



Claimant Fell on State Walkway; Damages Weighed

Type:	Decision-Plaintiff
Amount:	\$100,000
State:	New York
Venue:	Binghamton
Court:	Court of Claims, Binghamton, NY
Injury Type(s):	<ul style="list-style-type: none">• <i>knee</i> - fracture, patella• <i>other</i> - comminuted fracture
Case Type:	<ul style="list-style-type: none">• <i>Premises Liability</i>• <i>Government</i> - Municipalities• <i>Slips, Trips & Falls</i> - Sidewalk
Case Name:	Julia Ennis v. State of New York, No. 101239
Date:	October 02, 2002
Plaintiff(s):	<ul style="list-style-type: none">• Julia Ennis (Female, 53 Years)
Plaintiff Attorney(s):	<ul style="list-style-type: none">• Jack L. Grossman; Mallilo & Grossman; Flushing NY for Julia Ennis
Plaintiff Expert(s):	<ul style="list-style-type: none">• Kevin Landa; Physical Therapy; , called by: Jack L. Grossman
Defendant(s):	<ul style="list-style-type: none">• State of New York
Defense Attorney(s):	<ul style="list-style-type: none">• Joseph F. Romani; Asst. Atty. General; Binghamton, NY for State of New York

Insurers: • self-insured (\$5 million)

Facts: Claimant Julia Ennis, 53, tripped and fell on a paved walkway at the New York State Department of Transportation safety parking area on Route 17 in Steuben County, N.Y. In the first part of the bifurcated proceedings, Ennis and the state were found equally liable for the incident. (See The New York Jury Verdict Reporter, Volume 19, Issue 19, Case 27.) In this portion of the proceedings, the court weighed damages.

Injury: Ennis sustained a stellate fracture of her patella and a comminuted, nondisplaced fracture of her knee. After the accident, she was discharged from the emergency room with crutches and instructions to keep the knee immobile. A week later, her own physician confirmed the diagnosis and instructed her to return in four to six weeks for follow-up X-rays and physical therapy.

Five weeks post-fracture, Ennis was able to bear weight on her injured leg and had "excellent range of motion." Decision at p. 3. She then began a 13-session course of physical therapy. Ennis testified that she continues to feel pain in her knee, and that, because of her injuries, she is unable to engage in her hobby of walking. She testified that prior to the accident, she walked 45 minutes to an hour every morning, and 30 minutes to 45 minutes in the afternoon. Ennis also testified that she is no longer able to engage in activities such as biking, skating and dancing.

Result: Ennis' award of \$100,000 was reduced to \$50,000 on the basis of her 50% comparative negligence. In determining the amount of the award, the court noted that Ennis did not require surgery or hospitalization for her injury. "The court believes the claimant's subjective complaints that her right knee continues to click and causes pain whenever she overexerts and that the same has limited those social activities that were previously very important to her." Decision at p. 5.

Julia Ennis

\$35,000 Personal Injury: Past Pain And Suffering

\$65,000 Personal Injury: Future Pain And Suffering

Trial Information:

Judge: Ferris D. Lebous

Trial Length: 0

Trial 0
Deliberations:

Writer James O'Sullivan