

# GVK TRIAL WIN

## Kenneth S. Merber Obtains Directed Verdict in a Premises Liability Case in Supreme Court, County of Queens



On June 1, 2017, Kenneth S. Merber obtained a directed verdict after a 3-week jury trial in the Supreme Court of the State of New York, County of Queens in a premises liability case brought against a New York City commercial building owner, its managing agent and maintenance contractors.

Ken successfully defended one of the world's largest maintenance service contractors. The case was tried before the Hon. Carmen Velasquez. Plaintiff alleged the defendants were negligent and that they violated various provisions of the New York City Administrative Code. Plaintiff also relied upon the doctrine of *res ipsa loquitor*. Plaintiff alleged the defendants failed to address and remedy a recurring condition which caused repeated and extensive backups of the building's plumbing system and its connection to the New York City sewer system. Plaintiff alleged that she sustained catastrophic life altering injuries including a concussion with loss of consciousness and multiple herniated discs for which she underwent multi-level discectomies, decompressions and fusion procedures with bone grafting and the placement of medical instrumentation.

Plaintiff had a poor result post-operatively including a non-union of the bone grafts. Plaintiff's expert opined that the claimant requires additional surgeries including a revision of the previously performed discectomies and fusions.

Plaintiff incurred approximately \$300,000 in past economic losses. Prior to the trial, Plaintiff's demand was \$6 million. Her demand was never reduced below \$2 million. This was Ken's second defense verdict in the past month.