

POLICE OFFICER'S RIGHT TO SUE 2021 NEWSLETTER

SERGEANT RECEIVES A SETTLEMENT OF \$900,000 FROM A PRIVATE BUILDING OWNER AFTER HE WAS STRUCK BY A ROLLING LIGHT TOWER

A New York City Police Department Sergeant received a settlement of \$900,000 from a private commercial building owner after he was seriously injured when a mobile light tower he was unhitching rolled backwards and knocked him to the ground. The Sergeant was forced to have two hernia surgeries and exacerbated a prior line-of-duty back injury which led to a double lower back fusion. The Sergeant was awarded a $\frac{3}{4}$ line-of-duty disability pension. When the light tower became unhinged, it started rolling backwards into oncoming traffic, forcing the Sergeant and another Officer to slow it down before it caused further damage. DCD filed a notice of claim within 90 days from the accident with the City of New York since the specialized command was located inside the subject building. DCD then sued the City of New York and the commercial landowner pursuant to GML §205-e alleging both defendants violated 34RCNY 2-07(b)(1)(2); New York City Administrative Code §§19-152, 28-301.1 and 27-479 and New York City Health Code §153.19. DCD hired an architect to prove the surface in the parking lot rented by the City of New York had an improper slope which allowed the light tower to travel toward the street. At a pre-trial mediation, Dominic DiPrisco settled the case for \$900,000 against the commercial landowner.

OFFICER RECEIVES A SETTLEMENT OF \$2,750,000 FROM COMMERCIAL PRIVATE DEFENDANT AFTER A LINE-OF-DUTY PEDESTRIAN KNOCKDOWN

A New York City Police Officer received a \$2,750,000 settlement from a private corporate defendant after one of their drivers struck the Officer from behind while he was directing traffic. The Officer sustained numerous fractures and tears of his left hand, rupture of the left MCL, cranial hematoma, neck and back injuries. The Officer underwent two surgeries to repair his left hand and left knee. The Officer was also compelled to undergo a double-level cervical fusion. The Officer was subsequently awarded a $\frac{3}{4}$ line-of-duty disability pension. DCD, on behalf of the Officer, sued the driver and the corporate defendant pursuant to GML §205-e alleging the defendants violated Vehicle and Traffic Law §§1129(a), 1180(a), 1212 and 375(1). During the defendant driver's deposition, he denied he was involved in the accident and was not present at the location at the time of the accident. DCD presented the defense with photos taken by the Officer's colleagues showing the defendant in his subject vehicle at the scene shortly after the accident. At a pre-trial mediation, Dominic DiPrisco settled the case for \$2,750,000.

OFFICER RECEIVES A \$750,000 SETTLEMENT FROM A COMMERCIAL TRUCK COMPANY AFTER THE DRIVER ACCELERATED THE TRUCK INTO OFFICER WHILE SHE WAS DIRECTING TRAFFIC

A New York City Police Officer assigned to Traffic Enforcement suffered a serious injury to her left wrist and left shoulder when a commercial driver refused to make a left-hand turn as directed and accelerated his vehicle forward while the Officer was in front of the truck. The Officer reacted by extending her left arm out toward the grill of the truck. Contact was made and the Officer suffered a ligament tear and nerve damage in her wrist necessitating surgery. The Officer suffered a left shoulder injury which also necessitated surgery. The Officer was awarded a $\frac{3}{4}$ line-of-duty disability pension. Initially, the Officer retained a law firm which was not familiar with Police Officers' rights to sue and downplayed the severity of the Officer's injuries. DCD substituted the prior law firm and started to aggressively prosecute the Officer's lawsuit. DCD conducted depositions and was able to successfully negotiate a settlement of \$750,000 at a pre-trial mediation.

COMMAND/STATION HOUSE**OFFICER RECEIVES A \$60,000 SETTLEMENT FROM THE CITY OF NEW YORK AFTER SUSTAINING A KNEE INJURY FROM SLIPPING ON PAPER IN THE STATION HOUSE**

A New York City Police Officer received a \$60,000 settlement from the City of New York after injuring his knee from slipping on a piece of paper in front of the desk while attempting to respond to a 10-85. The injury necessitated arthroscopic surgery. DCD filed a notice of claim with the City of New York within the 90-day time limitation. 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 §§28-301.1, 27-375; General Obligations Law §11-106 and Labor Law §27-a(3). DCD argued that the City was responsible for the Officer's injuries because another City employee discarded the paper on the floor, therefore, "creating" a dangerous condition. The matter settled for \$60,000 at a pre-trial conference.

OFFICER RECOVERED \$10,000 FROM THE CITY OF NEW YORK AFTER FRACTURING HIS FINGER WHEN HE FELL ON A MISPLACED PATROL BAG LEFT BY ANOTHER OFFICER AT ROLL CALL

A New York City Police Officer received a \$10,000 settlement from the City of New York. The Officer fractured his finger after tripping on a misplaced patrol bag during a command roll call. DCD filed a notice of claim within the 90-day time limit and then sued the City of New York pursuant to GML §205-e and §11-106 of the General Obligations Law alleging the City of New York violated §27-a(3) of the Labor Law and §§27-369 and 28-301.1 of the New York City Administrative Code. The case settled for \$10,000 after a pre-trial conference.

DETECTIVE RECEIVES A \$600,000 SETTLEMENT FROM THE CITY OF NEW YORK AFTER SUSTAINING INJURIES FROM FALLING ON UNSECURED COMPUTER WIRES AND POWER CORDS IN THE COMMAND

A New York City Police Department Detective received a settlement of \$600,000 after sustaining a serious elbow injury from tripping and falling on exposed, unsecured computer wires and power cords near the desk in his command. The Detective suffered an elbow ulnar nerve compression which necessitated decompression surgery. After the first surgery was unsuccessful, the Detective was compelled to get a second decompression surgery. The Detective was subsequently awarded a ¾ line-of-duty disability pension. After the Detective contacted DCD, a notice of claim was filed within the 90-day time limitation. 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), General Obligations Law §11-106 and Administrative Code of the City of New York §§27-369 and 28-301.1. Dominic DiPrisco settled the case for \$600,000 at a pre-trial conference.

DETECTIVE RECEIVES A \$175,000 SETTLEMENT FROM THE CITY OF NEW YORK AFTER SUSTAINING INJURIES WHEN A SHELVING UNIT IN THE COMMAND FELL KNOCKING THE DETECTIVE TO THE GROUND

A New York City Police Department Detective received a \$175,000 settlement as a result of injuries she sustained in the command when overhead shelving collapsed when she reached for a power strip. The Detective sustained an injury to her right shoulder and right ankle, both which required arthroscopic procedures. The Detective was aware of the 90-day time limitation. She retained DCD and a notice of claim was immediately filed. DCD sued the City of New York pursuant to GML §205-e claiming the City of New York violated Labor Law §27-a(3) and New York City Administrative Code §28-301.1 in not having the shelving properly secured. The matter settled for \$175,000 at a pre-trial conference.

OFFICER RECEIVES A \$40,000 SETTLEMENT FROM THE CITY OF NEW YORK AFTER A PORTION OF A RETAINING WALL AT THE COMMAND FELL ON HIS FOOT

An Officer assigned to a specialized unit fractured his toe when a concrete portion of a loose retaining wall fell on his foot while he was returning to the station house. DCD filed a notice of claim within the 90-day time limitation. DCD then sued the City of New York pursuant to GML §205-e alleging the City of New York failed to provide the Officer with a safe place to work in violation of Labor Law §27-a(3) and New York City Administrative Code §§ 28.301.1 and 19-152. The matter settled for \$40,000 at a pre-trial conference.

OFFICER RECOVERED \$50,000 FROM THE CITY OF NEW YORK AFTER FRACTURING HIS ANKLE WHEN HE TRIPPED ON A PROTRUDING METAL EDGE ON A COMMAND STAIRCASE

A New York City Police Officer received a \$50,000 settlement from the City of New York. The Officer fractured his ankle after tripping on a protruding metal edge of a step on a command staircase. DCD filed a notice of claim within the 90-day time limitation and then sued the City of New York pursuant to GML §205-e and GOL §11-106 claiming the City of New York failed to provide the Officer with a safe place to work. The matter settled for \$50,000 at a pre-trial conference.

SNOW/ICE**A CAPTAIN RECEIVED A \$65,000 SETTLEMENT FROM THE CITY OF NEW YORK AFTER SUSTAINING A KNEE INJURY FROM FALLING ON ICE IN A STATION HOUSE PARKING LOT**

A New York City Police Department Captain injured his wrist and knee after falling on old ice in the command's parking lot. The Department inadequately cleared the snow from the lot during a prior snow storm. The snow turned to ice and the Captain, while performing his duties, slipped and fell sustaining injuries. Although the injuries were serious, the Captain elected to not have surgery. DCD filed a notice of claim with the City of New York within the prescribed 90-day time limitation. DCD then sued the City of New York pursuant to GML §205-e claiming the City violated Labor Law §27-a(3), New York City Administrative Code §§7-210(a)(b) and 28-301.1 and New York City Health Code §153.19 in that the City of New York failed to provide the Captain with a safe place to work by inadequately shoveling the snow from the parking lot. The matter settled for \$65,000 at a pre-trial conference.

OFFICER RECEIVES A SETTLEMENT OF \$60,000 FROM A PRIVATE HOMEOWNER AFTER INJURING HIS KNEE FROM FALLING ON ICE IN A DRIVEWAY

A Police Officer received a settlement of \$60,000 from a homeowner after falling on old ice in a driveway owned by a private homeowner. The Officer suffered a torn meniscus which required arthroscopic surgery. The Officer had a complete recovery. DCD sued the homeowner pursuant to GML §205-e alleging the defendant violated New York City Administrative Code §§7-210(a)(b) and 301.1. The matter settled for \$60,000 at a pre-trial conference.

AUTO/PRIVATE/CITY**OFFICER RECEIVES A \$750,000 SETTLEMENT FROM THE CITY OF NEW YORK AFTER SUSTAINING INJURIES IN LOD RMP ACCIDENT**

A Police Officer received a settlement of \$750,000 from the City of New York after he injured his left shoulder necessitating arthroscopic surgery. The Officer's shoulder did not heal and he was subsequently awarded a ¾ line-of-duty disability pension. The Officer was the recorder in an RMP operated by his partner. The Officers were responding to an emergency run with lights and sirens and had the steady green light when another RMP responding to the same job with lights and sirens traveled through

a steady red light without slowing down and collided with our client's vehicle. DCD served a timely notice of claim within the prescribed 90-day time limitation. DCD sued the City of New York pursuant to GML §205-e claiming the other RMP violated Vehicle and Traffic Law §§1144(b), 1146, 1180(a), 1212 and 375(1) by failing to slow down at a steady red light. Dominic DiPrisco settled the case with the City of New York at a pre-trial conference for \$750,000.

OFFICER RECEIVES A SETTLEMENT OF \$600,000 FROM THE CITY OF NEW YORK AND A CIVILIAN MOTORIST AFTER SUSTAINING INJURIES IN A LOD RMP ACCIDENT

A New York City Police Officer received a \$600,000 settlement from the City of New York and a civilian motorist. The Officer was a recorder in a marked RMP pursuing a traffic violator when the operator, with lights and sirens on, made an abrupt left-hand turn. A civilian motorist traveling in the opposite direction failed to yield to an emergency vehicle and collided with the RMP. The Officer sustained injuries to his neck and back and was compelled to undergo a cervical discectomy and fusion on a single level. The Officer was subsequently awarded a ¾ line-of-duty disability pension. After filing a notice of claim with the City of New York within 90 days from the date of accident, DCD sued the City of New York pursuant to GML §205-e and common law negligence alleging the operator of the RMP violated Labor Law §27-a(3) and Vehicle and Traffic Law §§1141, 1104(e), 1104(b)(2), 1144(b) and 375(1). DCD also sued the civilian motorist for failure to yield to an authorized police vehicle and failure to prevent the collision. The civilian only had \$100,000 in liability insurance coverage which DCD was able to collect. The City of New York filed a summary judgment motion requesting the Court to dismiss the Officer's claim that his partner's "recklessness" caused the accident and his injuries. Joseph L. Decolator, on behalf of the Officer, argued that there was a genuine issue of fact that only a jury could decide as to whether the driver's actions under an "emergency" situation were considered "reckless." Mr. Decolator prevailed on the motion, and the case remained on the trial calendar and ultimately settled for an additional \$500,000 at a pre-trial conference with the City of New York.

OFFICER RECEIVES A \$90,000 SETTLEMENT FROM A CIVILIAN MOTORIST AFTER SUSTAINING INJURIES IN A LOD RMP ACCIDENT

A New York City Police Officer received a \$90,000 settlement from a civilian defendant after sustaining injuries in a line-of-duty RMP accident. The Officer was responding to a 10-53 and was compelled to travel on the shoulder to avoid traffic. The civilian motorist, who was traveling in the right lane, attempted to enter the shoulder prematurely prior to exiting the highway which caused the accident. The Officer sustained a serious injury to his dominant shoulder which necessitated surgery. The Officer was awarded a ¾ line-of-duty disability pension. Although the NYPD blamed the Officer for the accident, the Officer received a settlement of \$90,000.

AUTO/SECOND IMPACT/CITY

OFFICER RECEIVES A \$500,000 SETTLEMENT FROM THE CITY OF NEW YORK AFTER INJURING HIS KNEE ON AN UNPADDED COMPUTER BRACKET WHILE RESPONDING TO AN EMERGENCY RUN

An Officer received a settlement of \$500,000 from the City of New York. The Officer was in the passenger seat of an RMP which was responding to an emergency situation with lights and sirens on. The RMP collided with a vehicle driven by a fleeing felon at an intersection. As a result, the Officer's left knee slammed into the unpadded computer bracket causing a serious injury which necessitated surgery. The Officer was subsequently awarded a ¾ line-of-duty disability pension. The Officer did not know he could sue the City of New York, and the time to file timely elapsed. DCD filed an application for permission to file a late notice of claim approximately four months after the 90-day time limitation to file expired. The application was granted by a State

Supreme Court Justice. DCD then sued the City of New York pursuant to GML §205-e claiming the City of New York violated §27-a(3) of the Labor Law, Vehicle and Traffic Law §382-c and §§15NYCRR 55.1, 55.2. The case settled for \$500,000 at a pre-trial conference.

OFF-DUTY AUTO

AN OFF-DUTY NEW YORK CITY POLICE OFFICER RECEIVED A SETTLEMENT OF \$75,000 FROM A WESTCHESTER COUNTY POLICE DEPARTMENT AFTER SUSTAINING A SHOULDER INJURY WHEN A POLICE VEHICLE MADE AN ILLEGAL U-TURN COLLIDING WITH THE OFFICER'S VEHICLE

A New York City Police Officer, while off-duty, sustained a serious shoulder injury which necessitated surgery when a Westchester County police vehicle made an illegal U-turn in a non-emergency setting causing the collision. DCD filed a notice of claim with Westchester County and the corresponding town within the 90-day time limitation. DCD then sued both defendants alleging the police vehicle violated Vehicle and Traffic Law §§1129(a), 1180(a), 1212 and 375(1). The matter settled for \$75,000 at a pre-trial conference.

AN OFF-DUTY NEW YORK CITY POLICE OFFICER RECEIVED A SETTLEMENT OF \$150,000 FROM THE CITY OF NEW YORK AFTER SUSTAINING SHOULDER AND NECK INJURIES WHEN THE OPERATOR OF A NEW YORK CITY RMP DID NOT SLOW DOWN AT A STEADY RED LIGHT STRIKING THE OFFICER'S OFF-DUTY VEHICLE

A New York City Police Officer, while off-duty, was operating his civilian vehicle when the operator of an RMP, responding to a 10-85, drove through the intersection with lights and sirens while the traffic control device was red causing the collision. The Officer sustained a labral tear to his shoulder which necessitated surgery along with neck and back injuries. DCD sued the City of New York pursuant to Vehicle and Traffic Law §§1144(b), 1146, 1180(a), 1212 and 375(1) alleging the RMP operator acted recklessly by not slowing down at the steady red light. The City of New York filed a motion to dismiss the case claiming the operator of the RMP was not driving recklessly. DCD defended the motion and convinced a Bronx Supreme Court Justice that there were issues of fact. The Justice denied the motion. The matter settled for \$150,000 at a pre-trial conference.

OFF-DUTY OFFICER RECEIVES A \$85,000 SETTLEMENT FROM THE CITY OF NEW YORK AFTER COLLIDING WITH AN RMP GOING ON AN EMERGENCY RUN

An off-duty New York City Police Officer was injured prior to her tour when her vehicle was struck at an intersection by an RMP that was responding to a 10-85. The off-duty Officer had the green light and testified the lights of the RMP were not on nor did she hear the siren as she proceeded through the intersection. The off-duty Officer sustained several herniations but was able to return to full duty. DCD filed a notice of claim against the City of New York within the 90-day time limitation and then commenced a lawsuit pursuant to Vehicle and Traffic Law §§1180 and 1212 alleging the operator of the RMP was reckless in not slowing down in the intersection resulting in the collision. The matter settled for \$85,000 at a pre-trial conference.

PREMISES

A NEW YORK CITY POLICE OFFICER RECEIVED A \$125,000 SETTLEMENT FROM A PRIVATE BUILDING OWNER AFTER HE FELL ON A DEFECTIVE BROKEN EXTERIOR WALKWAY LEADING TO THE STAIRCASE

An Officer assigned to a Bronx Command received a \$125,000 settlement from a private building owner after fracturing his hand by tripping on a broken exterior walkway leading to the building's exterior staircase. The injury necessitated surgery. DCD sued the building owner pursuant to GML §205-e alleging the building owner violated New York City Administrative Code §7-210(a)(b) in failing to maintain the walkway in a safe manner. The case settled for \$125,000 at a pre-trial conference.

FIREFIIGHTERS

A NEW YORK CITY FIREFIGHTER RECEIVED A SETTLEMENT OF \$150,000 FROM A COMMERCIAL BUILDING OWNER AFTER HE FRACTURED HIS ELBOW WHILE FIGHTING A FIRE

A Firefighter received a settlement of \$150,000 after fracturing his elbow, requiring surgery, while fighting a blaze at a commercial building. The Firefighter was unaware of his rights to sue when he consulted DCD on an unrelated matter. DCD explained to the Firefighter that if there was a statutory safety violation which contributed to the fire, the building owner would be responsible for any injuries that result from fighting the fire. DCD sued the building owner pursuant to GML §205-a alleging the building owner violated §28-301.1 of the Administrative Code of the City of New York.

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 \$120,000 SETTLEMENT AFTER SLIPPING ON ROOFTOP ICE

A New York City Police Officer was awarded a settlement of \$120,000 after he slipped on ice on a dimly lit rooftop during a vertical patrol in a residential building. The Officer sustained a right knee meniscal tear. The Officer had surgery to repair the right knee. DCD sued the building owner pursuant to GML §205-e claiming the defendant violated §§37, 52 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 \$120,000 settlement.

ASSAULT

OFFICER RECEIVED A SETTLEMENT OF \$100,000 FROM UPS AFTER ONE OF THEIR DRIVERS SLAMMED THE OFFICER'S HAND IN HIS TRUCK

A New York City Police Officer received a settlement of \$100,000 from United Parcel Service after their driver slammed the truck's door on the hand of the Officer resulting in a fractured hand. The Officer was conducting an unrelated car stop when the UPS truck driver exited his vehicle because his vehicle could not pass the RMP on the roadway. The Officers conducting the car stop asked the UPS driver to return to his truck. The driver refused. The driver returned to his vehicle after the Officer asked for his driver's license. The UPS driver refused to comply and slammed his door shut while the Officer's hand was still within the door frame. The Officer suffered a fractured hand which required surgery. DCD sued the driver and his employer, UPS, pursuant to GML §205-e claiming the driver violated Penal Law §§120.05(3), 195.85 and 205.30. The matter settled at a conference for \$100,000.

CIVILIANS AND FAMILY MEMBERS

A RETIRED NEW YORK CITY POLICE OFFICER RECEIVED A \$275,000 SETTLEMENT FROM A PRIVATE DEFENDANT AFTER SUSTAINING SERIOUS PERSONAL INJURIES IN AN AUTOMOBILE ACCIDENT

A retired New York City Police Officer was seriously injured when her vehicle was rear-ended at a high rate of speed on the New England Thruway. The retired Officer sustained neck, back and shoulder injuries. The injuries to the shoulder required surgery. DCD sued the defendant motorist pursuant to Vehicle and Traffic Law §§1129(a), 1180(9) and 1212 claiming the defendant was reckless and negligent in operating his vehicle causing the accident and the retired Officer's injuries. The matter settled for \$275,000 at a pre-trial conference.

THE MOTHER OF A NEW YORK CITY POLICE OFFICER RECEIVED A SETTLEMENT OF \$160,000 FROM A MUNICIPAL DEFENDANT AFTER TRIPPING ON THE SIDEWALK DEFECT FRACTURING HER WRIST

A mother of a New York City Police Officer suffered a broken wrist which required surgery after she tripped on a defective sidewalk in front of a municipal building. DCD filed a notice of claim within 90 days from the date of the accident and then sued the municipality alleging the municipality violated New York City Administrative Code §7-210(a)(b) in failing to maintain their sidewalk. The matter settled for \$160,000.

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.

DCD has handled 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.***