

[Update on \\$4,500,000 Jury Verdict for Cop Who Shot Himself in Knee](#)

Posted on October 1, 2009 by [John Hochfelder](#)

We wrote about **Detective Anderson Alexander** back in December, [here](#). He's the former former New York City **policeman who accidentally shot himself in the knee** when a defective chair broke at his precinct house.

Don't sit in a chair like this:



And definitely don't sit in that chair with a gun like this in your belt:



Detective Alexander sued the city claiming that it was responsible for the broken chair (and that he was not responsible for the gun's discharge). Alexander won and the **jury awarded him \$4,500,000**.

We predicted that the city would **appeal** and that's in the works now. The trial judge issued a short decision a few months after the verdict in which he stated that the damages award was reasonable. **Just this week, the appellate court issued a brief order extending the city's time to file its appellate briefs until November 13, 2009.**

In the meantime, **here is how the \$4,500,000 damages verdict broke down:**

- \$1,500,000 for pain and suffering (\$500,000 past - 7 years, \$1,000,000 future - 30 years)
- \$1,700,000 for future loss of earnings
- \$1,060,000 for future loss of pension
- \$250,000 for future medical expenses
- \$38,00 for loss of annuity

Mr. Alexander took his verdict, was given a line of duty retirement by the police department and then he got out of town. He moved to South Carolina to work as a deputy

sheriff supervising a courthouse metal detector. While we focus on these pages on pain and suffering damages analysis, one wonders whether it's appropriate under the facts of this case for Alexander to recover \$1,700,000 for future lost earnings (plus more than \$1,000,000 for lost pension and annuity) in view of his claim that he was in constant pain and so disabled he could not resume work.

As to pain and suffering, if the liability verdict is upheld on appeal, the judges will address the reasonableness of the damages verdict for Alexander's knee injury. **Here are the cases that the court will likely look to for guidance in determining if \$1,500,000 was a reasonable sum for Alexander's pain and suffering:**

- **[Urbina v. 26 Court Street Associates LLC](#)** : **\$2,200,000** (\$700,000 past - 7 years, \$1,500,000 future - 41 years) for a 31 year old man who fell and sustained an intra-articular patella fracture and a torn meniscus requiring three surgeries leaving him with a permanent limp [Urbina case discussed [here](#)]
- **[Smith v. Manhattan & Bronx Surface Transit Operating Authority](#)** : **\$900,000** (\$100,000 past - 6 years, \$800,000 future) for a 43 year old woman who was injured boarding a bus and sustained torn menisci, a torn ligament and cartilage and a permanent osteochondral defect, requiring arthroscopic surgery with another to follow and a knee replacement possible [Smith case discussed [here](#)]
- **[Nassour v. City of New York](#)** : **\$1,500,000** (\$500,000 past - 8 years, \$1,000,000 future - 27 years) for a 42 year old man who fell and sustained torn meniscal cartilage, underwent arthroscopic surgery and a high tibial osteotomy and was left with permanent reflex sympathetic dystrophy (RSD)

We will report when the Alexander case is resolved and, if the liability verdict is upheld, we will see how the appellate court assesses pain and suffering damages and whether and to what extent the judges consider the cases discussed here.