

Slip and Fall Liability Verdict Affirmed against NYC Transit Authority but Court Fails to Identify Injury for which Jury Rendered \$210,000 Verdict

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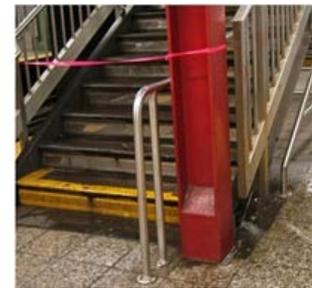
Once again an appellate court in New York has issued a **decision on an appeal from a jury verdict in a personal injury lawsuit that fails to identify important facts about the case - such as the injury for which \$210,000 was awarded**. So once again, we have dug into the matter so we can reveal the hidden information.

On February 5, 2002 at 7:30 a.m., **Heather Bishop** was on her way to work as a medical auditor in Manhattan for GHI Medicare. She was in Brooklyn headed for **the F train** -



But **Ms. Bishop never made it to the top of the stairs** where she slipped and fell due to an unsecured tread protector.

Her lawsuit against the transit authority went to trial in August 2007 and after five days the Kings County jury returned a liability verdict in her favor. Then there was a one day trial on damages that resulted in the **\$210,000 verdict**.



The defendant appealed the liability verdict claiming that it was contrary to the evidence; however, this week an appellate court ruled in [Bishop v. New York City Transit Authority](#) that the testimony of the plaintiff, her expert, and photographic evidence were quite enough to support the verdict.

The judges mentioned that the jury award was \$210,000 but they said nothing that would disclose to the reader the nature of the injuries. We have learned that Ms. Bishop, 44 years old at the time, sustained a right **intra-articular distal radius fracture** and that she was required to undergo **open reduction and internal fixation (ORIF) surgery**.

Here is what an intra-articular radius fracture looks like:



And here is what that wrist fracture looks like after ORIF surgery:



The \$210,000 verdict was all for pain and suffering (\$50,000 past - 5 1/2 years, \$150,000 future - 34 years). Here is a copy of the [judgment](#).

We've previously surveyed and discussed recent New York wrist fracture verdicts and settlements, [here](#).

While the defendant had challenged only the liability verdict (and the plaintiff did not claim her damages verdict was unreasonably low), **the \$210,000 pain and suffering damages verdict for a wrist injury is significant in that parties in other lawsuits and their attorneys can take guidance from it in evaluating the injuries in their cases.** In that way, more settlements can be reached and fewer jury trials will clog the courthouses. That's an admirable goal of all concerned in the litigation process.

If the appellate courts would identify and discuss details of the injuries involved in all cases that challenge damage awards, and in most of the other other personal injury cases on appeal, then the goal of significantly reduced litigation would be achieved.