

NEW YORK

NASSAU COUNTY

PREMISES LIABILITY

Stairs or Stairway — Slips, Trips & Falls — Falldown

Homeowners found not liable for fall on stairs

Verdict Defense

Case Judith Cassandro-Green v. Pamela and Jon Hopkins, No. 005638/2010

Court Nassau County Court

Judge Robert Bruno

Date 3/11/2015

Plaintiff

Attorney(s)

Marc Weissman, Cobert, Haber & Haber, LLP, New York, NY

Defense

Attorney(s)

John J. Nicolini, Nicolini, Paradise & Kehoe, Mineola, NY

Facts & Allegations

On July 13, 2009, Judith Cassandro-Green, a 59-year-old substitute teacher, was using the exterior stairs of a private residence in Babylon, NY, when she lost her balance and fell to the ground at the bottom of the stairs. Cassandro-Green claimed injuries to an arm, as well as an exacerbation of an existing neurological disorder.

Cassandro-Green sued the owners of the home, defendants Pamela and John Hopkins, citing negligence through violations of building codes.

The trial was bifurcated and only liability was argued.

Cassandro-Green alleged that she was visiting the Hopkins' residence for the purpose of attending a workshop seminar on special education. Cassandro-Green claimed that as she was descending the front exterior stairs of the house to go to her vehicle, she lost her balance and fell to the bottom of the stairs. Cassandro-Green alleged that there was no handrail to accommodate her descent or help prevent a fall, and the stairs were hexagon-shaped and lacked geometric risers, throwing her cadence of her descent down the stairs. Cassandro-Green claimed she fell forward and ended up in a seated position where she fell.

The plaintiff's expert, an engineer, testified that the stairs were poorly constructed, violated building code, and constituted a hazard.

Defense counsel contended that it was not a lack of a handrail or the height of the risers that caused the plaintiff's fall. Defense argued that the stairs consist of three steps up with a small landing in between the third and fourth steps, where a rocking chair was sitting at the time of the alleged accident. Defense council further argued that Cassandro-Green was not descending the stairs as she alleged, but was ascending the stairs, lost her balance and fell. The defense produced witnesses who were inside and outside the house at the time of the accident who said they saw the plaintiff ascending the stairs at the time of the accident. The defense also produced a physician's assistant as a witness, who testified that Cassandro-Green told her that she was ascending the steps, caught her foot on the rocking chair, and lost her balance.

Injuries/Damages

fracture, humerus; Guillain-Barre syndrome

The trial was bifurcated and damages were not heard by the jury.

Cassandro-Green was brought to Good Samaritan Hospital in West Islip, NY, by ambulance where she was diagnosed with a fracture to the humerus of her right arm, her dominant arm, and closed-reduction was performed on the injury.

Cassandro-Green was kept in the hospital for 30 days following the accident, after she claimed the accident exacerbated symptoms of Guillian-Barre Syndrome, with which she was previously diagnosed. This allegedly caused Cassandro-Green trouble ambulating, and made her too weak to walk.

Cassandro-Green was discharged from Good Samaritan Hospital on August 11, 2009, and was admitted to Glen Cove Center for Nursing and Rehabilitation. She also followed up her injuries with orthopedic appointments and physical therapy.

defense took the position that the plaintiff's fracture humorous completely healed and the weakness in her legs was not due to an exacerbation of any disorder, but was the result of degenerative arthritis.

Result

The defendants were not found liable for the plaintiff's accident and the trial

Plaintiff(s)

Judith Cassandro-Green

Demand \$400,000

Offer \$50,000

Insurer(s)

State Farm Pamela Hopkins, John Hopkins

Trial Details

Trial Length: 5 Days

Jury Deliberations: 2 Hours

Jury Poll: 6-0

Jury Composition: 4 females<P> 2 males

Plaintiff

Expert(s)

Alvin Ubell, stairs/stairways, Brooklyn, NY (Marc Weissman)

Defense

Expert(s)

None reported

Post-Trial

none

Editor's Note

This report was written using information provided by defense counsel

Plaintiff(s)

Demographics

Judith Cassandro-Green

Age: 59 Years

Occupation: Substitute Teacher

Gender: Female

Married: Yes

Children: None reported

Children Description: Injured Party

Written By --Jack Deming