

PREMISES LIABILITY**Dangerous Condition — Slip and Fall****Worker claimed she slipped on freshly mopped floor****SETTLEMENT** \$1,700,000

CASE Meredith Miller v. Helmsley-Spear, Inc.;
Cohen Brothers Corp.; & Estelle Cohen,
No. 24108/99

COURT Bronx Supreme

JUDGE Jerry L. Crispino

DATE 11/3/2003

PLAINTIFF

ATTORNEY(S) Ralph Gavin Bell, Law Offices of Kenneth
A. Wilhelm, New York, NY

DEFENSE

ATTORNEY(S) Randy S. Faust, trial counsel to Law
Offices of Alan I. Lamer, Elmsford, NY

FACTS & ALLEGATIONS At approximately 4 p.m. on Oct. 8, 1997, plaintiff Meredith Miller, 38, a secretary, sustained injuries in a slip-and-fall accident in an office building located at 112 W. 34th St. in New York. She claimed that she slipped on a wet floor immediately after exiting an elevator.

Miller sued the building's owner, Helmsley-Spear Inc.; the property owner, Cohen Brothers Corp.; and Cohen Brothers' principal, Estelle Cohen.

Miller claimed that the floor had been mopped but not dried, thus constituting a dangerous condition. A nonparty witness confirmed that the floor had been mopped immediately prior to the accident, and that it had not dried.

The defendants claimed that the floors had not been mopped at the time of the accident. They contended that the union mopping crew was contracted to arrive at 6 p.m. They argued that any wetness must have been the result of a spill, and that they had no actual or constructive notice of the condition.

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INJURIES/DAMAGES *herniated disc at L5-S1; radiculopathy; torn cartilage, knee,*

Miller sustained torn cartilage in her left knee and a herniated disc at L5-S1 with radiculopathy. She underwent arthroscopic knee surgery, a laminectomy and a microdiscectomy. The procedures failed to relieve her symptoms, so she then underwent intradiscal electrothermal therapy.

Miller claimed that she suffers from pain and decreased sensation. She has not returned to work since the incident.

RESULT The parties reached a \$1.7 million settlement prior to the completion of jury selection. The settlement apportionment was not disclosed.

DEMAND \$5,000,000