

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

D31075
C/prt

_____AD3d_____

Argued - April 12, 2011

DANIEL D. ANGIOLILLO, J.P.
ANITA R. FLORIO
PLUMMER E. LOTT
LEONARD B. AUSTIN, JJ.

2010-02783
2010-07402

DECISION & ORDER

Hope L. Ciganek, etc., respondent, et al., plaintiff,
v Town of Clarkstown, et al., appellants.

(Index No. 1435/08)

Joseph A. Maria, P.C., White Plains, N.Y. (Frances Dapice Marinelli and Edward A. Frey of counsel), for appellants.

Phillips, Krantz & Associates, LLP, New York, N.Y. (Heath T. Buzin of counsel), for respondents.

In an action to recover damages for personal injuries, etc., the defendants appeal from (1) a judgment of the Supreme Court, Rockland County (Garvey, J.), dated February 16, 2010, which, upon jury verdicts on the issues of liability and damages, is in favor of the infant plaintiff Hope L. Ciganek in the principal sum of \$140,000, and (2) an order of the same court entered July 8, 2010, which, inter alia, denied their motion pursuant to CPLR 4404 to set aside the judgment on the ground that the damage awards were excessive.

ORDERED that the judgment and the order are affirmed, with one bill of costs.

Under the circumstances of this case, and taking into consideration the nature and the extent of the infant plaintiff's injuries, the damages awards for past and future pain and suffering do not deviate materially from what would be considered reasonable compensation (*see* CPLR 5501[c]).

May 3, 2011

CIGANEK v TOWN OF CLARKSTOWN

Page 1.

The defendants' remaining contentions are without merit.

ANGIOLILLO, J.P., FLORIO, LOTT and AUSTIN, JJ., concur.

ENTER:

A handwritten signature in black ink that reads "Matthew G. Kiernan". The signature is written in a cursive style with a large, prominent initial "M".

Matthew G. Kiernan
Clerk of the Court