

STATE OF NEW YORK :
SUPREME COURT : COUNTY OF ERIE

BRIGETTE BRZEZNIAK

Plaintiff

vs.

JUDGMENT
Index #800606/2014

VINCENT J. SORRENTINO and
CITY OF BUFFALO,

Defendants

The issues in this action having been duly tried before Justice John L. Michalski and a jury of six at a trial term of this Court, and plaintiff having appeared by BROWN CHIARI LLP, Michael C. Scinta, Esq., Of Counsel, and defendants having been represented by Hagelin Spencer, LLC, Michael T. Hagelin, Esq., Of Counsel, and the Court having presented the case to a jury on a special verdict form and the jury having rendered a verdict on October 28, 2016 for plaintiff against defendant for damages of \$300,000.00 in past pain and suffering; and \$2,700,000.00 in future pain and suffering over 53.4 years [reduced to 10 years pursuant to CPLR §5041(d)];

AND, pursuant to CPLR Section 5041(e), in determining the present value of the annuity contract to be purchased to provide payment of each category of future periodically paid damages, the discount rate of 1.86% representing the 10-year U.S. Treasury rate on the date of the jury award shall be applied to all future damages for Pain and Suffering;

NOW, upon the Court's application of Article 50-B of the New York Civil Practice Law & Rules, and having so determined the present value of future payments to the Plaintiff be \$1,765,630.67 for future pain and suffering and with the addition of statutory interest from the date of the verdict, October 28, 2016, and the Court having determined that the total present value of the Judgment before interest is \$3,218,563.33 it is

ORDERED, ADJUDGED AND DECREED that the plaintiff BRIGETTE BRZEZNIAK does now recover of the defendants Vincent J. Sorrentino and City of Buffalo the sum of **\$363,655.91** as and for past damages suffered by plaintiff BRIGETTE BRZEZNIAK in the amount of \$198,357.77 and the first \$250,000 of the initial or threshold portion of future damages as suffered by plaintiff BRIGETTE BRZEZNIAK in the amount of \$165,298.14, plus interest thereon at the statutory rate of 9% per annum from October 28, 2016 to December 1, 2016, the date of entry of the judgment herein, in the sum of **\$3,048.73** amounting in all to a total sum of **\$366,704.64** , and that plaintiff has execution therefor, and it is further

ORDERED, ADJUDGED AND DECREED that plaintiff BRIGETTE BRZEZNIAK does now recover of defendants Vincent J. Sorrentino and City of Buffalo the sum of **\$1,089,276.75** for the attorneys' share of damages in the amount (representing attorney's fees for Past Pain and Suffering in the amount of \$99,178.89; the first \$250,000.00 of future damages in the amount of \$82,649.07; Future Pain and Suffering in the amount of \$882,815.34; and \$24,633.45 as litigation expenses and disbursements), plus interest thereon at the statutory rate of 9% per annum from October 28, 2016 to December 1, 2016, the date of entry of the judgment herein, in the amount of **\$9,132.02**, amounting in all to a total sum of **\$1,098,408.77** and that plaintiff shall have execution therefor, and it is further

ORDERED, ADJUDGED AND DECREED that the defendants. are directed to offer and purchase annuity contracts from an insurance company rated A.M. Best rated A+ or better and qualified by the Superintendent of Insurance of the State of New York to be approved by the Court, that will provide for payment of periodic installments pursuant to CPLR § 5041 et seq. to

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plaintiff BRIGETTE BRZEZNIAK of the following annual payments to be paid in equal monthly installments, in advance:

- a) \$13,499.35 per month for 10 years, increased annually at four percent (4%) to be compounded annually (pain and suffering).

ORDERED, ADJUDGED AND DECREED that the present value of the plaintiff's portion of future pain and suffering award is **\$1,765,630.67**; and that plaintiff BRIGETTE BRZEZNIAK recover interest at the statutory interest of 9% per annum on said sum computed from October 28, 2016 to December 1, 2016 in the sum of **\$14,802.27** and that plaintiff has execution therefor; and it is further

ORDERED, ADJUDGED AND DECREED that plaintiff BRIGETTE BRZEZNIAK does now recover of the defendants Vincent J. Sorrentino and City of Buffalo costs and disbursements as taxed in the sum of **\$1,420.00** and that plaintiff has execution therefor.

ORDERED, ADJUDGED AND DECREED that plaintiff BRIGETTE BRZEZNIAK does now recover of defendants Vincent J. Sorrentino and City of Buffalo the sum of have a total combined judgment (consisting of the above sums for past and future damages) in the amount of \$3,218,563.33 plus interest thereon at the statutory rate of 9% per annum from October 28, 2016 to December 1, 2016, the date of entry of the judgment herein, in the sum of in the amount of \$26,983.02, for a total of **\$3,245,546.35**; together with costs and disbursements as taxed by the Clerk in the sum of **\$1,420.00**, for a total judgment of **\$3,246,966.35** and Plaintiff having execution thereon

Judgment signed this 6 day of December, 2016

GRANTED

Honorable John L. Michalski
Justice, Supreme Court

GRANTED:

DEC 06 2016
BY *Laura Rodgers*
LAURA RODGERS
COURT CLERK

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