

POLICE OFFICER'S RIGHT TO SUE 2024 NEWSLETTER

OFFICER RECEIVED \$1 MILLION DOLLAR SETTLEMENT FROM THE CITY OF NEW YORK FOR LEFT KNEE INJURY CAUSED BY ACCIDENT ON POLICE SCOOTER THAT STRUCK HOLE IN DIRT PATH IN CITY PARK

A New York City Police Officer patrolling Central Park by two-wheel scooter was instructing a group of individuals who had unlawfully gathered in a grassy field overnight to disburse. As the Officer traveled along a dirt path near the location, he struck a ditch and lost his balance on the scooter. The Officer extended his leg in an attempt to avoid falling, resulting in an injury. He suffered a complete left knee patellar tendon rupture which required surgery. Thereafter, he underwent three additional left knee surgeries. He was awarded a ¾ line-of-duty disability pension. The Officer retained DCD and a notice of claim was filed within the 90-day time limitation. DCD then filed suit against the City of New York and the Park Conservancy Group pursuant to GML §205-e claiming violations of New York City Labor Law §27-a(3) and New York City Administrative Code §§28-301.1 and 19-152. DCD retained investigators to determine the cause of erosion occurring within the dirt path. They conducted site inspections and researched records maintained by the City's Departments of Environmental Protection and Transportation to establish liability. The matter was scheduled for a pre-trial settlement conference at which the parties argued extensively over liability for dirt pathways within a City park. Marion Livermore settled the case for \$1,000,000.

OFFICER RECEIVED \$750,000 SETTLEMENT FROM BUILDING OWNER FOR WRIST INJURY SUSTAINED IN STAIRWELL SLIP AND FALL ACCIDENT

A New York City Police Officer slipped and fell due to urine and inadequate lighting in a stairwell, causing serious injury. The Officer suffered multiple tears to his dominant right wrist, requiring arthroscopic surgery with debridement and multiple cortisone injections. As a result of his injury, the Officer was awarded a ¾ line-of-duty disability pension. The Officer retained DCD Law, and DCD filed suit on his behalf pursuant to GML §205-e, claiming violations of Multiple Dwelling Law §§78, 52 and 37 as well as New York City Administrative Code §§28.301.1 and 27-381. DCD retained an expert architect who examined the subject stairwell and determined that the defendant failed to maintain a hollowed-out area of the stair tread, creating a hidden trap which was a substantial factor in the Officer's accident. The defense retained a medical expert who claimed that the Officer's need for surgery pre-existed this accident and was related to prior injuries. On the eve of trial, the parties entered mediation. Marion Livermore settled the case for \$750,000.

OFFICER RECEIVED \$675,000 FROM THE CITY OF NEW YORK AND A CIVILIAN MOTORIST AFTER SUSTAINING INJURIES CAUSED BY CONTACT WITH IMPROPERLY PLACED RIFLE RACK DURING AUTO ACCIDENT

A New York City Police Officer received a \$675,000 settlement from the City of New York and a civilian motorist. The Officer was the recorder in a marked RMP issuing summonses. At that time, the RMP was struck by a civilian motor vehicle, causing the Officer to become injured due to an unpadded rifle rack that was improperly placed in the RMP. The Officer suffered neck, back and left shoulder injuries. He underwent two arthroscopic left shoulder surgeries and was awarded a ¾ line-of-duty pension. DCD filed a notice of claim within the 90-day time limit and then sued the City of New York and civilian motorist pursuant to GML §205-e claiming violations of Labor Law §27-a(3) and Vehicle and Traffic Law §§375(1), 1144(a), 1180(a), 1129(a), 1146 and 1212. At a pre-trial conference, both defendants attempted to minimize the Officer's damages by citing a prior RMP accident in which the Officer previously injured his left shoulder. DCD negotiated a settlement of the case for the civilian motorist driver's full \$100,000 policy, plus an additional \$575,000 from the City of New York, for a total settlement of \$675,000.

COMMAND/STATION HOUSE

OFFICER RECEIVED \$500,000 SETTLEMENT FROM THE CITY OF NEW YORK FOR ANKLE INJURIES CAUSED BY POTHOLE TRIP AND FALL

A New York City Police Officer walking his canine partner outside of their command on Randall's Island unknowingly stepped into a pothole and twisted his ankle. The Officer suffered a right ankle sprain and nerve injury. He underwent a right ankle arthroscopic surgery and was awarded a ¾ line-of-duty disability pension. The Officer retained DCD Law approximately five months after his accident occurred and, therefore, missed the 90-day deadline to file a notice of claim against the City of New York. DCD brought a petition to file a late notice of claim and won, permitting the Officer to move forward with his lawsuit. DCD then sued the City of New York pursuant to GML §205-e claiming violations of New York City Charter §2903(b)(2) and New York City Administrative Code §§19-152 and 7-201(c)(2). The matter was set for a pre-trial settlement conference where DCD had to establish that the City of New York had prior written notice of the pothole defect as well as overcome the Officer's prior injuries to his right ankle. DCD settled the case for \$500,000.

SERGEANT RECEIVED A SETTLEMENT OF \$350,000 FROM THE CITY OF NEW YORK AFTER SLIPPING ON A FRESHLY WAXED FLOOR IN CENTRAL BOOKING

A Sergeant received a \$350,000 settlement from the City of New York after slipping on the freshly waxed hallway floor in Manhattan Central Booking. As a result of the fall, the Sergeant landed on his right side causing a metatarsal stress fracture to his right foot along with bilateral knee, neck and back injuries. He was treated with a CAM walker boot, physical therapy and epidural injections. The Sergeant was awarded a ¾ line-of-duty disability pension. DCD sued the City of New York pursuant to GML §205-e alleging the City of New York violated Labor Law §27-a(3) in applying excessive amounts of wax on the floor without buffing or properly drying same. Dominic DiPrisco settled the matter for \$350,000 at a pre-trial conference.

DETECTIVE INJURED IN TRIP AND FALL ACCIDENT AT NYPD HEADQUARTERS RECEIVED \$450,000 SETTLEMENT FROM THE CITY OF NEW YORK

A New York City Police Department Detective received a \$450,000 settlement from the City of New York after sustaining injuries in a trip and fall accident in the courtyard of One Police Plaza. The Detective was caused to fall due to a ground drain and cover which were depressed in the middle of brick pavers. The Detective suffered tearing and a fracture to his right hand, thumb and wrist, as well as injuries to his lower back. The Detective underwent injections to his trigger finger and a right wrist release surgery but was unable to regain full function to properly grip his firearm. The Detective was awarded a ½ ordinary disability pension. The Detective retained DCD Law. DCD filed a notice of claim within the 90-day time limitation and then sued the City of New York pursuant to GML §205-e alleging the City of New York violated Labor Law §27-a(3) and New York City Administrative Code §28-301.1. DCD retained an expert architect who performed an inspection and prepared a report opining that the City of New York had negligently maintained the area. Marion Livermore settled the matter for \$450,000 at a pre-trial conference.

POLICE OFFICER RECEIVED \$225,000 SETTLEMENT FROM THE CITY OF NEW YORK AFTER SLIPPING ON PUDDLE OF WATER IN PRECINCT LOCKER ROOM

A New York City Police Officer received a \$225,000 settlement from the City of New York after she was seriously injured while attempting to cross a puddle of water in the locker room of a Manhattan precinct. The Officer slipped and fell with her right knee striking the floor. She was diagnosed with an ACL tear and underwent reconstructive knee surgery. DCD filed a notice of claim within the 90-day time limit. DCD then filed suit against the City of New York pursuant to GML §205-e alleging violations of Labor Law §27-a(3), New York City Administrative Code §§28-301.1 and 27-369 arguing that the puddle of water had formed due to a long-standing leak. Marion Livermore settled the matter for \$225,000 at a pre-trial settlement conference.

DETECTIVE RECEIVED A \$165,000 SETTLEMENT FROM THE CITY OF NEW YORK AFTER SUSTAINING INJURIES CAUSED BY GAP BETWEEN THE COMMAND EXIT DOOR AND PLATFORM LANDING OF METAL STAIRCASE

A New York City Police Department Detective received a \$165,000 settlement for injuries that he sustained while exiting his command. The Detective's foot became caught in a pronounced gap that was located between the doorway and an exterior metal staircase landing platform, causing him to suffer right ankle and bilateral knee injuries. The Detective underwent arthroscopic surgery to repair each knee and suffered loss of overtime compensation while he was out of work and on limited duty. DCD filed a notice of claim within the 90-day time limitation and then sued the City of New York pursuant to GML §205-e claiming the City violated §27-a(3) of the Labor Law and §28-301.1 of the New York City Administrative Code. The matter settled for \$165,000 at a pre-trial conference.

SERGEANT RECEIVED \$150,000 SETTLEMENT FOR INJURIES CAUSED BY TRIP AND FALL ON LOOSE METAL STAIRCASE TREAD AT FLEET SERVICES DIVISION

A New York City Police Sergeant was caused to be seriously injured when he tripped and fell on a loose metal tread on a stairway in the Fleet Services Division of the NYPD. As a result, the Sergeant suffered injury and trauma to his right knee requiring two arthroscopic surgeries. DCD sued the City of New York pursuant to GML §205-e arguing the City permitted the metal tread to remain loose after notice, violating Labor Law §27-a(3) and New York City Administrative Code §§28-301.1 and 27-375(f)(g)(h). DCD retained an investigator who reviewed records to establish prior written notice of accidents caused by the same defect. Dominic DiPrisco settled the matter outside of court with Corporation Counsel for \$150,000.

SNOW/ICE

DETECTIVE RECEIVED A \$200,000 GLOBAL SETTLEMENT FROM THE CITY OF NEW YORK AND A SNOW REMOVAL CONTRACTOR AFTER SUSTAINING INJURIES CAUSED BY FALL IN SNOW AND ICE-COVERED PARKING LOT

While exiting his department vehicle in the command parking lot, a New York City Police Detective was caused to slip and fall due to snow and ice which was in the process of being cleared by a snow removal contractor. The Detective suffered injuries to his left wrist, bicep and shoulder. The Detective was diagnosed with ulnar neuropathy and underwent a subcutaneous left ulnar nerve

transposition surgery. He was awarded a ¾ line-of-duty disability pension. DCD filed suit against the City of New York and snow removal contractor pursuant to GML §205-e alleging violations of Labor Law §27-a(3), New York City Health Code §153.19 and New York City Administrative Code §§28-301.1, 27-481, 7-201, 7-210, 16-123 and 27-479. Dominic DiPrisco settled the case before depositions for \$200,000.

CERATI'S LAW (INDIRECT CAUSATION)

NEW YORK CITY POLICE OFFICER RECEIVED A FULL POLICY LIMIT SETTLEMENT FROM OWNER OF MOTOR VEHICLE FOR INJURIES SUSTAINED IN SLIP AND FALL ON BLACK ICE WHILE ISSUING A PARKING SUMMONS

A New York City Police Officer was caused to become seriously injured as he was issuing a summons to a vehicle which was unlawfully parked in a crosswalk in the Bronx. As the Officer walked around the vehicle to prepare the summons, he slipped and fell on black ice, suffering injuries to his knees, shoulders and back. He underwent knee surgery and received injections to his spine. The Officer retained DCD, and DCD brought suit against the motor vehicle owner under GML §205-e. Although the vehicle owner did not “directly” cause the Officer’s injuries, DCD argued that there was a reasonable and practical connection between the owner’s conduct and the Officer’s injuries. The vehicle owner maintained an insurance policy with the minimal amount of coverage required in New York State, and his carrier tendered the entire \$25,000 policy to settle the Officer’s case.

RMP MOTOR VEHICLE ACCIDENTS

OFFICER INJURED WHEN MOTORCADE VEHICLE WAS STRUCK BY SECURITY BARRIER AT GRACIE MANSION RECOVERED \$350,000 SETTLEMENT FROM THE CITY OF NEW YORK

An Officer was operating a Chevrolet Suburban when a fellow Officer waved him into the secure area of Gracie Mansion. As he proceeded, another Officer stationed inside of the security booth pressed a button causing the security barrier to raise up, colliding with the front side of the Suburban. The impact caused the Officer to suffer sharp pain to his lower back and neck, and his right knee struck the dashboard. Although he did not go to the emergency room, his symptoms worsened. He ultimately underwent three epidural injections followed by a lumbar microsurgical decompression with bilateral fusion surgery. The Officer was awarded a ¾ line-of-duty disability pension. DCD sued the City of New York alleging a violation Labor Law §27-a(3) as the predicate to General Municipal Law §205-e. DCD negotiated an out-of-court settlement with the City of New York for \$350,000.

OFFICER RECEIVED A \$200,000 GLOBAL SETTLEMENT AFTER SUSTAINING RIGHT SHOULDER INJURIES CAUSED BY DRUNK DRIVER

A New York City Police Officer responding to an unrelated motor vehicle accident was sitting in the driver’s seat of a parked RMP with lights and sirens engaged. The RMP was blocking traffic to an exit ramp on Harlem River Drive when an intoxicated motorist drove past flares at a high rate of speed and collided with the driver’s side door of the RMP. The RMP airbags did not deploy upon impact, and the Officer was caused to suffer a right shoulder rotator cuff tear requiring surgery. The Officer was awarded a ¾ line-of-duty disability pension. The Officer retained DCD. DCD filed a GML §205-e lawsuit alleging predicate violations of Vehicle and Traffic Law §375(1) for the City of New York’s failure to provide a

crashworthy vehicle, as well as §§1212, 1129(a) and 1180(a) for the intoxicated motorist’s negligent driving. DCD recovered \$100,000 from the intoxicated motorist’s insurance carrier plus another \$100,000 from the City of New York at a settlement conference, for a total global settlement of \$200,000.

OFFICER RECEIVED A SETTLEMENT OF \$125,000 FROM THE CITY OF NEW YORK AFTER SUFFERING WRIST INJURY CAUSED BY SANITATION TRUCK THAT STRUCK RMP DOOR

After transporting a prisoner, a New York City Police Officer stopped his RMP on Park Avenue to inspect the vehicle for contraband. During the inspection, a sanitation truck attempted to pass by and sideswiped an open door to the RMP. The impact caused the Officer to suffer injury and trauma to his right thumb and wrist. The Officer underwent surgery to repair a tendon in his wrist which healed well. However, six years later, he underwent a cubital tunnel surgery to his right hand. DCD filed a notice of claim against the City of New York within the 90-day time limitation and then commenced a lawsuit pursuant to GML §205-e, alleging violations of Vehicle and Traffic Law §§1146, 1180(a), 1212 and 375(1). DCD settled the case for \$125,000.

NEW YORK CITY POLICE OFFICER STRUCK WHILE MAKING U-TURN RECEIVED A \$125,000 SETTLEMENT FROM CIVILIAN MOTORIST AFTER DCD HIRES EXPERT ENGINEER TO RECONSTRUCT THE ACCIDENT

An Officer pursuing a person of interest in an unmarked RMP in Queens County proceeded to make a U-turn. The RMP was then struck on its driver’s side by the front of a pickup truck driven by a civilian motorist who had attempted to go around the RMP. The Officer sustained a lumbar spine herniation, a left knee meniscus tear and a left rotator cuff tear. He attended physical therapy for his knee and underwent arthroscopic surgery to the shoulder. DCD commenced an action pursuant to GML §205-e against the owner and operator of the civilian vehicle. DCD retained an expert engineer who reconstructed the accident and prepared a report opining that the civilian operator’s version of the accident was inconsistent with the evidence. Dominic DiPrisco negotiated an out-of-court settlement of \$125,000.

BARRIER TRUCK

OFFICER RECEIVED A SETTLEMENT OF \$350,000 FROM THE CITY OF NEW YORK AFTER SUSTAINING INJURIES CAUSED BY A METAL BARRIER THAT BECAME CAUGHT IN DEFECTIVE SURFACE OF BARRIER TRUCK

A New York City Police Officer was caused to be seriously injured when the metal barrier he was lifting became caught on a defect in the surface of the rear of the barrier truck and pulled his left shoulder, arm and hand. The Officer sustained a rotator cuff tear and underwent arthroscopic surgery. The Officer was awarded a ¾ line-of-duty disability pension. DCD filed a notice of claim with the City of New York within the 90-day time limitation. DCD then sued the City of New York pursuant to General Municipal Law §205-e, claiming the City violated Labor Law §27-a(3) for its negligent maintenance and repair of the barrier truck flooring. Dominic DiPrisco settled the case with the City of New York at a pre-trial conference for \$350,000.

OFFICER RECEIVED \$100,000 SETTLEMENT FROM THE CITY OF NEW YORK FOR INJURIES SUSTAINED IN FALL FROM BARRIER TRUCK

A New York City Police Officer was caused to sustain serious personal injuries when he fell from an NYPD barrier truck. The operator of the barrier truck did not realize that the Officer was standing on the back step of the truck and drove over a bump in the roadway, causing the truck to shake and the Officer to fall to the pavement. The Officer suffered a rotator cuff tear requiring arthroscopic surgery. The Officer retained DCD. DCD filed a notice of claim within the 90-day time limit and brought suit under GML §205-e and General Obligations Law §11-106, alleging violations of Labor Law §27-a(3) and Vehicle Traffic Law §1180(a). Dominic DiPrisco settled the case for \$100,000 at a pre-trial settlement conference.

ASSAULT

POLICE OFFICER PUSHED DOWN STAIRCASE BY EMOTIONALLY DISTURBED PERSON RECEIVED \$125,000 SETTLEMENT FROM HOMEOWNER

A Police Officer escorting a violent and emotionally disturbed person out of their residential house was pushed down an exterior staircase and caused to suffer injuries to his bilateral knees and elbows, left shoulder, neck, back and head. Although the Officer had extensive prior accidents and injuries preceding this accident, he ultimately underwent one knee surgery, multiple epidural injections, nerve ablations and a sacroiliac joint fusion procedure. The Officer was awarded a ¾ line-of-duty disability pension. DCD sued the homeowner of the premises pursuant to GML §205-e, alleging predicate violations related to both Real Property Law §231 for permitting illegal activity including drug use at the premises, as well as various New York City Building Codes for failure to adequately maintain the staircase and handrails. Dominic DiPrisco settled the matter for \$125,000 at mediation.

OFFICER INJURED DURING APPREHENSION OF DISORDERLY SUSPECT RECEIVED A SETTLEMENT OF \$90,000 FROM LAUNDROMAT

A New York City Police Officer was caused to seriously injure his spine while assisting in the apprehension of a suspect who was disorderly inside of a Brooklyn laundromat. During the violent struggle, the Officer sustained cervical spine injuries which required extensive pain management, including epidural injections, followed by a decompression fusion surgery. The Officer was awarded a ¾ line-of-duty disability pension. The Officer retained DCD. DCD commenced an action pursuant to GML §205-e and General Obligations Law §11-106 based upon the laundromat's failure to properly supervise and control its premises. Dominic DiPrisco settled the case against the laundromat for \$90,000.

OFF-DUTY AUTO AND FAMILY MEMBERS

OFF-DUTY DETECTIVE RECEIVED A SETTLEMENT OF \$125,000 FOR INJURIES SUSTAINED

An off-duty Suffolk County Police Detective was driving on Sunrise Highway when his vehicle was struck from behind by a van traveling at a high speed. The impact caused the Detective to suffer post-concussion symptoms, neck and back pain. His resulting medical treatment included injections and a cervical spine discectomy. Although this was not a line-of-duty injury, the Detective had to use a number of vacation days which he otherwise

would have been compensated for upon retirement. DCD filed a negligence lawsuit against the driver and owner of the van. Dominic DiPrisco settled the case for \$125,000.

THE MOTHER OF A NEW YORK CITY POLICE OFFICER RECEIVED A SETTLEMENT OF \$200,000 FROM PROPERTY OWNER AFTER TRIPPING ON DEFECTIVE PARKING LOT SURFACE AND UNDERGOING HIP SURGERY

A mother of a New York City Police Officer tripped and fell on a defective parking lot surface behind a house of worship. She suffered a right hip fracture requiring open reduction internal fixation surgery followed by a hip arthroplasty. DCD commenced an action against the property owner for permitting the parking lot surface to remain broken and cracked after having notice of same. The matter settled at a pre-trial conference for \$200,000.

OFFICER'S FRIEND RECOVERS \$187,500 AFTER SUSTAINING INJURIES IN FALL CAUSED BY OPTICAL ILLUSION ON RESIDENTIAL STAIRCASE

A New York City Police Officer's friend was having a cup of coffee at a neighbor's house. As he was leaving by way of an exterior staircase in front of the home, he was unable to see the last step before a landing and fell. He suffered a left knee quadriceps rupture which required tendon repair surgery. DCD commenced a negligence action against the property owner. DCD retained an expert architect who examined the subject staircase. The expert determined that boards on the steps and landing both ran in the same direction thereby creating an unsafe optical illusion, and the plaintiff's accident could have been avoided if the landing were a reverse pattern. At mediation, Dominic DiPrisco settled the matter for \$187,500.

SUPPLEMENTARY UNINSURED/UNDERINSURED MOTORIST COVERAGE

OFFICER INJURED IN MOTOR VEHICLE ACCIDENT RECEIVED \$250,000 TOTAL SETTLEMENT FOR PAIN, SUFFERING AND LOST VACATION TIME

A New York City Police Officer seated in the front passenger seat of a lawfully parked police van became seriously injured when the van was struck from behind by a drunk driver. He suffered from dizziness, neck and back pain. The Officer eventually underwent one lumbar laminectomy surgery which failed and had to be revised in a second surgery. The offending motorist had a minimum automobile liability policy of \$25,000 which DCD recovered. Fortunately, the Officer possessed additional supplementary uninsured/underinsured motorist coverage. DCD negotiated an additional \$225,000 settlement for the Officer before the arbitration was held.

DCD cannot overstate the importance for members of the service to avail themselves of additional monetary protection by taking out maximum SUM coverage. The SUM coverage for Police Officers' personal automobile insurance covers line-of-duty accidents. Many motorists in New York State possess the minimum statutory policy limits thereby affording little protection to members of the service who are injured as a result of the negligence of these uninsured/underinsured individuals. Members of the service can acquire additional protection by informing their insurance companies that they want to increase the SUM coverage to match the liability portion of their personal automobile insurance. The increases in rates are nominal and the insurance rates do not increase if a claim is made under SUM coverage.