

Hand Crushed in Car Accident - \$4,000,000 Pain and Suffering Jury Verdict for 59 Year Old Man Reduced on Appeal to \$1,350,000

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Israel Ramos was minding his own business while **out for a nice day's drive** in New York City on April 17, 1998 when, all of a sudden, his van flipped over on the Bronx River Parkway. **Unbeknown to him, a car thief was being chased a few miles back by the New York City Police Department.**

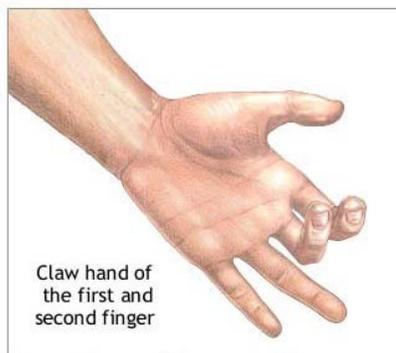


The chase was sometimes at speeds in excess of 70 miles an hour. **When passing Mr. Ramos, the car thief clipped his van and it flipped over.**



Stumbling out of his van, Mr. **Ramos clutched his left hand and saw blood all over.** And that's about all he remembers except for being in excruciating pain, being rushed by ambulance to the nearest hospital and undergoing the first of **five surgeries to try to save his hand.**

His hand (except for the amputation of his pinky) was saved but he ended up with a permanent claw-like contracture, like this:



ADAM.

The car thief was carted off to jail and, Ramos ended up suing the city based on his claim that the police officers had acted in reckless disregard for the safety of others in their pursuit of the car thief at high speeds through dense areas and contrary to internal department rules.

The “**reckless” disregard” standard** is significantly more stringent than mere negligence and that’s because as a society we do not want to hold police officers liable for every mistake they make in seeking to discharge their often very dangerous, life-threatening duties. We have determined by legislative enactment (in this case, [Vehicle and Traffic Law 1104](#)) to give police officers a break in lawsuits against them for injuries they cause to others by making the injured plaintiffs prove that the cops were more than negligent – that their actions amounted to a reckless disregard for the safety of others.

The police win the overwhelming majority of injury cases when plaintiffs are faced with the reckless disregard standard. In **Ramos v. City of New York**, though, Israel Ramos won by convincing the Bronx County jury that the officers in his case did indeed act with reckless disregard. Liability was apportioned 40% to the city and 60% to the car thief. As to pain and suffering, **the jury awarded Mr. Ramos \$4,000,000 (\$2,500,000 past – 10 years, \$1,500,000 future – 14 years)**.

After trial, the city asked the judge to dismiss the case notwithstanding the verdict arguing that the plaintiff had not met his burden of proving recklessness and that the car thief’s actions were the sole cause of the accident and injuries. Alternatively, the city also urged that the verdict figure was unreasonably high. [Judge Kenneth Thompson granted the defendant's post-trial motion and dismissed the case](#) stating that plaintiff failed to show it was the cops who caused the accident and not the criminal conduct of the car thief.

Plaintiff appealed the trial judge's dismissal and won: the jury verdict in favor of plaintiff on liability grounds was reinstated but that’s when the appellate judges also determined that the verdict sum was too high. In slashing the \$4,000,000 pain and suffering verdict by two-thirds to **\$1,350,000 (\$850,000 past, \$500,000 future)**,

here is how the appellate judges in Ramos v. City of New York described the injuries:

“injuries to the left, nondominant hand, including severance of the left pinky finger.”

There was much more to it than that – plaintiff and his surgeon testified that Ramo:

- **suffered severe crush injuries** which decimated most of the soft tissue in his hand and **destroyed his ulnar nerve and an artery**
- is in **constant pain and requires lifelong medication**
- **cannot care for himself** in many ways and feels he’s a burden on others who dress him and cut his food.

Describing Mr. Ramos’s injuries as horrible and crippling, his lawyer asked the jury for \$5,000,000 in pain and suffering damages. The jury’s verdict of \$4,000,000 wasn’t far off.

In purporting to explain or justify the huge reduction of the jury verdict, **the appellate judges simply cited two prior cases and stated that the verdict deviated materially from what is reasonable compensation for the injuries.**

Those two cases – [Bradshaw v. 845 U.N. Ltd. Partnership](#) (amputation of distal portion of ring finger with hypersensitivity – verdict of \$50,000 increased to **\$85,000**) and [Cabezas v. City of New York](#) (wrist fracture, two surgeries, disabilities similar to Ramos’s - **\$900,000** jury verdict reinstated after trial judge had ordered a reduction) were both reviewed by us before, in posts on [finger amputation cases here](#) and [wrist injury cases here](#). Neither is particularly useful in analyzing the verdict in **Ramos v. City of New York**.

A more relevant analysis of prior cases would have included the following ([all reviewed in our post on hand injury cases here](#)):

- [Fang v. Heng Sang Realty Corp.](#) - **\$1,050,000** for 45 year old with nerve, tendon and muscle injuries resulting in clawing deformity
- [Kim v. City of New York](#) - **\$700,000** for 15 year old with ulnar nerve damage and boutonniere deformity
- [Brown v. City of New York](#) - **\$1,200,000** for 51 year old with nerve injuries, RSD and clawed hand.

As you can see, these three cases don’t necessarily indicate that the appellate judges in Ramos reached the wrong result in determining that Mr. Ramos should receive \$1,350,000. Each of these cases is, however, much more relevant factually than the ones cited by the court and they should have been discussed in the Ramos case so that the public, lawyers and trial judges could (a) understand the reasoning of the decision and (b) use it as a guide in evaluating similar cases so that quicker and fairer settlements may be made.

Inside Information:

- the defense presented no witnesses at trial (the police officers having already been called to testify by the plaintiff)
- the defense did not offer the testimony of their own doctor who examined the plaintiff before trial; the plaintiff's doctor's testimony was thus unchallenged (except for minimal cross-examination)
- during the trial, before the case was submitted to the jury, the city offered \$250,000 to settle which despite his attorney's advice to accept it the plaintiff rejected