

Supreme Court of the State of New York
Appellate Division: Second Judicial Department

D18009
O/prt

_____AD3d_____

Argued - January 11, 2008

WILLIAM F. MASTRO, J.P.
PETER B. SKELOS
ANITA R. FLORIO
THOMAS A. DICKERSON, JJ.

2006-07855

DECISION & ORDER

John Skordilis, respondent, v La Quila Construction, Inc., et al., appellants, et al., defendants.
(Action No. 1)

John Skordilis, respondent, et al., plaintiffs, v La Quila Construction, Inc., et al., appellants, et al., defendant.
(Action No. 2)

(Index Nos. 25650/98 and 23666/01)

Smith Mazure Director Wilkins Young & Yagerman, P.C., New York, N.Y.
(Fiedelman & McGaw [Andrew Zajac of counsel]), for appellants.

Weg & Myers, P.C., New York, N.Y. (Dennis T. D'Antonio, William H. Parash, and Susan V. Lifsey of counsel), for respondent.

In two related actions to recover damages for injury to property, the defendants La Quila Construction, Inc., and New York City Transit Authority appeal from a judgment of the Supreme Court, Queens County (Rosengarten, J.), entered July 21, 2006, which, upon a jury verdict on the issue of liability, is in favor of the plaintiff John Skordilis and against them in the total sum of \$631,327.06.

ORDERED that the judgment is affirmed, with costs.

Contrary to the defendants' contention, a new trial on the issue of liability is not warranted (*see Nicastro v Park*, 113 AD2d 129, 133; *Lagana v Fox*, 6 AD3d 583). Furthermore, the

February 19, 2008

Page 1.

SKORDILIS v La QUILA CONSTRUCTION, INC.

award of damages did not deviate “materially from what would be reasonable compensation” (CPLR 5501[c]; see *Christopher v Great Atl. & Pac. Tea Co.*, 76 NY2d 1003).

MASTRO, J.P., SKELOS, FLORIO and DICKERSON, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive, flowing style.

James Edward Pelzer
Clerk of the Court