

STATE OF NEW YORK:  
SUPREME COURT: COUNTY OF ERIE

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MARILYN McDONOUGH

Plaintiff

-vs-

**AMENDED  
JUDGMENT**

**Index #805505/2015**

TRANSIT ROAD APARTMENTS LLC  
PARK LANE LUXURY APARTMENTS

Defendants,

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Plaintiff, MARILYN McDONOUGH, resides at 4845 Transit Road, Apt. N5, Depew, New York 14043. Defendants, TRANSIT ROAD APARTMENTS LLC and PARK LANE LUXURY APARTMENTS, are located at 4845 Transit Road, Lancaster, New York 14043.

The following Amended Judgment is against defendants, TRANSIT ROAD APARTMENTS LLC and PARK LANE LUXURY APARTMENTS.

The issue of negligence in this action having been duly tried before the Honorable E. Jeannette Ogden, J.S.C., and a jury in Buffalo, New York, and plaintiff having appeared by BROWN CHIARI LLP, David W. Olson, Esq., of counsel, and defendants, Transit Road Apartments LLC and Park Lane Luxury Apartments, having appeared by BARTH, SULLIVAN & BEHR, Laurence Behr, Esq., of counsel, and the jury having rendered a verdict on November 15, 2017 finding defendants 99% at fault for the subject

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accident; and a Judgment therefor having been entered in the Office of the Clerk of the County of Erie on November 27, 2017 (**Exhibit A**); and the issue of damages in this action having been duly tried before the Honorable Frank A. Sedita, III, J.S.C., and a jury in Buffalo, New York, and plaintiff having appeared by BROWN CHIARI LLP, David W. Olson, Esq., of counsel, and defendants, Transit Road Apartments LLC and Park Lane Luxury Apartments, having appeared by BARTH, SULLIVAN & BEHR, Laurence Behr, Esq., of counsel, and the jury having rendered a verdict on February 16, 2018 finding plaintiff entitled to \$350,000.00 in damages; and a Memorandum Decision and Order of the Honorable Frank A. Sedita, III, J.S.C, dated June 28, 2018, having been entered in the Office of the Clerk of the County of Erie on July 9, 2018, affirming the jury's award (**Exhibit B**);

NOW, the Court having determined that an Amended Judgment in favor of plaintiff be entered as to \$346,500.00; it is hereby

ORDERED, ADJUDGED AND DECREED that plaintiff, Marilyn McDonough, does recover of the defendants \$346,500.00; and it is further

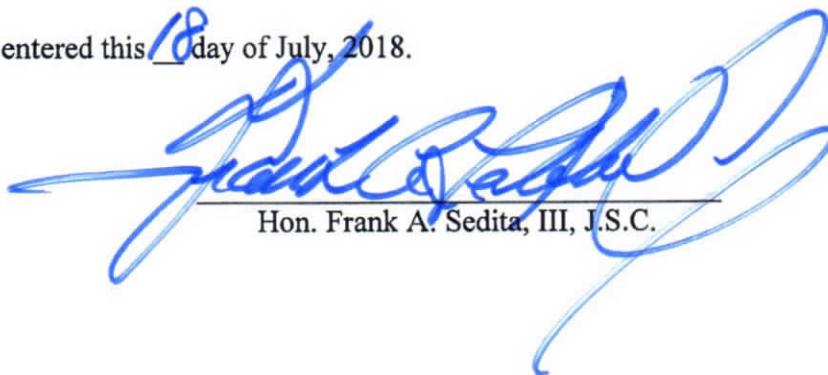
ORDERED, ADJUDGED AND DECREED that plaintiff, Marilyn McDonough, is entitled to statutory interest on the above sum at the rate of 9% per annum from November 27, 2017, and that plaintiff have execution therefor; and it is further

ORDERED, ADJUDGED AND DECREED that plaintiff, Marilyn McDonough, is entitled to costs and disbursements in the amount of \$1,405.80 (99% of amount shown on **Exhibit C**), and that plaintiff have execution therefor.

BROWN CHIARI LLP

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Judgment signed and entered this 18 day of July, 2018.



Hon. Frank A. Sedita, III, J.S.C.

July 19, 2018

BROWN CHARLES