

**Top NYS Court Pain & Suffering Personal Injury Verdicts & Improper Anchoring (2010-2021 Year End)<sup>i</sup>**

(\$ millions)

Plaintiff	Index No.	Summation Anchor	Runaway Verdict	Reduced Award	Reduction	% change	Subsequent History
Yanes <sup>ii</sup>	161066/2014	\$140.0	\$59.2	\$29.0	-\$30.2	-51%	1st Dep't <i>remittitur</i>
Zhou	1229/2014	\$130.0	\$18.0	\$2.2	-\$15.8	-88%	2d Dep't <i>remittitur</i>
Gloria G <sup>iii</sup>	70026/2012	\$108.0	\$28.0	\$8.0	-\$20.0	-71%	undifferentiated aggregate settlement during appeal
Galette	28327/2010	\$93.0	\$58.0	\$12.1	-\$45.9	-79%	settlement for aggregate damages (future medicals awarded of \$4M)
Perez	158373/2013	\$85.0	\$85.8	\$20.0	-\$65.8	-77%	1st Dep't <i>remittitur</i>
Stolowski	8850/05	\$83.0	\$50.0				settlement with City for \$7M aggregate plus confidential settlement with building owner
Beloyianis	14121/2004	\$80.0	\$40.0	\$9.1	-\$30.9	-77%	trial court <i>remittitur</i> , followed by settlement (future medicals awarded of \$2.5M)
Liciaga	513495/2016	\$69.0	\$69.0	\$16.0	-\$53.0	-77%	trial court <i>remittitur</i> ; appeal pending
Applewhite	22234/1998	\$65.0	\$65.0	\$25.0	-\$40.0	-62%	settlement post-verdict for aggregate damages (\$100M verdict for future medical expenses plus \$6.6M for lost wages)
Klupchak	110617/2009	\$64.0	\$32.0	\$29.0	-\$3.0	-9%	high-low settlement of aggregate damages (future medicals asserted of over \$22M)
Jones	31649/2011	\$60.0	\$20.0				Post-trial motion pending
Hedges	101854/2012	\$58.0	\$35.0	\$13.0	-\$22.0	-63%	1st Dep't <i>remittitur</i>
Lin	24253/2008	\$55.0	\$62.0	\$6.0	-\$56.0	-90%	settlement for aggregate damages
Bakhayokho	15944/2011	\$45.0	\$25.8	\$3.5	-\$22.3	-86%	settlement post-verdict for aggregate damages
Redish	310294/2011	\$40.0	\$90.0	\$10.0	-\$80.0	-89%	1st Dep't <i>remittitur</i>
Sipher	160740/2015	\$40.0	\$85.0	\$9.5	-\$75.5	-89%	high-low settlement of aggregate damages (\$12M total with \$2.5M stipulated as economic loss)
Leo	117294/2008	\$40.0	\$15.5	\$8.0	-\$7.5	-48%	1st Dep't <i>remittitur</i>

Plaintiff	Index No.	Summation Anchor	Runaway Verdict	Reduced Award	Reduction	% change	Subsequent History
Pope	23626/04	\$40.0	\$80.0	\$14.9	-\$65.1	-81%	settlement post-verdict for aggregate damages (\$31M verdict of future medical expenses plus \$10M for lost wages)
Cool	8850/05	\$36.0	\$35.0				settlement with City for \$7M aggregate plus confidential settlement with building owner
Kurtaj	117469/2008	\$35.0	\$31.5	\$9.5	-\$22.0	-70%	1st Dep't <i>remittitur</i>
Miller	190087/2014	\$35.0	\$25.0	\$9.0	-\$16.0	-64%	1st Dep't aff'd. <i>remittitur</i>
Savillo	114418/07;	\$35.0	\$35.0	\$9.0	-\$26.0	-74%	trial court affirmance of \$50.5 million aggregate verdict (\$15.5M specials/\$35M pain & suffering); aggregate settlement of \$24.5M (hence \$15.5M specials/\$9M pain & suffering)
Barnhard	2368/05	\$33.0	\$33.0	\$12.0	-\$21.0	-64%	4th Dep't <i>remittitur</i>
Tirpack	13824/2012	\$32.5	\$32.5				confidential settlement during post-trial motion
Sims	15519/10	\$30.0	\$16.5	\$13.8	-\$2.7	-16%	settlement for aggregate damages
Andino	26798/2004	\$30.0	\$23.6	\$3.3	-\$20.3	-86%	1st Dep't <i>remittitur</i>
Taylor	350150/201	\$28.0	\$43.0	\$2.0	-\$41.0	-95%	high-low settlement of aggregate damages
Falcone	27399/07	\$26.0	\$35.4	\$6.0	-\$29.4	-83%	2d Dep't <i>remittitur</i>
C.L.C. Jr.	51356/14	\$25.0	\$20.0	\$9.0	-\$11.0	-55%	trial court <i>remittitur</i> to \$9M followed by settlement with \$7M stipulated as compensation for pain and suffering and lost wages
Turturro	37657/05	\$25.0	\$21.0	\$10.0	-\$11.0	-52%	2d Dep't <i>remittitur</i>
Roberts	507744/2014	\$21.5	\$21.5	\$9.0	-\$12.5	-58%	2d Dep't <i>remittitur</i>
Harding	10708/2008	\$20.5	\$20.5				settlement amount unknown
Lee	306089/11	\$20.0	\$22.0	\$4.0	-\$18.0	-82%	trial court <i>remittitur</i> ; followed by settlement
Debes	12033/04	\$20.0	\$77.0	\$10.5	-\$66.5	-86%	undifferentiated aggregate settlement in bankruptcy
<b>SUM</b>		<b>\$1,747.5</b>	<b>\$1,410.7</b>	<b>\$322.4</b>	<b>-\$930.3</b>		
<b>MEDIAN</b>		<b>\$40.0</b>	<b>\$34.0</b>	<b>\$9.5</b>		<b>-77%</b>	

<sup>i</sup> A number of verdicts have been omitted due to the inability to track down the pertinent anchoring information. If you possess any information regarding compensatory personal injury verdicts since 2010 that you believe fits the parameters of this study (or supplements or corrects the data as listed), please contact the authors of this article, as we are continuously adding to the study as we receive information, and will publish an updated and revised study, including annually each year in the NYLJ for the bench and bar.

<sup>ii</sup> Plaintiff in Yanes asked the jury to “write in \$70 million for the past pain and suffering” and then told the jury to award even more for future pain and suffering because “the biggest part of this case is his future[.]” Yanes v. City of New York, Index No. 161066/2014 (Sup. Ct. N.Y. Co) at NYSCEF Doc. 93, Tr. 2079-80. Accordingly, the anchor in Yanes is at least \$140 million.

<sup>iii</sup> Plaintiff in Gloria G. first asked the jury to award \$8 million for past pain. Gloria G. v. City School District of the City of Mount Vernon, Index No. 70026/12 (Sup. Ct. Westchester Co.) at NYSCEF Doc. No. 503, Tr. 1128. Counsel then stated “I was thinking in my head, because I’m allowed to suggest a number to you, and I was thinking in my head, suggesting a number to you like \$50 or \$100 million. And I resisted doing so because this is known as being a somewhat conservative place for plaintiffs. So I’m going to ask for \$20 million for 60 years.” Id. at 1133. The anchor in Gloria G. is thus fairly viewed as \$108 million.