

SCAN

SHORT FORM ORDER

SUPREME COURT - STATE OF NEW YORK

Present:

HON. ROY S. MAHON

Justice

JASON PRYOR,

TRIAL/IAS PART 15

Plaintiff(s),

INDEX NO. 12949/00

- against -

**LESLIE BERKOWITZ, INFINITY PLUS
MANAGEMENT CORPORATION and ROBERT G. SYMBOURAS,**

Defendant(s).

DECISION AFTER INQUEST

Plaintiffs instituted the instant action for negligence seeking compensatory damages for pain and suffering against the defendants by summons and complaint dated June 29, 2000. By Order dated August 16, 2005, a default judgment was entered against defendants Leslie Berkowitz and Infinity Plus Management Corporation. A stipulation discontinuing the action against the remaining defendant Robert G. Symbouras was executed on January 13, 2005.

On November 9, 2005, plaintiff appeared before this Court to conduct an inquest. The defendants Leslie Berkowitz and Infinity Plus Management Corporation did not appear. After inquest, the Court now makes the following findings of fact and conclusions of law.

The plaintiff was the sole witness to testify on his behalf. He testified that he was born on August 13, 1976 and on December 5, 1999 was a passenger in a motor vehicle owned by the defendant Infinity Plus Management Corporation and driven by Leslie Berkowitz when he sustained injuries as a result of an automobile accident. Specifically, Mr. Pryor stated he sustained a broken left wrist and back injuries and scaring above his eyes and below his chin. According to the plaintiff, he was treated at Long Beach Medical Center and underwent a process known as magnetic resonance imaging.

The plaintiff testified that prior to the accident, he enjoyed an athletic life style, engaging in kickboxing and golfing, among other activities. Now, according the plaintiff, he experiences a physically limited existence unable to resume his prior physical activities and has experienced substantial pain as a result of the accident.

In support of his testimony, the plaintiff introduced into evidence photographs of the motor

vehicles involved in the collision and of his resultant physical injuries, and medical records from Long Beach Medical Center, L.I. Orthopedic Group, Island Rehabilitation and Open M.R.I. of L.I. Orthopedic Group (see Plaintiff's #1a, #1b, #1c, #1d, #1e, #2a, #2b, #2c, #2d, #2e, #3, #4, #5, #6 and #7 in Evidence).

Plaintiff seeks a compensatory award of money damages for pain and suffering sustained from the time of the accident until the date of the inquest and also for pain and suffering which he will experience into the future for the period of time he can reasonably be expected to live. In determining the measure of damages, the Court first takes note of the plaintiff's life expectancy. Plaintiff's date of birth is August 13, 1976. According to Life Expectancy Tables published by the National Center for Health Statistics in 1997, the plaintiff has a life expectancy of an additional 47.3 years, bringing him to 76.3 years.

In considering the nature of the injuries, the hospitalization, the resulting physical scaring and limitation in physical ability, the Court awards to the plaintiff the sum of \$40,000.00 for pain and suffering experienced from the time of the accident until the date of the inquest. For the remaining expectancy of 47.3 years, now adopted by the Court in determining an award for pain and suffering which will be experienced in the future, the Court awards the sum of \$35,000.00.

This constitutes the decision and Order of the Court. Let Judgment enter accordingly.

DATED:

12/7/2005

Ray S. Mahon
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J.S.C.

ENTERED

DEC 14 2005

NASSAU COUNTY
COUNTY CLERK'S OFFICE