CIVILIAN MOTORIST AFTER BEING REAR-ENDED BY A COMMERCIAL VEHICLE

A New York City Police Officer received a settlement of \$800,000 after sustaining a neck injury which required surgery as a result of being rear-ended by a commercial vehicle. The Officer was a recorder in a marked RMP stopped at a red light when the accident occurred. The Officer sustained a serious neck injury which required surgery. The Officer was awarded a 3/4 line-of-duty disability pension. DCD sued the commercial owner and the operator of the truck pursuant to GML §205-e alleging the defendant's operator violated Vehicle and Traffic Law §§1129, 1180(a), 1212 and 375(1). The matter settled for \$800,000 at a mediation prior to trial.

PREMISES/PRIVATE

DETECTIVE RECEIVES A \$200,000 SETTLEMENT FROM A PRIVATE BUILDING OWNER AFTER FALLING DOWN A WET STAIRCASE AND SUFFERING A KNEE INJURY

A New York City Police Detective ruptured his patella tendon after falling down a wet staircase following the execution of a search warrant. The building owner failed to place mats down in the lobby to absorb rain water coming from a wet, windy day. People coming into the building created an accumulation of water on an open, worn-down marble interior staircase making the staircase extremely dangerous to navigate. The Detective slipped on the water causing him to fall down the staircase leading to the knee injury. The Detective underwent surgery to repair the patella tendon. DCD hired an architect to inspect the staircase. The architect concluded the subject steps were extremely worn and constituted a "hidden trap" when moisture was on the steps and which constituted a violation of the New York City Building Code. DCD sued the building owner pursuant to GML §205-e alleging the owner violated New York City Administrative Code §§27-1020, 27-1021, and 28-301.1. The matter settled for \$200,000 prior to jury selection.

OFFICER RECEIVES A SETTLEMENT OF \$125,000 AFTER SLIPPING ON MISPLACED U.S. MAIL ON A STAIRCASE WHEN RESPONDING TO A 10-10

A New York City Police Officer suffered a torn ACL after slipping on mail left by a United States Postal Worker on a staircase in a private building. The Officer was responding to a dispute with a knife. The Officer entered the building and noticed some of the lights in the vestibule were out. She ascended the steps from the lobby to the first floor when her foot slipped on multiple pieces of mail left on the landing. The Officer continued to

respond to the job but the following day had difficulty with her knee. DCD filed a lawsuit against the United States Postal Service and the owner of the private building pursuant to GML §205-e alleging that the defendants violated New York City Administrative Code §§28-301.1, 27-376 and Multiple Dwelling Law §§78 and 52. During the discovery process, DCD ascertained that mail person would not place the mail in the mailboxes in the back of the lobby near the back door because of garbage, continuous drug dealing and prostitution occurring near those mailboxes. The mail would be tossed onto the landing the Officer was injured on. Testimony from the deposition of the custodian acknowledged the problem with the mail and the associated issues with the criminal activity. The building owner filed a summary judgment motion attempting to dismiss the case claiming their actions did not cause the Officer's injuries. DCD successfully argued that the testimony of the defendant's witness demonstrated an issue of fact regarding the owner having notice of the condition causing the mail to be delivered on the steps rather than the mailboxes. The matter settled for \$125,000 at a pre-trial conference.

SUPPLEMENTARY UNINSURED/UNDERINSURED MOTORIST COVERAGE

Note: It is essential that New York City Police Officers avail themselves of this additional monetary protection by increasing their supplementary uninsured/underinsured motorist coverage. Counsel should be contacted immediately after a line-of-duty accident to preserve the Officer's right for SUM coverage.

There were numerous cases in which New York City Police Officers suffered serious injuries in line-of-duty accidents and the offending motorist had a minimum automobile liability policy of \$25,000. In those cases the Officers possessed \$100,000 in supplementary uninsured/underinsured motorist coverage. After the initial \$25,000 policy was offered by the defendant motorist, DCD received permission from each of the Officers' personal supplementary uninsured/underinsured motorist coverage and recovered an additional \$75,000 for each Officer from their own personal automobile policies.

DCD cannot overstate the importance for members of the service to avail themselves of additional monetary protection by taking out maximum SUM coverage. The SUM coverage for Police Officers' personal automobile insurance covers line-of-duty accidents. Many motorists in New York State possess the minimum statutory policy limits thereby affording little protection to members of the service who are injured as a result of the negligence of these uninsured/underinsured individuals. Members of the service can acquire additional protection by informing their insurance companies that they want to increase the SUM coverage to match the liability portion of their personal automobile insurance. The increases in rates are nominal and the insurance rates do not increase if a claim is made under SUM coverage

DCD ENCOURAGES ALL POLICE OFFICERS INJURED IN LINE-OF-DUTY ACCIDENTS OR OFF DUTY ACCIDENTS TO CALL THE OFFICE TO DETERMINE WHETHER THEY HAVE A VIABLE CLAIM FOR COMPENSATION. DCD IS COMMITTED TO HANDLING ANY CLAIM IF THERE IS A REASONABLE OPPORTUNITY TO RECOVER MONEY DAMAGES FOR THEIR CLIENTS. REMEMBER, THERE IS A 90-DAY TIME LIMITATION IF A MUNICIPALITY WAS INVOLVED IN CAUSING THE INJURY.