

To commence the statutory time period of appeals as of right (CPLR 5513[a]), you are advised to serve a copy of this order with notice of entry, upon all parties.

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ROCKLAND

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ALICIA ESPINAL-PERDOMO,

Plaintiff,

**DECISION AND ORDER.**  
Index No.: 031021/16

-against-

GREG WINSKO and NICOLE WINSKO,

Defendants.

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LOEHR, J.

Upon the Defendant's default in answering, an inquest was held before the Court on April 6, 2017. The Plaintiff testified: she is a 32 year old mother of two and housewife who was injured on November 16, 2015 when she fell at a defective outside staircase. When she fell, she injured her left arm, her left hand and her left knee and was taken by ambulance to Good Samaritan Hospital where it was found that she had suffered a transverse displaced and comminuted fracture of her left patella. Surgery was performed consisting of an open reduction with internal fixation and reenforcement of the patella and quadriceps tendon. Following surgery she spent several days in the hospital, returned home where she required a wheel chair and crutches to ambulate for the next three months, the first three weeks of which she was bed-ridden. She also engaged in three months of physical therapy to restore range of motion to the left knee. Based on the Plaintiff's testimony, the Court finds that she can not kneel, perform most house cleaning functions and has difficulty walking on steps.

Plaintiff produced extensive medical records from Rockland Orthopedics treating surgeon Arup K. Bhadra, M.D., with follow up care through February 25, 2016. Upon discharge she was found to have no restrictions to daily activities but was recommended to use a brace for certain outside activities and to continue physical therapy for quad strengthening and anti-inflammatory

medications as needed for pain relief.

The Court also reviewed the records of Stern Physical Rehabilitation where Plaintiff received physical therapy treatment from January, 2016 to May 10, 2016 for significant pain and stiffness in her left knee. Upon discharge from physical therapy, she was found to have mild pain during deep kneeling and stair climbing, was able to ambulate and perform all activities of daily living and childcare.

Based on the testimony and the medical evidence produced, this Court makes an award of \$300,000 for past pain and suffering and \$75,000 for future pain and suffering over the next fifty years.

Dated: New City, New York  
December 11, 2017



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Hon. GERALD E. LOEHR  
J. S.C.