

New Jersey Law Journal

201 N.J.L.J. 917

SEPTEMBER 20, 2010

An ALM Publication

Top 20 Personal Injury Awards of the Year

10 Hudson Co. Jury Awards \$7.2M to M.D. Injured in PATH Slip and Fall

Mandal v. Port Authority of New York and New Jersey: Hudson County jury awarded \$7.2 million on May 17 in a suit by a doctor seriously injured at a PATH station.

Soma Mandal, then 35, of Jersey City, who practices internal medicine in Manhattan, was walking through the Pavonia station on March 18, 2007, when she slipped on a rubber mat on the tile floor of a corridor and fractured her right elbow and arm.

After surgeries that included installation of screws, metal plates and wiring, she continues to suffer numbness, pain and loss of motion in the arm, hampering her ability to treat patients, according to evidence presented by **Kevin Barber** and **Christopher Hager** of **Niedweske Barber** in Morristown at a trial before Judge Mark Baber.

Hager says the evidence showed that the mat, maintained by Modern Facilities Services Inc. of East Hanover, was supposed to prevent people from slipping on the corridor's tiles but was

also slippery. He says Port Authority records showed that at least one accident like Mandal's had occurred before.

He says his expert pegged the economic damages between \$8 million and \$10 million.

After a three-week trial, the jury voted 8-0 to apportion 75 percent liability to the Port Authority and 25 percent to Modern Facilities. The panel awarded \$4.125 million for lost wages, \$3 million for pain and suffering and \$106,000 for household expenses.

Hager says the defendants blamed the plaintiff and each other and suggested that the injuries were not as serious as Mandal claimed.

Modern Facilities' lawyer, **Andrew Lauri** of **Cascone & Kuepfel** in Garden City, N.Y., says he will move for a new trial or remittitur. He says Mandal knew the floor was wet but didn't use a handrail or another corridor. He says a Port Authority supervisor ordered the corridor closed before the accident, but the entrance wasn't blocked properly, allowing passengers to use it.