

## New York Injury Cases Blog

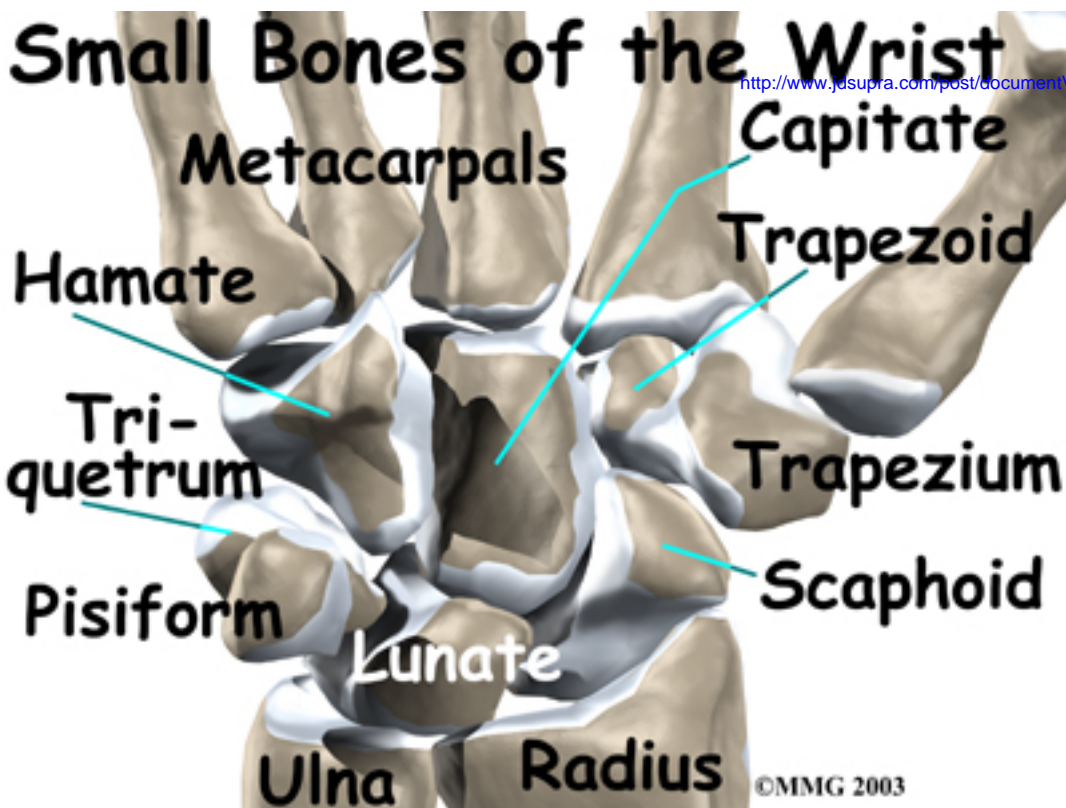
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### Wrist Fracture Injury Cases - Recent New York Verdicts and Settlements Between \$450,000 and \$900,000

With a serious enough injury, **traumatic wrist injury cases in New York can and do command upwards of \$500,000-\$900,000 for pain and suffering alone and can even bring in a \$1,000,000 sustainable verdict.**

The wrist is an extremely complex collection of many joints, including eight separate small bones called carpal bones that connect the two bones of the arm, the radius and the ulna, to the hand. The metacarpal bones are the long bones that lie mostly within the palm. One reason the wrist is so complex is that every small bone forms a joint with the bone next to it.

**Here's a look at basic wrist anatomy:**



Simple wrist fractures that do not involve surgery often heal well and do not result in large jury verdicts or settlements. **When there's no extended period of pain and suffering, awards for non-surgical wrist injuries in the range of \$15,000 to \$60,000 are typical.**

**When there are serious fractures and surgery is required, then jury verdicts can be as high as \$1,000,000 just for pain and suffering and they will be upheld by the appellate courts.**

Here are some **recent jury verdicts** in New York for significant wrist fracture claims:

- **Sitkowski v. Oggi Realty Corp.** (Supreme Court, Bronx County; Index # 13050/05; 12/19/08) - **\$450,000** jury verdict (\$250,000 past pain and suffering, \$200,000 future) for a 38 year old truck driver whose hand was struck by a gate. He sustained an intra-articular fracture of his distal radius and was casted. He developed arthritis and his doctor said he may need wrist fusion surgery. The defendant paid the verdict in full after losing a post-trial motion to the trial judge seeking to set aside the damages award as excessive.
- **Cedano v. City of New York** (Supreme Court, Bronx County; Index # 14687/05; 11/24/08) - **\$550,000** pain and suffering verdict for a 54 year old cab driver who fell and fractured his distal radius requiring open reduction and internal fixation (the surgical implantation of a plate and five screws).
- **Hernandez v. MVAIC** (Supreme Court, New York County; Index #101153/06; 6/10/08) - **\$500,000** (\$300,000 past pain and suffering, \$200,000 future) for a 32 year old hit by a car who sustained a non-displaced radial styloid fracture and a torn scapholunate ligament in her wrist that required surgery.

These recent jury verdicts in the \$500,000 range for serious wrist injuries would likely be upheld by any court of appeals. These verdicts are likely to be appealed in view of appellate court cases such as:

- [Karwacki v. Astoria Medical Anesthesia Assoc., P.C.](#) (Appellate Division 2nd Dept., 2005) - **\$600,000** pain and suffering verdict (\$200,000 past, \$400,000 future) upheld for a man who fell off a ladder and sustained a comminuted intra-articular distal radius fracture with two operations.
- [Hayes v. Normandie](#) (Appellate Division, 1st Dept., 2003) - **\$985,000** pain and suffering damages for a 52 year old man with a comminuted fracture of his radius extending into the wrist and requiring the insertion of a metal plate and screws and a future fusion or artificial joint surgery. After the jury verdict, the trial judge granted the defendant's motion to reduce the future pain and suffering award from \$750,000 to \$350,000 but the appellate court reinstated the \$750,000 future damages award.
- [Cabezas v. City of New York](#) (Appellate Division, 1st Dept., 2003) - **\$900,000** jury verdict upheld for a 50 year old man with a comminuted intra-articular distal radius fracture and a displaced ulna styloid fracture. The plaintiff required two surgeries, one of which was the placement of an external fixation device and he will need a future fusion surgery. The trial judge had agreed with the defendant and reduced the pain and suffering jury verdict from \$900,000 to \$325,000; however, the appellate court reinstated the \$900,000 jury verdict.

**Fusion surgery is very complicated and debilitating, as you can see:**



# Wrist Fusion

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As with most if not all traumatic injury pain and suffering evaluations, these wrist cases show clearly that each case is unique, each injured person is unique and each injury is unique. Lawyers who tell clients or others that a wrist fracture case is worth a certain dollar figure are usually doing a disservice to their clients and exposing themselves as ignorant.

One must await resolution of the injuries or the time when it's clear that maximum medical improvement has been reached before even starting to evaluate a pain and suffering claim figure. Then, pain and suffering verdict and settlement amounts can be estimated in view of the specific body parts injured (including the specific bones fracture and/or ligaments torn). Next, factor in the prognosis (and remember, the defense will have the right to have the plaintiff examined by a defense doctor and nearly always the defense doctor and the treating doctor differ widely on prognosis and it's up to a jury ultimately to decide upon the prognosis).

Once all these of analyses are done, then one must compare and contrast as many trial and appellate court decisions and settlement reports as can be found. Then, you can add in the dozens of other factors that apply in every case.

**Being asked "what's this case worth" really does justify that typical but dreaded response many**

## lawyers give to client questions: "Well, that depends ...."

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The Law Firm of John M. Hochfelder

81 Main Street

| White Plains, NY 10601

Phone:

914-686-0900 | 800-530-4660 | Fax 914-686-9048