
STEVEN VIDAL, an infant, by his mother
and natural guardian LETICIA HERNANDEZ, :
and LETICIA HERNANDEZ, individually,

Index.: 20062/2013

Plaintiffs,

NEW YORK CITY HEALTH &
HOSPITALS CORPORATION, LINCOLN
HOSPITAL and BELLEVUE HOSPITAL
CENTER

Defendants.

**INFANT'S
COMPROMISE ORDER**

Upon reading and filing the Petition of LETICIA HERNANDEZ dated August 21, 2013,
and the Affirmation of MARTHA GOLD, ESQ., dated August 21, 2013, and the exhibits
attached thereto; and,

It further appearing that the infant-plaintiff STEVEN VIDAL, was born on October 23,
2007 and is presently approximately six years old, and it further appearing that the best interest of
the infant-plaintiff will be served by settlement of the within action, and after due deliberation
having been had thereon, and upon all the papers and proceedings heretofore had herein, the
papers and proceedings heretofore had herein,

YORK CITY HEALTH AND HOSPITALS CORPORATION, LINCOLN HOSPITAL AND BELLEVUE HOSPITAL CENTER, for the sum of ONE HUNDRED THOUSAND (\$100,000.00) DOLLARS to be paid as follows:

SIXTY EIGHT THOUSAND SEVEN HUNDRED FIFTY TWO AND SIXTY EIGHT CENTS (\$68,752.68) for conscious pain and suffering to be made payable and deposited to LETICIA HERNANDEZ as parent and natural guardian of the infant STEVEN VIDAL together with an officer of the following savings bank, in trust for the exclusive use and benefit of STEVEN VIDAL until he reaches his majority, to be deposited in such designated depositories in an insured, interest bearing account, certificate of deposit, bank money market fund or other bank instrument insured by the Federal Deposit Insurance Corporation, at the highest legal rate of interest available.

Such funds shall be deposited aforesaid with the following depositories:

1. The sum of Thirty One Thousand Two Hundred Thirty Nine Dollars and Twenty-Five Cents (\$31,239.25) jointly with an Officer of the Bank of America located 329 E. 149th Street, Bronx, NY 10459.
2. The sum of Thirty One Thousand Two Hundred Thirty Nine Dollars and Twenty-Six Cents (\$31,239.26) jointly with an Officer of Chase Bank located at 360 E. 149th Street, Bronx, NY 10455.

GOLD, in the sum of One Thousand Seven Hundred Eighty One Dollars and Eighty-Eight Cents (\$1,781.88), shall be deducted from the sum of the One Hundred Thousand (\$100,000.00) dollars as reimbursement to said attorney and the remaining sum thereof in the amount of Ninety Eight Thousand Two Hundred Eighteen Dollars and Twelve cents shall be subject to attorney fees payable to THE LAW OFFICE OF MARTHA GOLD, in the amount of Twenty Nine Thousand Four Hundred Sixty Five and Forty Four cents (\$29,465.44) pursuant to Judiciary Law § 474-a; and it is further

ORDERED, the loss of services cause of action for LETICIA HERNANDEZ is withdrawn; and it is further

ORDERED, that the filing of a bond be dispensed with; and it is further

ORDERED, that LETICIA HERNANDEZ hereby be granted leave to sign all necessary papers to effectuate this settlement; and it is further

ORDERED, that upon his eighteenth birthday the infant- plaintiff STEVEN VIDAL be given access to the money to which he is entitled to and the funds be released to his control.

ENTER,

J.S.C

Plaintiffs,

-against-

**ATTORNEY'S
AFFIRMATION**

NEW YORK CITY HEALTH & HOSPITALS
CORPORATION, LINCOLN HOSPITAL, and BELLEVUE
HOSPITAL CENTER

Defendants.

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

MARTHA GOLD, ESQ., an attorney duly admitted to practice law before the Courts of State of New York, hereby affirms the following pursuant to the penalties of perjury:

1. I am the attorney of record in the above-entitled action and as such I am fully familiar with all the facts and circumstances contained herein.

2. This Affirmation is submitted in support of the plaintiff's application seeking permission to settle and compromise the case of the infant-plaintiff, STEVEN VIDAL (hereinafter "STEVEN") against the above-named defendants NEW YORK CITY HEALTH AND HOSPITALS CORPORATION, (hereinafter "NYCHHC") BELLEVUE HOSPITAL (hereinafter "BELLEVUE") and LINCOLN HOSPITAL (hereinafter "LINCOLN").

3. On September 24, 2012 LETICIA HERNANDEZ, the mother and natural guardian of the infant-plaintiff, retained THE LAW OFFICE OF MARTHA GOLD, to represent her infant son, STEVEN, and to represent her individually in a medical malpractice action regarding the diagnosis and treatment of STEVEN at LINCOLN HOSPITAL (hereinafter "LINCOLN") and BELLEVUE HOSPITAL CENTER (hereinafter "BELLEVUE").

4. At that time LETICIA HERNANDEZ signed a retainer agreement (Exhibit "A").

- (iii) 20 per cent of the next \$500,000 of the net sum recovered;
- (iv) 15 per cent of the next \$250,000 of the net sum recovered;
- (v) 10 per cent of any amount over \$1,250,000 of the net sum recovered.

5. THE LAW OFFICE OF MARTHA GOLD, filed a retainer statement with Offices of Court Administration and obtained retainer statement number 3688572 JAN 13.

6. On September 25, 2012 THE LAW OFFICE OF MARTHA GOLD filed a Notice of Claim against the defendants NYCHHC, LINCOLN, and BELLEVUE alleging medical malpractice in the care and treatment of infant-plaintiff STEVEN in that they failed to properly and promptly diagnose and treat the infant-plaintiff's ear infection causing it to spread. (Exhibit "B")

7. On January 30, 2013 THE LAW OFFICE OF MARTHA GOLD represented LETICIA HERNANDEZ at a 50-H Hearing where she appeared and gave sworn testimony regarding her sons's case.

8. When the 50-H Hearing transcript was received it was reviewed by this office and then sent to the plaintiff for correction.

9. On January 7, 2013 THE LAW FIRM OF MARTHA GOLD, instituted a medical malpractice lawsuit against NYCHHC, LINCOLN and BELLEVUE, claiming that because of medical and hospital negligence and malpractice, they failed to diagnose and treat the infant's ear infection leading to a sixth nerve palsy which has since resolved. The defendants NYCHHC, LINCOLN and BELLEVUE in the aforesaid actions answered the complaint by Schiavetti, Corgi & DiEdwards, Weinberg & Nicholson dated February 13, 2013. (Exhibit "C")

10. Additionally, an action was brought on behalf of LETICIA HERNANDEZ for breach of services.

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.