

CASE TYPE: Verdict

STATE: New York

COURT: Queens Supreme

JUDGE: Martin Ritholtz

CAUSE OF ACTION: Negligence/Employee/Improper Training

NAME_OF_CASE: Rafael Iglesias v. Road Block Bar, Inc. d/b/a Mulcahys and Promo Fog, Corp.

INDEX_NO: 017392/2009

VERDICT_DATE: 11/28/2012

GROSS_VERDICT: \$260,000.00

NET_VERDICT: 100 - 0

PLAINTIFF_INFO: Rafael Iglesias, Firefighter, paramedic, 40 y/o, Male, married, two children

OTHER_FEES: Settled during damages for \$260,000.00

DEFENDANT_INFO: Road Block Bar, Inc. d/b/a Mulcahys and Promo Fog, Corp.

INSURANCE_CARRIERS: Founders Insurance

PLAINTIFF_ATTORNEY: Massimo & Panetta, P.C. FRANK C. PANETTA, ESQ.,
www.yournylawyer.com, Attorneys at Law, 99 Quentin Roosevelt Boulevard, Suite 201, Garden City, New York 11530 Phone: 516-683-8880 Facsimile: 516-794-9039 Cellular: 516-398-2714

DEFENSE_ATTORNEY: Michael Titowsky, Morris Duffy Alonso Faley, 2 Rector Street, New York, NY 10006 (212) 766-1888

PLAINTIFF_EXPERTS: Ortho Surgeon: Michael Polatsch, Vocational Rehab : Charles Kincaid

DEFENSE_EXPERTS: Vocational Rehab: Catapano

CASE_DESCRIPTION: Rafael Iglesias went to a 9-11 fund raiser for the fifth or sixth year as an organizer and worker. After the event ended he was socializing with firefighters when bouncers broke up a fight of two unknown female patrons. As Iglesias walked past the bouncer breaking up the fight he was accidentally elbowed in the face and put his hand up defensively and pushed the offending elbow away from his face. The bouncer turned around and said "Now you have to go, you touched a bouncer." As he and his fellow firefighters tried to explain, the bouncers grabbed Iglesias, under each arm, dragging him out the back. His feet dangling on the ground, he was taken to the back patio by two 6'5" bouncer's who then opened the gate and threw him backwards where he landed on his right hand, fracturing it. First, the bouncers said he was

drunk and fought back, and then they said he tripped over his feet. They told the police that he tripped over his feet after turning around. At trial, they said he tripped over the gate as he was "escorted" out of the back patio gate. The gate had a 2" frame on all four sides, including the threshold. The jury didn't find the bouncer's multiple versions credible.

INJURY_DESCRIPTION: Right Radius and Ulna fracture with internal fixation open reduction (7 screws and a plate) Carpel Tunnel nerve release.

DATE_TIME: April 4 to April 5, 2009, thirty minutes past midnight on the 5th. Mulcahys bar, 3232 Railroad Avenue, Wantagh New York 11793

OTHER_COMMENTS: The Judge charged falsus in uno, falsus omnibus and Plaintiff pointed out how many different versions the defendants espoused. Plaintiff's witness, fellow firefighter Gregory Beach was consistent with Iglesias and explained they were mere acquaintances. The bar manager Brian Dunne said he did not know if all the bouncers were recently fired for "heavy-handedness". Plaintiff's counsel suggesting the bar "cleaned house".

TRIAL_LENGTH: 4 days

JURY DELIBERATION LENGTH: 45 minutes

JURY_COMPOSITION: 5 men, one woman

JURY_POLL: unanimous

SETTLEMENT_DEMAND: Plaintiff: 160K before verdict

SETTLEMENT_OFFER: 50K

MOTION FOR NEW TRIAL (PARTY): n/a

MOTION FOR NEW TRIAL (RESULT): n/a

OTHER POST-TRIAL MOTIONS: settled

APPEAL BY: n/a