

VI/3-89 INFANT FALLS OUT OF WINDOW - CITY AND MAINTENANCE COMPANY SETTLE

SETTLEMENT: Torres v. City of New York and Gotham Maintenance Corp. 1777/82 Date of Settlement 3/87  
Bronx Supreme

Pltf. Atty: Richard **Slater** of Heller & Heller, Manhattan

\$925,000 structured settlement guaranteeing over \$5,000,000 over Pltf. 's life. Settlement reached during trial for a 3-year-old girl who fell out of her fourth-floor apartment window. Pltf. lived in an apartment in a property controlled by the City of New York. Gotham had a maintenance contract with the City and employed personnel for that purpose.

Pltfs. claimed that the window frame was rotted and that the window guard was installed with only one screw instead of the four required. Of interest is the fact that Pltf.'s mother was the superintendent of the building on the day of the accident and was employed by Gotham. Pltfs. argued that this relationship was immaterial as the negligence of the parent could not be imputed to the child. An annuity purchased for Pltf. will guarantee her payments of over \$5,000,000 during her lifetime. Injuries: crushed larynx; non-depressed skull fracture; fractured jaw; throat scarring. Pltf. had a tracheal breathing tube for 8 months and was hospitalized for 1 year. She can speak only in a raspy whisper.

A hospital lien of \$180,000 by the Dept. of Social Services was reduced to \$62,000. Each Deft. paid half the settlement amount. Pltf. Experts: Dr. Gary Snyder, otolaryngologist, Manhattan; Dr. Mortimer Shapiro, neurologist, Manhattan; Anthony Mellusi, engineer.