

Anchin Alert

Anchin, Block & Anchin LLP
Accountants and Advisors

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Court Denies Plaintiff's Motion to Set Aside Jury Verdict

Anchin, Block & Anchin's Litigation, Forensic and Valuation Services Group is often retained to determine damages in cases involving a breach of contract, a business interruption, a personal injury, a wrongful termination, a wrongful death, or other cases where damages are incurred by one party as a result of the actions of another party. In a case¹ recently reported in the *New York Law Journal*, the court denied a motion by the plaintiff to set aside a jury verdict in the jury's failure to award damages for future pain and suffering and damages for future impaired earning capacity (the "Future Damages") in a personal injury case.

The jury returned a verdict against the defendants finding them liable for the plaintiff's injuries, awarding \$50,000 for past pain and suffering and \$25,000 for past impaired earning capacity. However, the jury declined to award any damages for future pain and suffering or any damages for future impaired earning capacity.

In its motion, the plaintiff argued that the jury's failure to include Future Damages was not supported by the evidence. However, the court found that a jury's interpretation of the evidence was entitled to considerable deference. The court also found that testimony by a doctor provided a "valid line of reasoning and permissible inferences which could...lead rational people to the conclusion" that no Future Damages should be awarded and that the jury's verdict was a fair interpretation of the evidence.

Further, the court noted that in the absence of a full trial transcript, especially the plaintiff's relevant testimony, it was precluded from a meaningful review of relevant testimony to set aside the verdict on the issue of damages for future pain and suffering and damages for future loss of earning capacity.

Accordingly, the court concluded that the plaintiff's motion must be denied.

For more information, please contact Anthony Bracco, David Beckman, Margaret Kolb, Dennis Neier, or Raymond Dragon of Anchin's Litigation, Forensic and Valuation Services Group at 212.840.3456.

¹Farrell v. Wildlife Conservation Society, 14-502 (May 2)



Anchin, Block & Anchin LLP
Accountants and Advisors
1375 Broadway, New York, NY 10018
212.840.3456 • www.anchin.com

