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POLICE OFFICER'S RIGHT TO SUE 2025 NEWSLETTER

OFFICER RECEIVES $1,750,000 SETTLEMENT FROM THE CITY OF NEW YORK AFTER SUSTAINING INJURIES AS THE RECORDER OF AN RMP WHICH SLID ON BLACK ICE AND STRUCK A TREE

A New York City Police Officer received a settlement of $1,750,000 from the City of New York. The Officer was the recorder of an RMP which was traveling at a high rate of speed when it slid on a patch of black ice, causing the wheels to lock and the vehicle to swerve, striking a tree on the front driver's side. Airbags failed to deploy and the Officer's right arm and shoulder struck the passenger-side bulletproof glass. The Officer sustained a concussion and fractures to his right shoulder and arm, requiring open reduction internal fixation surgery. Following the surgery, the Officer continued to experience pain, weakness, numbness and limited range of motion to his right extremity. He was awarded a ¾ line-of-duty disability pension. The Officer retained DCD, and a Notice of Claim was promptly filed 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 Vehicle and Traffic Law §§ 1104(e), 1104(b)(2), 1212 and 375(1). Dominic DiPrisco settled the case with the City of New York for $1,750,000.

OFFICER RECEIVES $1,100,000 SETTLEMENT AFTER RMP IS STRUCK HEAD-ON BY A CIVILIAN VEHICLE RECKLESSLY FLEEING POLICE PURSUIT

A New York City Police Officer received a settlement of $1,100,000 after sustaining serious injuries in a motor vehicle accident. The Officer was the recorder of an RMP which was stopped at a traffic light in Queens when it was struck head-on by an out of control civilian vehicle coming from the opposite direction while evading police pursuit. The civilian vehicle was traveling at a high rate of speed and in a reckless manner. The impact of the collision pushed the RMP into an unpadded utility pole, resulting in injury and trauma to the Officer's neck, back, right knee, both Achilles tendons, left hand and finger. He underwent five arthroscopic surgeries and was awarded a ¾ line-of-duty pension. The civilian vehicle did not have valid insurance, but fortunately, the Officer was able to receive $100,000 through his personal auto policy's supplementary uninsured/underinsured motorist coverage based on the civilian driver's conduct. With respect to the City of New York, DCD had timely filed the Notice of Claim and brought suit against the City of New York pursuant to GML § 205-e alleging violations of Labor Law § 27-a(3) and Vehicle and Traffic Law § 375(1). The City argued it was not responsible for the subject accident. DCD presented evidence that the passenger compartment of the RMP was too small to safely accommodate the Officer. Marion Livermore settled the case for $1,000,000 at a pre-trial meeting with Corporation Counsel, for a total recovery of $1,100,000.

OFFICER RECEIVES $950,000 SETTLEMENT FROM THE CITY OF NEW YORK FOR FINGER INJURY CAUSED BY SLIP AND FALL ACCIDENT WHILE EXITING BARRIER TRUCK

A New York City Police Officer assigned to barrier detail was exiting the driver's seat of a barrier truck when he slipped on the metal step and caught his dominant hand in the interior door handle. Once the Officer dislodged his hand, he was experiencing substantial pain to his ring finger. He had sustained a pulley rupture requiring several rounds of physical therapy and resulting in permanent disfigurement of his finger. He was awarded a ¾ line-of-duty disability pension. The Officer retained DCD and a Notice of Claim was filed within the 90-day time limitation. DCD then filed suit against the City of New York pursuant to GML § 205-e claiming violations of Labor Law § 27-a(3); New York City Administrative Code §§ 19-152, 28-301.1, 27-375, 27-376; Vehicle and Traffic Law §§ 375 and 376-a and New York City Charter § 2903(b)(2). DCD retained an expert licensed professional engineer to inspect the barrier truck and prepare a written report which concluded that the step was slippery due to wet sludge caused by oil which spilled from the nearby diesel fuel tank. Marion Livermore settled the case for $950,000.

SNOW/ICE

POLICE OFFICER RECEIVES $750,000 SETTLEMENT FROM THE CITY OF NEW YORK AFTER SLIPPING ON SNOWY/ICY PUBLIC SCHOOL SIDEWALK

A New York City Police Officer received a $750,000 settlement from the City of New York. The Officer was walking toward her RMP when she suddenly and unexpectedly slipped on a sidewalk covered with ice, causing her right ankle to twist. The Officer sustained a right ankle fracture and underwent arthroscopic surgery. She was awarded a ¾ line-of-duty disability pension. DCD filed a Notice of Claim within the 90-day time limitation. DCD then filed suit against The City of New York and The New York City Board of Education pursuant to GML § 205-e claiming violations of Labor Law § 27-a(3) and New York City Administrative Code §§ 28-301.1 and 7-201(a)(b). During a conference with the City of New York, Dominic DiPrisco settled the case for $750,000.

MOTOR VEHICLE ACCIDENTS

POLICE OFFICER RECEIVES $650,000 SETTLEMENT FROM SCHOOL BUS COMPANY FOR INJURIES CAUSED IN COLLISION WHERE BUS OPERATOR FAILED TO YIELD TO RMP RESPONDING TO EMERGENCY SITUATION

A New York City Police Officer received a $650,000 settlement from a school bus company after their driver collided with an RMP at an intersection in Manhattan. The Police Officer was operating an RMP with turret lights and sirens engaged when it was struck by the school bus, causing injuries to the Officer's left shoulder, head, neck and back. The Officer underwent two left shoulder surgeries and received epidural injections for his spinal injuries. He was awarded a ¾ line-of-duty disability pension. DCD sued the owner and operator of the school bus pursuant to GML § 205-e alleging the defendant's operator violated Vehicle and Traffic Law §§ 1144(a), 1180, 1212 and 375(1) in failing to yield to an emergency vehicle. Despite the Police Department blaming the accident on the Officer, Marion Livermore settled case for $650,000 at mediation.

NEW YORK CITY POLICE OFFICER RECEIVES $125,000 GLOBAL SETTLEMENT FOR RIGHT SHOULDER INJURIES AS RECORDER IN RMP ACCIDENT

A New York City Police Officer received a $125,000 global settlement from the City of New York and the owner/operator of a civilian vehicle for injuries he sustained on the job. The Officer was a recorder on routine patrol in Brooklyn when a civilian vehicle collided with the RMP at an intersection. Both operators claimed to have had the green light. The Officer struck his head on the bulletproof glass and his left side struck the computer bracket. He sustained cervical and lumbar disc bulges and herniations, as well as a right shoulder SLAP tear requiring arthroscopic surgery. He retained DCD and a Notice of Claim was promptly filed against the City of New York pursuant to GML § 205-e alleging violations of General Obligations Law § 11-106; Labor Law § 27-a(3) and Vehicle and Traffic Law §§ 1180(a), 1212, 1104(e), 1104(b)(2), 375(1) and 1111(d)(1). DCD then filed suit against both the City of New York and civilian vehicle. The defendants attempted to mitigate damages by pointing to a prior right shoulder surgery the Officer had a few years before the accident. Marion Livermore settled the case at a pre-trial conference for $125,000, with contributions of $112,500 from the City of New York and $12,500 from the civilian vehicle.

COMMAND/STATION HOUSE

NEW YORK CITY POLICE OFFICER RECEIVES $100,000 SETTLEMENT FROM THE CITY OF NEW YORK AFTER TRIPPING ON DEFECTIVE PAVEMENT IN BROOKLYN PRECINCT PARKING LOT

A New York City Police Officer received a settlement of $100,000 from the City of New York. The Officer was conducting inventory of vehicles in the rear parking lot of a Brooklyn precinct when she tripped on uneven pavement, causing her to suffer a re-injury to her knee. She sustained a meniscus tear in this accident requiring physical therapy and arthroscopic surgery. 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 claiming violations of New York Labor Law § 27-a(3) and New York City Administrative Code § 28-301.1. The City of New York sought to mitigate damages by pointing to the Officer's prior knee injury and surgery from 10 years earlier, as well as a subsequent incident during which the Officer injured her knee while attempting to restrain an EDP. Kayla Buzzeo settled the case for $100,000 at a pre-trial conference.

OFFICER RECEIVES $90,000 SETTLEMENT THE FROM CITY OF NEW YORK AND BUILDING OWNER AFTER SLIPPING ON STAIRCASE AT COMMAND

A New York City Police Officer was walking downstairs from the muster room to the locker room when he slipped on a loose metal tread on the stairway. He sustained a right ankle avulsion fracture and was caused to miss several months of overtime compensation while out sick and on limited duty. The Officer retained DCD and a Notice of Claim was filed within the 90-day time limit. DCD sued the City of New York and building owner pursuant to GML § 205-e claiming the defendants violated § 27-a(3) of the Labor Law and §§ 28-301.1 and 27-375(f)(g)(h) of the New York City Administrative Code. DCD settled the case for $90,000 at a pre-trial conference.

ANTI-CRIME OFFICER RECEIVES $50,000 SETTLEMENT FROM THE CITY OF NEW YORK AFTER INJURING ANKLE IN POTHOLE NEAR PRECINCT GAS PUMPS

A New York City Police Officer received a settlement of $50,000 from the City of New York. The Anti-Crime Officer was assisting in the voucher of a seized vehicle when he stepped into a pothole near the gas pumps of a Queens precinct. He rolled his ankle and sustained an ankle fracture and two ligament tears. He was out of work for approximately one month and then on limited duty for approximately two weeks, thereby losing six weeks of overtime compensation. The Officer attended physical therapy treatment but did not undergo any injections or surgery. He retained DCD and a Notice of Claim was filed within 90 days from the date of the accident. DCD then sued the City of New York pursuant to GML § 205-e alleging violations of Labor Law § 27-a(3) and New York City Administrative Code § 28-301.1. DCD settled the case for $50,000 at a blockbuster settlement conference.

VERTICALS

NEW YORK CITY POLICE OFFICER RECEIVES $750,000 SETTLEMENT AFTER INJURING RIGHT SHOULDER IN PUBLIC HOUSING STAIRWAY SLIP AND FALL ACCIDENT

A New York City Police Officer received a settlement in the amount of $750,000 from a public housing entity. The Officer

was responding to a call concerning shots fired in a stairway. After canvassing the rooftop, the Officer entered the seven-story stairwell and began to descend. As he stepped, his foot slipped due to water, dirt, debris and chips and cracks in the steps, causing him to slide to the bottom of one flight of stairs. He suffered lower back, neck and right extremity injuries including a right shoulder superior labral tear and biceps tenodesis. The Officer underwent one arthroscopic surgery for his right shoulder and a second surgery was recommended. He was awarded a ¾ line-of-duty disability pension after serving approximately 12 years on the job. The Officer retained DCD and a Notice of Claim was filed within the 90-day time limitation. DCD filed suit against the public housing entity pursuant to GML § 205-e, alleging violations of Multiple Dwelling Law §§ 78 and 52, as well as New York City Administrative Code § 27-375. DCD retained an expert architect who inspected the stairway and prepared a written report concluding that the defendant's failure to clean and maintain the stairwell, as well as issues with the nosing of the stair landing and handrail, were substantial factors in the accident. DCD also retained an expert economist who determined the Officer's lost earnings based on whether he had continued his career as a Police Officer and factoring in if he had been promoted to Sergeant. On the eve of trial, the parties entered into mediation. Marion Livermore settled the case for $750,000.

NEW YORK CITY POLICE SERGEANT RECEIVES $70,000 SETTLEMENT AFTER INJURING ANKLE ON CHIPPED AND UNEVEN STEP IN POORLY LIT STAIRCASE

A New York City Police Sergeant was awarded a settlement of $70,000. While responding to a shots fired call, he tripped on a chipped, broken and uneven step at the bottom of a dimly lit exterior staircase. The Sergeant sustained a left ankle fracture and multiple fractures in his left foot. He wore a boot and attended physical therapy following the accident. DCD sued the building owner pursuant to GML § 205-e claiming the defendant violated New York City Administrative Code § 28-301.1 as well as Multiple Dwelling Law §§ 78, 52 and 37, due to the defective staircase and poor lighting conditions thereat. Kayla Buzzeo settled the case for $70,000 at a pre-trial settlement conference.

TRAINING

NEW YORK CITY POLICE OFFICER RECEIVES $75,000 FROM THE CITY OF NEW YORK AFTER SUSTAINING KNEE INJURY CAUSED BY DEFECTIVE FLOOR MATS AT NYPD TRAINING FACILITY

A New York City Police Officer received a $75,000 settlement from the City of New York. The Officer was caused to be seriously injured when, while attempting to take down his partner at the NYPD Training Facility, his left foot became wedged between two mats, causing his knee to buckle. The Officer sustained a left knee meniscus tear. He received an injection to the knee, underwent physical therapy and lost a significant amount of overtime earnings while on limited duty. The Officer retained DCD and a Notice of Claim was promptly filed. DCD filed suit against the City of New York pursuant to GML § 205-e claiming violations of Labor Law § 27-a(3) and New York City Administrative Code §§ 28-301.1 and 27-369. Kayla Buzzeo settled the case for $75,000 in a conference with Corporation Counsel.

PREMISES

NEW YORK CITY POLICE OFFICER RECEIVES $500,000 SETTLEMENT FROM PRIVATE BUILDING OWNERS AFTER TRIPPING AND FALLING ON SIDEWALK DURING FOOT PURSUIT

A New York City Police Officer received a $500,000 settlement from the owners of a private apartment building in the Hell's Kitchen area of Manhattan. The Officer had responded to a call concerning an assault in progress at a nearby bar. The perpetrator was pointed out and a foot pursuit began. As the Officer was running, she tripped on an uneven sidewalk square which became elevated due to a tree root, causing her to trip and fall to the ground. She sustained Achilles tendinosis, and underwent a conservative course of treatment for several years before having surgery. DCD sued the building owners pursuant to GML § 205-e alleging the building owners violated New York City Administrative Code §§ 7-210(a)(6) and 19-152. The Officer's line-of-duty status at work fluctuated from restricted, to full, to limited duty until she was awarded a ¾ line-of-duty disability pension almost eight years after the accident. Marion Livermore settled the case for $500,000 at mediation.

NEW YORK CITY POLICE OFFICER RECEIVES $300,000 SETTLEMENT FROM THE CITY OF NEW YORK AND HOMELESS SERVICE ENTITIES AFTER SUSTAINING GUNSHOT WOUND IN FRIENDLY FIRE INCIDENT

A New York City Police Officer received a settlement in the amount of $300,000 from the City of New York and several homeless service entities after sustaining serious injuries while responding to a call at a building owned by the City of New York and operated by the New York City Department of Homeless Services. The Officer was accidentally shot in the foot by his partner, who was attempting to shoot a vicious pit bull dog which was being harbored on the premises. The Officer suffered a serious wound and underwent surgery. He retained DCD and a Notice of Claim was filed within the 90-day time limit. DCD sued the City of New York and homeless service entities pursuant to GML § 205-e alleging violations of Labor Law § 27-a(3) and Penal Law §§ 120.20 and 120.25. The litigation involved a long, protracted discovery battle with multiple appeals to the Appellate Division. At one point, DCD was awarded sanctions and costs to be paid by the City of New York due to the City's failure to comply with discovery. Carolyn Canzoneri settled the case for $300,000.

DETECTIVE RECEIVES $195,000 GLOBAL SETTLEMENT FROM NEIGHBORING HOMEOWNERS AFTER BECOMING INJURED ON POORLY MAINTAINED FENCE

A New York City Police Detective received a global settlement of $195,000 from four neighboring homeowners in Queens who shared a common fence. The Detective became seriously injured while chasing a perpetrator through the backyards of residential properties when he attempted to climb a broken, defective fence which had spikes protruding. He sustained tearing to his right wrist and injuries to his cervical spine. He was subsequently awarded a ¾ line-of-duty disability pension. DCD sued the homeowners pursuant to GML § 205-e alleging violations of New York City Administrative Code §§ 26-233, 26-206, 26-207, and 28-301.1. DCD retained an expert architect who reviewed all evidence in the case and opined the Detective's injuries were a direct result of the condition of the fence which the defendants failed to properly maintain, repair and/or replace. The defendants

filed motions for summary judgment seeking to have the Detective's case dismissed on the grounds that his presence in their respective backyards was unforeseeable and, therefore, the defendants did not owe the Detective a duty of care. DCD opposed each of the motions. While the summary judgment decisions were pending, Carolyn Canzoneri settled the case for $195,000.

SIDEWALK/POTHOLE/ROADWAY

DETECTIVE RECEIVES $500,000 SETTLEMENT FROM THE CITY OF NEW YORK AFTER SUSTAINING INJURIES IN TRIP AND FALL ACCIDENT ON DEFECTIVE SEWER GRATE AND CURB

A New York City Police Detective received a $500,000 settlement from the City of New York. He was caused to be seriously injured when he was walking to the back of his police van and tripped on a defective sewer grate and curb. A portion of the curb was missing and there was an opening between the sewer grate and the abutting broken curb, creating a tripping hazard. The Detective sustained tears to both his right shoulder and left ankle, as well as injuries to his hips. He was awarded a ¾ line-of-duty disability pension. DCD filed a Notice of Claim within 90 days from the accident and then filed suit against the City of New York and Consolidated Edison Company of New York pursuant to GML § 205-e claiming violations of New York City Administrative Code §§ 19-152 and 7-201(c)(2) and §§ 2903(b)(2) and 2904 of the New York City Charter. The defendants vigorously defended the claims due to a lack of prior written notice. DCD retained an investigator to search municipal records for any evidence of prior written notice. Marion Livermore negotiated a settlement of $500,000 at a pre-trial settlement conference.

OFFICER ASSIGNED TO PARADE DETAIL RECEIVES $440,000 GLOBAL SETTLEMENT FROM THE CITY OF NEW YORK AND PAVING CONTRACTORS FOR KNEE INJURY CAUSED BY POTHOLE ON CROSSWALK

A New York City Police Officer received a $440,000 global settlement from the City of New York and various paving contractors. She was directing traffic during a parade when she unexpectedly stepped into a pothole in the crosswalk, causing her to fall to the ground resulting in injuries to her left ankle and left knee. The Officer underwent left knee arthroscopic surgery and was approved for a ½ ordinary disability pension. She retained DCD Law. 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 alleging the City of New York violated New York City Charter § 2903(b)(2) and New York City Administrative Code §§ 19-152 and 7-201(c)(2). DCD also sued several paving contractors who performed work in the area. The defendants sought to mitigate damages based upon the Officer having two prior left knee surgeries before this accident occurred. Marion Livermore settled the case for $440,000 in a series of pre-trial settlement conferences.

RETIRED POLICE OFFICER RECEIVES $130,000 GLOBAL SETTLEMENT AFTER TRIPPING ON DEFECTIVE SIDEWALK SLAB AND SUFFERING KNEE INJURY

A retired New York City Police Officer received a $130,000 global settlement from the City of New York and private property owner. The retired Officer was caused to be seriously injured when he tripped on a significantly defective sidewalk slab that was elevated due to a negligently maintained tree root. He suffered a full thickness left knee tear, requiring arthroscopic surgery. He retained DCD and a Notice of Claim against the City of New York was promptly filed. DCD filed suit against the City of New York and the abutting property owner alleging violations of New York City Charter § 2903(b)(2) and New York City Administrative Code §§ 19-152 and 7-210. DCD negotiated a global settlement in the amount of $130,000, with contributions of $120,000 from the City of New York and $10,000 from the abutting property owner.

OFF-DUTY AND FAMILY/CIVILIANS

OFF-DUTY NYPD OFFICER RECEIVES $125,000 FROM THE CITY OF NEW YORK AFTER SUSTAINING INJURIES IN AUTOMOBILE COLLISION WITH FDNY VEHICLE

A New York City Police Officer received a $125,000 settlement from the City of New York for injuries she sustained in an automobile accident with an FDNY vehicle while off-duty. The Officer was a passenger in her friend's vehicle which was traveling on the Gowanus Expressway when an FDNY vehicle attempted to maneuver around it. The FDNY vehicle pushed the friend's vehicle into the guardrail, causing the Officer to suffer head, neck, back, shoulder and knee injuries. The Officer underwent a left shoulder arthroscopic surgery. DCD filed a Notice of Claim with the City of New York alleging the City of New York was negligent and reckless in the ownership and operation of the FDNY vehicle and also violated Vehicle and Traffic Law §§ 1180(a), 1212, 375(1) and 1129(a). Kayla Buzzeo settled the case at a pre-trial conference for $125,000.

SERGEANT'S YOUNG SON RECEIVES $400,000 SETTLEMENT AFTER BECOMING INJURED BY CONSTRUCTION MATERIAL NEGLIGENTLY PLACED IN HOME BY CONTRACTORS DURING RENOVATION

The young son of a New York City Police Sergeant received a $400,000 settlement from a home improvement contractor. During a kitchen renovation in their home, a subcontractor brought approximately one dozen sheets of sheetrock inside of the house and leaned it against the staircase banister. When the Sergeant's son went downstairs, his body brushed up against the sheetrock, causing it to collapse on him. He suffered a fracture to his left femur, requiring open reduction internal fixation surgery, followed by a second surgery to remove the hardware. DCD filed suit against the contractor and subcontractor on the grounds they negligently and carelessly maintained their materials, causing the home to be and remain in an unsafe condition. Kayla Buzzeo settled the case at a pre-trial conference for $400,000.

SUPPLEMENTARY UNINSURED/UNDERINSURED MOTORIST COVERAGE

NEW YORK CITY POLICE DETECTIVE INJURED BY PERPETRATOR FLEEING CAR STOP RECEIVES $250,000 FROM HER OWN AUTO INSURANCE CARRIER PURSUANT TO HER POLICY'S SUPPLEMENTARY UNINSURED/UNDERINSURED MOTORIST COVERAGE

A New York City Police Detective received a $250,000 settlement from her own auto insurance carrier pursuant to her policy's SUM/UM coverage. While attempting to apprehend a known subject regarding an active case, the perpetrator attempted to flee a car stop. The perpetrator's vehicle struck the passenger side door of the Detective's vehicle, causing the door to strike her right arm resulting in injuries to her back, neck, right shoulder, arm and hand. She ultimately received epidural injections to her spine, was recommended for disc replacement surgery and underwent a right cubital tunnel release surgery. The perpetrator had no viable automobile liability insurance policy. DCD received permission from the Detective's personal automobile insurance carrier to pursue her UM coverage and Carolyn Canzoneri recovered $250,000 for the Detective.

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.