

-against-

CENTRAL YETEZ LEV SATMAR MEAT AND
POULTRY and 684 MYRTLE, LLC.

Defendants.

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SIRS:

PLEASE TAKE NOTICE, that the within is a true copy of a Decision and Order of Honorable Richard N. Allman, dated November 19, 2008 and entered in the office of the Clerk of the within named Court on April 23, 2009.

Dated: Brooklyn, New York
April 29, 2009


FABIEN A. ROBLEY, ESQ.
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Attorneys for Plaintiff
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TO: CENTRAL YETEZ LEV
SATMAR MEAT & POULTRY
684 Myrtle Avenue
Brooklyn, NY 11205

684 MYRTLE, LLC
199 Lee Avenue
Brooklyn, NY 11211

CENTRAL YETEZ LEV SATMAR MEAT AND
POULTRY and 684 MYRTLE, LLC.

Defendants.

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RICHARD N. ALLMAN, REFEREE:

On June 30, 2008, a default judgment was awarded against both defendants in this action. Thereafter, on November 5, 2008, an inquest was held to determine if damages should be awarded to the plaintiff. The only witness to testify at the inquest was the plaintiff, Samuel Tauber. The inquest was adjourned at the plaintiff's request to November 19, 2008 so that counsel for the plaintiff could submit verdict reports in support of the damage request that was made.

Tauber testified that he was injured on October 19, 2007 while working as a volunteer at 684 Myrtle Avenue. He was moving a case in the store when he leaned against the storefront window and the window shattered. Glass fell onto Tauber cutting his forehead, his eyebrow and cheek, his hand and his right foot. Tauber was taken to Bellevue Hospital, where he received thirty stitches in his hand/wrist, fifteen stitches for two cuts on his face, two stitches on his foot and one long stitch with "seventeen overlaps" on "his head." In addition to these stitches, Tauber learned that six ligaments in his wrist were cut. Tauber testified that because of this condition, he could no move his right hand or four of the fingers on that hand.

About ten days after the accident, Tauber went to see Dr. Mark Pruzansky, who is affiliated with Mt. Sinai Hospital. Pruzansky took removed the stitches and arranged to perform surgery to repair Tauber's hand. The surgery was performed in December 2007. Two weeks after the surgery, Tauber began a course of physical therapy. While undergoing the therapy, Tauber's hand got

scar between the eyebrows and a one inch horizontal scar below his right eye. The scar on Tauber's wrist is much more pronounced than the scars on his head. The wrist scar extends across the top of Tauber's wrist from one side to the other.

Tauber testified that he is left handed. This Court asked him to demonstrate how his right hand is restricted since the accident. This Court saw that Tauber could make a fist and move each of his fingers. He could bend the wrist backwards in a normal manner but when he tried to bend the wrist forward (so that his fingertips moved toward the underside of his arm), the movement was restricted: Tauber could bend the wrist about a third of the distance he was able to bend his left wrist. Tauber also testified that the injury to his wrist made it more difficult to do the daily chores of life – he could not carry heavy objects in the right hand without feeling pain and he could not turn a screwdriver easily with this hand and this was something he was expected to do as part of his job as an HVAC technician.

At the end of the inquest, counsel for plaintiff requested that this Court award \$900,000 to the plaintiff. This Court asked whether this damage request was discounted to take into effect that the injury suffered was to the plaintiff's non-dominant hand and whether counsel could produce any verdict reports showing that this award was appropriate.

Based on this Court's own review of the verdict reports and its own observations of the plaintiff's current condition, it finds that an award of \$200,000 is appropriate. Accordingly, it is

ORDERED that Central Yetez Lev Satmar Meat and Poultry and 684 Myrtle LLC must pay Samuel Tauber \$200,000 in damages; it is further

ORDERED that Central Yetez Lev Satmar Meat and Poultry and 684 Myrtle LLC are jointly and severally liable for this \$200,000 debt; it is further

ORDERED that the clerk is directed to enter judgment; and it is further

ORDERED that plaintiff must file and serve a copy of this order with notice of entry to the defendants within thirty days of its entry.

Dated: Brooklyn, New York
November 19, 2008



Referee

State, affirms the truth of the following under the penalties of perjury:

That on the 29 day of April, 2009, I served a true copy of the annexed

ORDER WITH NOTICE OF ENTRY

by sending the same via regular mail, in a sealed envelope, with postage prepaid thereon, in a post office or official depository of the U.S. Postal Service within the State of New York, addressed to:

CENTRAL YETEZ LEV
SATMAR MEAT & POULTRY
684 Myrtle Avenue
Brooklyn, NY 11205

684 MYRTLE, LLC
199 Lee Avenue
Brooklyn, NY 11211

Dated: April 29 2009
Brooklyn, New York


FABIEN ROBLEY, ESQ.