

New York Law Journal



VERDICT: \$4.07 million.

Juan Rodriguez v. Heto Realty Inc., 130138/94.

Supreme Court, New York County, Nov. 4.

JUDGE: Jane S. Solomon.

ATTORNEYS: Evan Goldberg of Trolman, Glaser & Lichtman PC for Mr. Rodriguez.

Mark Edwards of Smith Mazure Director Wilkins Young Yagerman & Tarallo PC for Heto Realty Inc.

DISBURSEMENT: \$550,000 (past pain and suffering), \$3.5 million (future pain and suffering), \$24,100 (stipulated medicals).

FACTS: On Sept. 8, 1994, Juan Rodriguez, a 35-year-old immigrant, was returning from work in a Spanish restaurant to his home on Post Avenue in Washington Heights. He claimed he was assaulted by a stranger in his apartment and that he had seen the stranger run into the unlocked building as he was approach-

ing the building himself. A struggle ensued, and Mr. Rodriguez was shot in the neck. He alleged that the defendant was liable for violating the Administrative Code of the City of New York by not having a lock on the outer door, that the criminal activity was reasonably foreseeable and that the defendant was negligent in not providing a lock. The defendant contended that the premises were reasonably safe and that the criminal activity was unforeseeable, and further, that the plaintiff failed to prove that the man who assaulted him was an intruder. Defendant will file post-trial motions.

INJURIES: Plaintiff was shot in the neck, fracturing cervical vertebrae and causing contusion of the spinal cord and Brown-Sequard syndrome.

JURY TRIAL: Trial lasted four days, with one and one-half hours' deliberation.