

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

D33918
C/kmb

_____AD3d_____

Submitted - January 20, 2012

WILLIAM F. MASTRO, A.P.J.
DANIEL D. ANGIOLILLO
RANDALL T. ENG
JEFFREY A. COHEN, JJ.

2011-00926

DECISION & ORDER

Precious Scarborough, appellant, v Federated Department
Stores, Inc., etc., et al., respondents.

(Index No. 5312/04)

Trolman, Glaser & Lichtman, P.C., New York, N.Y. (Michael T. Altman and David
B. Corley of counsel), for appellant.

Lester Schwab Katz & Dwyer, LLP, New York, N.Y. (Steven B. Prystowsky of
counsel), for respondent Federated Department Stores, Inc.

Babchik & Young LLP, White Plains, N.Y. (Bruce M. Young and Marisa C.
Wooldridge of counsel), for respondent Mainco Elevator & Electrical Corp.

In an action to recover damages for personal injuries, the plaintiff appeals from so
much of a judgment of the Supreme Court, Suffolk County (Pitts, J.), entered December 17, 2010,
as, upon, inter alia, a jury verdict on the issue of damages finding that she sustained no damages for
future pain and suffering and future medical expenses, failed to award her any damages for future
pain and suffering and future medical expenses.

ORDERED that the judgment is affirmed insofar as appealed from, with one bill of
costs.

Contrary to the plaintiff's contention, the jury verdict on the issue of damages finding
that she sustained no damages for future pain and suffering and future medical expenses was based

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on a fair interpretation of the evidence and, thus, was not contrary to the weight of the evidence (*see Lolik v Big V Supermarkets*, 86 NY2d 744; *Querin v Scotti*, 89 AD3d 713; *DeVito v Oi Ying Ho*, 25 AD3d 750, 752; *Nicastro v Park*, 113 AD2d 129, 134).

MASTRO, A.P.J., ANGIOLILLO, ENG and COHEN, JJ., concur.

ENTER:


Aprilanne Agostino
Clerk of the Court