

Sample Jury Verdict and Settlement Report¹

For a fee of **\$75 per case** (\$25 with The Mediator's Assistant), WIN BEFORE TRIAL will provide you with a complete jury verdict and settlement report on the case type in your mediation. This report will be based on the state in which the case is pending or, if you prefer, the region or the entire United States. You can include or exclude federal cases as you like. Just complete and submit the order form at least 2 weeks before the mediation is scheduled to take place.

This sample report is for a slip and fall case in New York. It shows the following information:

- Awards by Party
- Awards Amount Analysis
- Trial results (percentage plaintiff and defendant wins)
- Statistical averages, including average and median awards

You can provide this report to both sides or, if you prefer, retain it for your own use during the course of the mediation.

Upon request, the report can include links to trial court memoranda, appellate court documents and decisions, and expert witness reports.

To request a report, fill out and submit the enclosed form. Call Mike Palmer with any questions: 802 870 3450; mike@winbeforetrial.com.

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SAMPLE REPORT
New York: Slip & Fall Cases

Verdict and Settlement Trends²

Awards by Party

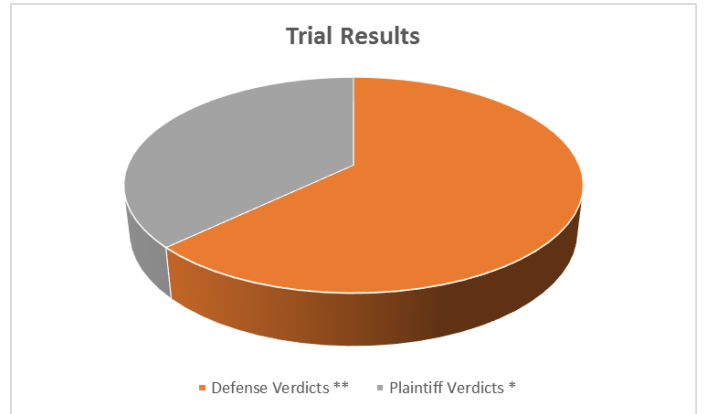
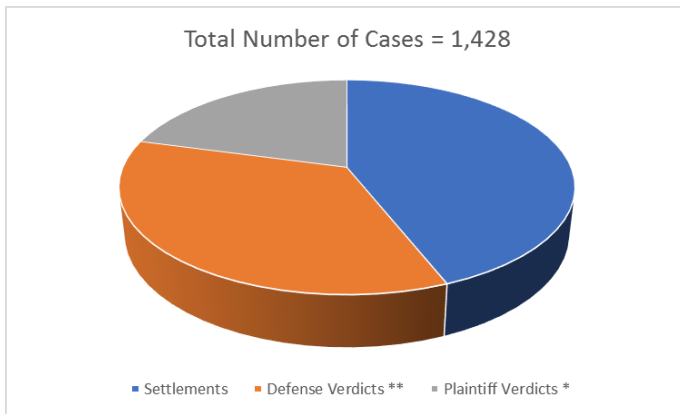
	2010	2011	2012	2013	2014	2015	2016	2017	Total Number of Cases	Percentage Of Total
Settlements	131	44	49	93	114	118	79	0	628	43.98
Defense Verdicts **	128	77	64	67	64	64	39	0	503	35.22
Plaintiff Verdicts *	95	56	41	31	21	28	25	0	297	20.8
Total	354	177	154	191	199	210	143	0	1428	100

Awards Amount Analysis

	Average	Largest	Median	Number of Awards
Verdicts (including Defense)	\$649,188	\$50,591,035	\$0	800
Verdicts (excluding Defense)	\$1,748,653	\$50,591,035	\$497,000	297
Settlements	\$527,383	\$16,500,000	\$70,000	628

*Plaintiff verdicts are based on the jury verdict before any modifications by the court.

**Defense verdicts are \$0 awards before any modifications by the court.



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Largest Awards

Amount	Date	County/District	Type	Title
\$50,591,035	Dec 21, 2010	New York, New York	Jury	Daniel J. Savillo v. Greenpoint Landing Associates L.L.C. and Greenpoint Storage Terminal L.L.C. / Greenpoint Landing Associates L.L.C. and Greenpoint Storage Terminal L.L.C. v. All Safe Heights Contracting Corp. 2010 WL 5760837, N.Y.Sup., 114418/07 590014/08
\$20,000,000	Jul 18, 2013	Bronx, New York	Jury	SANTIAGO vs. THE CHILDREN'S RESCUE FUND AND THE ICAHN HOUSE ET AL. 30 NY. J.V.R.A. 8:C1, N.Y.Sup., 350716/09
\$18,500,000	Jan 26, 2010	Bronx, New York	Jury	Luis Barros v. New Roc Parcel 1A, LLC, George A. Fuller Company, Inc. 2010 WL 751918, N.Y.Sup., 14727/06
\$16,500,000	Nov 15, 2011	New York, New York	Settlement	CARROLL vs. 156 APF LLC APF PROPERTIES LLLC ET AL. 29 NY. J.V.R.A. 2:C1, N.Y.Sup., 110725/08
\$16,000,000	Jan 1, 2014	Kings, New York	Jury	ALCANTARA vs. MTA 29 Nat. J.V.R.A. 4:C5, N.Y.Sup., 9976/09
\$16,000,000	Jan 1, 2014	Kings, New York	Jury	ALCANTARA vs. MTA 31 NY. J.V.R.A. 2:C1, N.Y.Sup., 9976/09
\$16,000,000	Jun 15, 2016	Kings, New York	Jury	ALCANTARA vs. NEW YORK CITY TRANSIT AUTHORITY 33 NY. J.V.R.A. 6:C7, N.Y.Sup., N/A
\$13,490,000	Jan 24, 2011	New York, New York	Jury	Pattison v. City of New York 2011 WL 2029380, N.Y.Sup., 29693/2007
\$13,020,857	Sep 11, 2012	New York, New York	Jury	VICTOR MUNOZ vs. HILTON HOTELS. 30 NY. J.V.R.A. 2:C1, N.Y.Sup., 110826/07
\$13,000,000	Jul 15, 2010	New York, New York	Settlement	Joseph Mastando, Jr. and Tina Mastando v. One Bryant Park, LLC, The Durst Organization, Inc., Durst Development, L.L.C. Bank of America, National Association & Tishman Construction Cor. 2010 WL 4307626, N.Y.Sup., 116261/08
\$13,000,000	Oct 5, 2012	New York, New York	Jury	VICTOR MUNOZ & ELVIA MUNOZ vs. HILTON HOTELS. 28 Nat. J.V.R.A. 5:27, N.Y.Sup., 110826-2007
\$12,999,999	Jul 1, 2011	Bronx, New York	Settlement	THOMAS BALL AND MARIA BALL vs. NEW YORK CITY SCHOOL CONSTRUCTION AUTHORITY AND M.A. ANGELIADES INC. 28 NY. J.V.R.A. 11:C5, N.Y.Sup., 303187/09
\$11,000,000	Mar 2, 2011	Kings, New York	Jury	Luis Yanchapanta v. Eldert Corners LLC 2011 WL 1491777, N.Y.Sup., 26470/06
\$10,015,000	Mar 2, 2012	New York, New York	Jury	Ordonez v. 346 West 17th St.

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Amount	Date	County/District	Type	Title
				2012 WL 6738192, N.Y.City Civ.Ct., 104175/2008 590451/2008 1000761/2009
\$10,005,472	May 9, 2011	Bronx, New York	Jury	Simmons v. New York City Transit Auth. 2011 WL 5320569, N.Y.Sup., 309139/2008
\$8,900,000	Mar 15, 2010	Queens, New York	Jury	Luis Bolivar Montero, Nancy Chibraso v. Sentinel Diversified Industries, Inc. and Sentinel Strategic Properties, Inc. 2010 WL 1953585, N.Y.Sup., 16446/06
\$8,625,000	Oct 27, 2010	New York, New York	Settlement	Claudia Sarmiento Ortiz, Michael Rose, as Co-administrators of Estate of Omar Ortiz, Deceased & Claudia Sarmiento Ortiz, Individually v. AWL Industries Inc., AWL Mechanical Corp., Dormitory Authority of the State of New York & the City of New York / AWL I 2010 WL 5663980, N.Y.Sup., 101163/07 590225/07
\$8,500,000	Nov 5, 2010	New York, New York	Settlement	Gary Meade v. OTA Hotel Owner, LP d/b/a On the Ave Hotel and Ver-Tech Elevator Co., Inc. 2010 WL 4926841, N.Y.Sup., 103585/08
\$7,143,004	Feb 4, 2011	New York, New York	Jury	HIGGINS vs. W. 50TH ST. ASSOC. LLC ET AL. 28 NY. J.V.R.A. 2:C2, N.Y.Sup., 101704/06
\$6,800,000	Jan 1, 2016	Schenectady, New York	Settlement	MILLER vs. RENT-A-CENTER EAST INC.ET AL 33 NY. J.V.R.A. 1:C1, N.Y.Sup., 2011/27

Summaries and Court Documents

Verdict and Settlement Summaries

<p>I.A., PRO AMI v. CITY OF NEW YORK; NEW YORK CITY DEPARTMENT OF TRANSPORTATION JVR No. 1612190013, N.Y.Sup., 0350130/2013</p> <p>I.A., a 9-year-old male, allegedly suffered a torn right meniscus when he tripped and fell due to defective pavement on a basketball court located in a city-owned park. Plaintiff I.A., through his father, contended defendants City of New York and New York City Department of Education were negligent under a premises liability theory for failing to warn of a dangerous condition and provide adequate regulations and student-to-teacher ratio. The defendants disputed damages. The parties entered into a structured settlement agreement with an initial settlement amount of \$115,000.</p>	Settlement	Bronx, New York	Nov 16, 2016
<p>ZEBKER v. TRUE VALUE CO.; TRUE VALUE CO., D/B/A ISLAND TRUE VALUE HARDWARE INC.; ISLAND TRUE VALUE HARDWARE INC.; HERR JVR No. 1612160027, N.Y.Sup., 0800069/2014</p> <p>Marlene Zebker, a 70-year old female, allegedly suffered a left knee lateral meniscus tear, fractured patella and post-traumatic arthritis; a right wrist sprain; a right hand</p>	Defendant Award	Erie, New York	Oct 21, 2016

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<p>tendon sprain between the middle and ring fingers; and bilateral rotator cuff tears with post-traumatic arthritis when she tripped and fell at a defendant True Value Hardware store over a display stand/platform, containing a bag of firewood. Plaintiff Zebker contended the defendants, including defendant Island True Value, were negligent under a premise liability theory. The defendants denied the allegations and contended the condition was open and obvious.</p>			
<p>Giarratano v. West Seneca Cent. Sch. Dist. 2016 WL 7439238, N.Y.Sup., Docket/File Number: 0004362/2011</p> <p>D.G., a minor, reportedly was a student at Clinton Elementary School in West Seneca, N.Y., and tripped and fell over a backpack on a classroom floor. D.G. said he sustained injuries. D.G., by his parents Christopher Giarratano and Shannon Leli, and Giarratano and Leli individually, filed a lawsuit against the West Seneca Central School District, the owner of the school, asserting negligence in allowing a hazardous condition to exist in the classroom though it knew or should have known of the condition, failing to warn and failing to inspect the premises to eliminate hazards. The plaintiffs sought compensation for pain and suffering and medical expenses. The case proceeded to trial, and a jury found for the defendant, determining there was not a dangerous condition on the classroom floor.</p>	<p>Defendant Award</p>	<p>Erie, New York</p>	<p>Oct 18, 2016</p>