

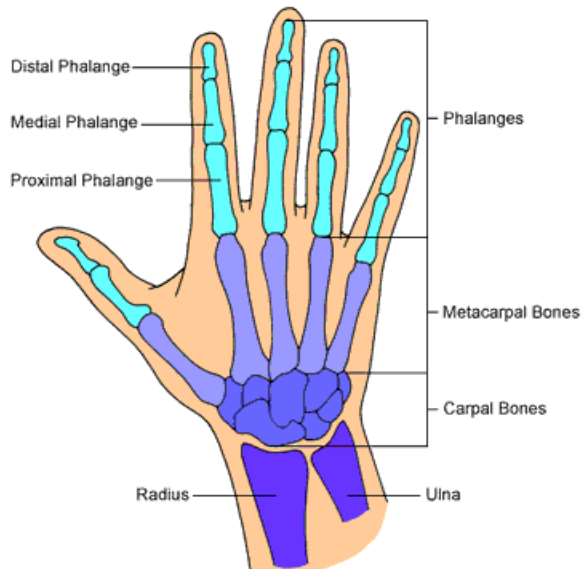
New Hand Injury Pain and Suffering Verdicts - \$1,000,000 Recoveries Sustainable

Posted on April 17, 2009 by [John Hochfelder](#)

The **hand is composed of 27 bones:**

- 8 small carpal bones that constitute the wrist
- 14 phalanges (the finger bones - 2 for thumb, 3 for the rest)
- 5 metacarpal bones (connecting the carpus to the fingers)

Here's what the bones in the hand look like:



There are also numerous nerves, tendons, ligaments and muscles found in the hand. Damage, even minor, to any of the many parts of the hand can be quite debilitating; major damage to several bones at once or to important nerves or tendons can be extremely disabling, disfiguring and life-altering. Jury verdicts and appellate court decisions have taken these facts into account and \$1,000,000 verdicts for pain and suffering in hand injury cases are not uncommon.

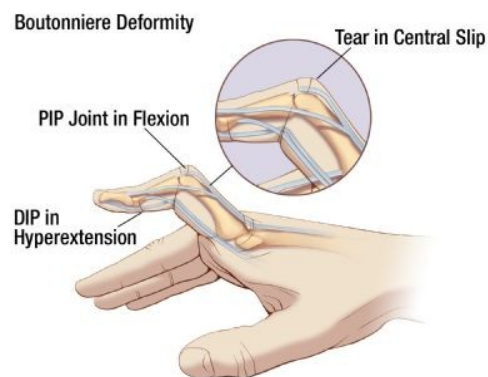
In a recent trial court case, **Mendez-Leguillo v. City of New York** (Index # 7670/06; Supreme Court, Kings County; 1/23/09), a 37 year old police officer sustained a subluxation of the thumb of her right dominant hand after a huge metal cabinet tipped onto her hand. She required reconstructive surgery and was left with such restricted range of motion, swelling and advancing arthritis that she could never return to her job. After a settlement demand of \$3,000,000 and an offer of \$350,000 this case was tried over a three week period and after four hours the jury returned a verdict of **\$1,500,000** for the officer's pain and suffering (\$500,000 past, \$1,000,000

future). In addition, the jury awarded \$1,125,000 for past and future lost earnings. The case then settled for \$1,500,000.

Several appellate court decisions have approved pain and suffering awards of \$1,000,000 or more in hand injury cases.

1. In [Fang v. Heng Sang Realty Corp.](#), a jury verdict in the sum of \$2,000,000 for pain and suffering was reduced by the trial judge to **\$1,050,000** and as reduced upheld on appeal (\$300,000 past - 7 years, \$750,000 future - 30 years) for a 45 year old factory worker whose nerve, tendon and muscle damage from glass left him with a permanent clawing deformity and a useless hand.
2. In [Brown v. City of New York](#), a 51 year old school teacher was injured when a heavy metal door was slammed on her hand. A Kings County jury returned a pain and suffering verdict in the sum of **\$1,200,000** (\$200,000 past, \$1,000,000 future) which was upheld on appeal. Ms. Brown's dominant hand sustained nerve injuries that caused her to suffer from reflex sympathy dystrophy (RSD) - a condition that, as here, often leaves one with unremitting extremity pain, burning sensations, extreme hypersensitivity and loss of use. Ms. Brown's case was so bad that her hand was clawed, she could not stand the slightest touch to her fingers and she could not use her hand at all.
3. In [Keefe v. E&D Specialty Stands, Inc.](#), an iron worker suffered a laceration to his ulnar nerve, underwent three surgeries and was left with permanent loss of feeling in his dominant hand along with 50% loss of strength in the hand. An Erie County jury awarded him **\$1,000,000** for 40 years of future pain and suffering and the appellate court found that amount reasonable.

In another recent hand injury case, [Kim v. City of New York](#), a Manhattan jury awarded \$1,200,000 (\$200,000 past, \$1,000,000 future - 53 years) to a 15 year old boy who fell and sustained impacted fractures of two fingers and ulnar nerve damage. After surgery, the boy's hand was left with a boutonniere deformity:



As a result, Jin Sil Kim could no longer use his fingers in any meaningful way. Perhaps because the injury was to his non-dominant hand or because he had been born with cerebral palsy or had an accident 10 years earlier that left him with right side paralysis, the appellate court determined to reduce the jury verdict to **\$700,000** (\$200,000 past, \$500,000 future).

Not all hand injury cases are as devastating as those above. Here are some less significant cases:

- **Vogel v. Cichy**: Fulton County jury in a damages only car accident case did not award plaintiff any damages. On appeal, **\$45,000** (\$25,000 past, \$20,000 future - 25 years) held reasonable for fracture of 4th finger of dominant hand without surgery but with permanent shortening, extension lag and chronic inflammation.
- **Mane v. Brusco**: **\$150,000** for a 14 year old boy who was cut by glass and suffered ulnar nerve, ulnar artery and tendon damage in his non-dominant hand. He was left with permanent nerve damage and a disfiguring scar.
- **Quintin v. Stop & Shop Supermarket Co., LLC** (Index # 513/06; Supreme Court, Westchester County; 1/23/09): **\$300,000** (\$100,000 past, \$200,000 future) jury verdict for a 20 year old merchandiser whose hand was caught in a freight door elevator causing RSD.

We will continue to follow jury verdicts and appellate court decisions in hand injury cases and report back on any that are significant as to pain and suffering awards.