

New York Injury Cases Blog

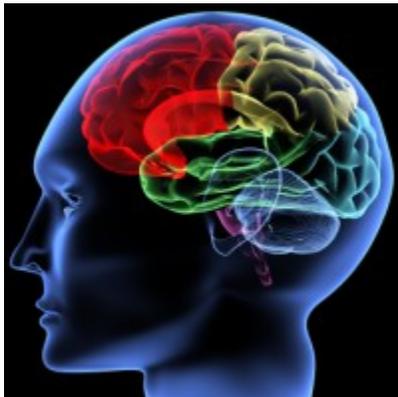
Posted at 5:48 AM on September 1, 2009 by John Hochfelder

New Lead Paint Poisoning Verdicts for Children in New York Range from \$600,000 to \$1,200,000

We've discussed lead paint poisoning before, [here](#). **Three new verdicts and appellate court decisions have been issued in New York in favor of children poisoned by lead paint ingestion and suffering resultant brain damage.**

In the **latest case**, a Kings County jury determined that there was peeling or chipping paint in a one year old boy's apartment and that his exposure brought about lead paint poisoning. As a result, the boy's brain was damaged and he became impulsive and distractible. The jury awarded him **\$1,000,000** for pain and suffering (\$400,000 past, \$600,000 future) but in a [decision on a post-trial motion last week in Zandre T. v. Beulah Church of God in Christ Jesus, Inc.](#) the judge ordered a **reduction to \$600,000** (\$240,000 past, \$360,000 future).

- Insider Info: Zandre manifested developmental delay, hyperactivity and "opositional" behavior that his own neuropsychologists conceded were not the consequence of lead poisoning.



What is Neuropsychology?

Neuropsychology is a sub-specialty of clinical psychology, specializing in the relationship between the brain, thinking, and behavior. A neuropsychologist has expertise in assessing and treating problems of cognitive skills, psychological functions and behavior, as they relate to the brain and central nervous system. Testimony from neuropsychologists is almost always needed in brain damage pain and suffering cases in New York.

In **another recent case**, this one from an appeals court, a two year old boy was exposed to lead paint over a one year period in 1995 and sustained brain damage as a result. By the time of trial in 2007, Cesar Alvarado was tested by neuropsychologists and was diagnosed with brain damage as follows:

- significant impairments in nearly every cognitive and mental test
- low IQ with significant loss of IQ points

Plaintiff's experts concluded that Cesar would need to undergo long-term psychological, occupational and educational therapies through age 18. The jury awarded him **\$1,640,000** (\$100,000 past, \$1,540,000 future) for his pain and suffering; however, **[this month the appellate court in Alvarado v. Culotta reduced the pain and suffering award to \\$850,000](#)** (\$100,000 past, \$750,000 future).

In the **third case**, a Manhattan jury returned a verdict in favor of two children who were exposed to lead paint and suffered brain damage: **\$3,350,000** for 12 year old Ishmel and **\$2,500,000** for 10 year old Emmanuel. Both boys suffered brain damage as follows:

- residual behavioral dysfunction
- cognitive deficits
- learning disabilities that include attention deficit hyperactivity disorder

The **[appellate court in Peguero v. 601 Realty Corp. reduced the pain and suffering awards to \\$1,200,000 \(\\$200,000 past, \\$1,000,000 future\) for 12 year old Ishmel and \\$850,000 \(\\$100,000 past, \\$750,000 future\) for 10 year old Emmanuel.](#)**

Jury verdicts for children suffering brain damage due to lead paint poisoning in New York can and do often soar into the millions of dollars just for pain and suffering. Trial judges and appellate courts, though, frequently modify the verdict amounts reducing them significantly.

At some point, lead paint poisoning cases should abate as the buildings with peeling and chipping lead paint cease to exist. Nonetheless, **these cases will be significant guidelines for determining the proper amounts for pain and suffering verdicts in all types of cases in which children have suffered brain damage.**