

## New York Injury Cases Blog

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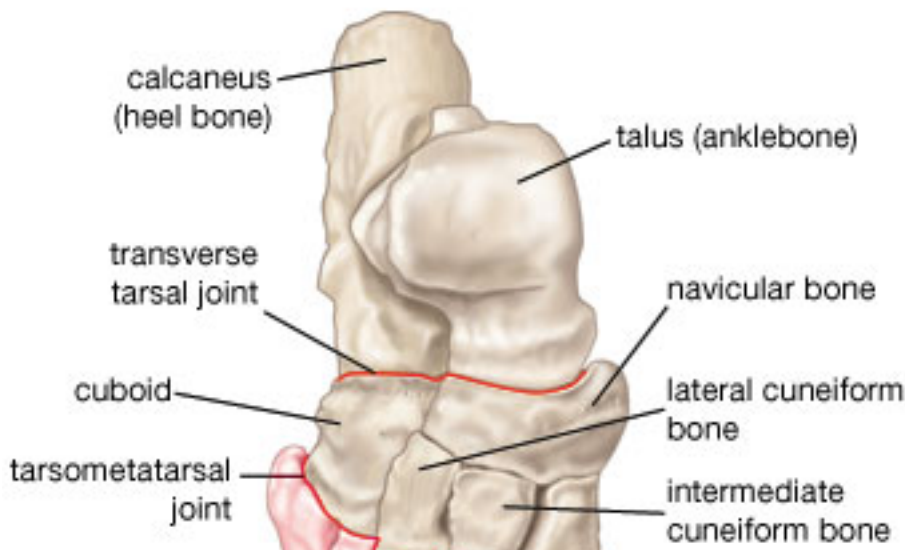
### 26 Bones in the Foot - Recent Foot Fracture Verdicts Range from \$75,000 to \$2,200,000

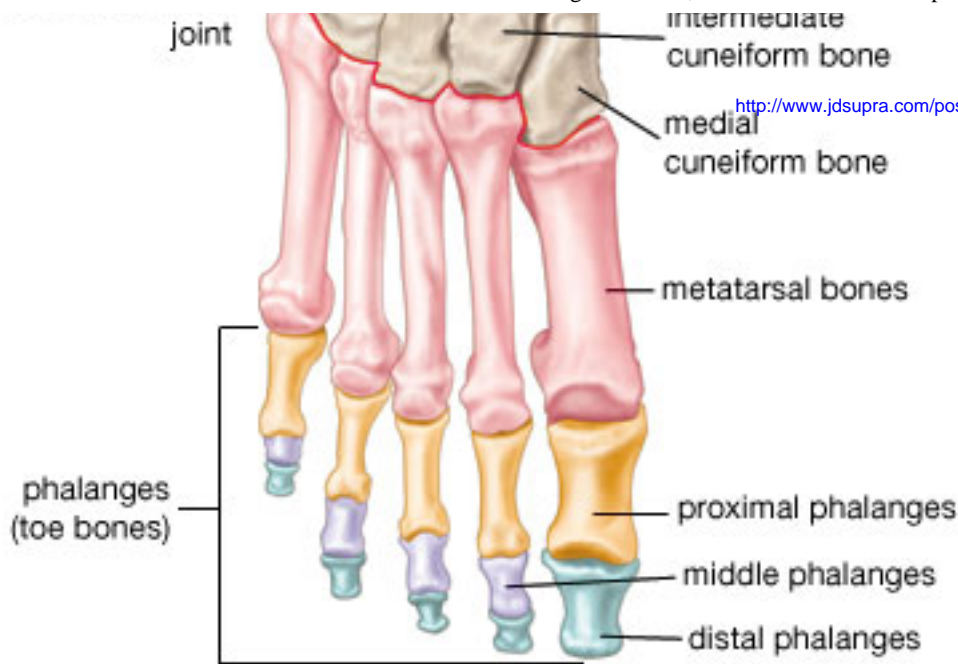
There are **26 bones in the foot**. So the variety of foot injuries is huge - from crush and calcaneous fractures to a 5th metatarsal (little toe) fracture. And thus the range for verdicts and settlements for pain and suffering in foot injury cases is quite wide.

In a recent case, [Lentini v. NYC Transit Authority](#) (Supreme Court, Bronx County; Index # 18020/06; 11/3/08), **\$2,200,000** was awarded recently by a jury for a 76 year old woman who sustained a complex crush injury to several bones in her foot requiring four orthopedic and reconstructive surgeries to salvage her foot.

By contrast, in [Crooms v. Sauer Bros. Inc.](#), New York's Appellate Division First Department ruled on 2/28/08 that **\$75,000** for a fractured metatarsal and thrombosis (the formation of a blood clot - in this case, from the cast) does not deviate from reasonable compensation where an unemployed former transit worker on disability made a full recovery.

**Let's take a look at those 26 bones in the foot.**





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One of the highest ever foot injury verdicts for pain and suffering upheld by the courts in New York (other than in amputation cases) was **\$3,000,000** in [De La Cruz v. New York City Transit Authority](#) (Appellate Division 2nd Dept., 2008) in which, while nominally involving fractures, the main injury to the 29 year old plaintiff was deep peroneal nerve entrapment resulting in permanent unbearable pain, numbness and paresthesia in her foot. The nerve damage was caused when Ms. De La Cruz was struck by a bus and knocked to the ground upon which her foot was run over and crushed by the front wheel of the bus. The Queens County trial jury awarded her \$15,000,000 for her pain and suffering. Upon a motion by the defendants, the trial judge reduced the award to **\$3,000,000** (\$1,000,000 past and \$2,000,000 future) and the appellate court upheld that determination.

Other significant cases for foot fracture pain and suffering include:

- [Lujwangana v. Ilchert](#) (Supreme Court, Westchester County; Index # 16983/03; 4/6/06) - **\$1,150,000** pain and suffering (\$600,000 past; \$550,000 future) for a 23 year old college student in a car accident who sustained a traumatic dislocation of her foot that required three surgeries including a subtalar fusion.
- [Avens v. New York City Transit Authority](#) (Supreme Court, New York County; Index # 402772/07; 6/4/08) - **\$950,000** pain and suffering verdict (\$300,000 past; \$650,000 future) for a 78 year old retiree who sustained a Lisfranc's fracture of her foot in a bus accident, underwent open reduction internal fixation surgery.
- [Perez v. New York City Transit Authority](#) (Appellate Division 1st Dept., 2002) - **\$750,000** pain and suffering verdict upheld for a 42 year old unemployed man who fell over a defective subway vent and sustained a transverse fracture of the cuneiform of his foot and underwent six podiatric surgeries. [The appellate decision does not discuss the injuries or the damages verdict. That information is available at [Verdict Search](#), a paid service, at 11 JRD 195].
- [Roca v. Plaza Realty Management](#) (Supreme Court, Westchester County; Index # 21756/06;

12/5/08) - **\$450,000** pain and suffering verdict for a 41 year old unemployed woman who fell in a parking lot and sustained a toe fracture with a neuropathy of her peroneal nerve that caused foot drop that was resolved by the time of the trial 3 1/2 years after the accident.

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<http://www.jdsupra.com/post/occurrence/foot-drop-300700-914-686-9048>

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