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FALLDOWN

Patricia & Robert Conliff v. City of NY 2676/78 4 day trial Verdict 9/14/81  
Judge Walter Gorman, NY Supreme

VERDICT: \$400,000 for Patricia C., \$100,000 for Robert C. reduced to \$200,000 & \$50,000 resp.  
for 50% comparative negligence of the Pltf. Notice of Appeal by Deft.

Pltf. Atty: Harry I. Katz of Lawrence M. Rosenberg & Herbert M. Horowitz, Manhattan  
Deft. Atty: Sidney Kohn, Asst. Corporation Counsel

Facts: D/A 2/12/77 at 12:15 PM on a sidewalk near 133-137 East 30th St. in Manhattan. Pltf, age 74 at the time, tripped and fell on a cracked and broken sidewalk. Pltf. claimed constructive notice, Mr. Conliff testifying that the condition existed for a year or more. Pltf. denied that she had seen the crack before. Photographs of the site were put into evidence. Deft. argued that Pltf. was contributorily negligent in that Pltf's. preexisting arteriosclerosis, which had resulted in vertigo, was a possible cause of her fall. Injuries: Fracture of right hip (femoral neck) requiring open reduction and insertion of a Moore hip prosthesis, long term physiotherapy and medication. Pltf. underwent 3 hospitalizations totaling approx. 12 weeks. Pltf. also claimed aggravation of arteriosclerotic heart condition. Note: Pltf. fell a second time, requiring subsequent hospitalization and claimed that that fall was a result of weakness of the hip. Pltf. used a walker as of the time of trial. Pltf. Expert: Dr. Theodore Edlich, Jr., treating internist, Manhattan. Deft. Expert: Dr. Louis Vorhaus II, internist, Manhattan.

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