



ST. JOHN'S
UNIVERSITY

ROBERTO E. COSENTINO
ASSISTANT PROFESSOR

TEACHING CIVIL LITIGATION: A TRIAL TEAM APPROACH

ROBERTO E. COSENTINO

- Assistant Professor in the Division of Legal Studies at St. John's University. He received his B.S., M.A., and J.D. from St. John's University. Present courses: Tort Law, Ethics, and Litigation Practice.
- As a senior trial attorney/partner practicing for over twenty-five years, I resolved over 100 cases at the trial stage and obtained numerous jury verdicts.
- Member of the Bar of New York, Florida, Connecticut, the Federal District Court, Eastern and Southern District of New York, and the United States Supreme Court.
- “Of counsel” to the law firm of Pillinger Miller Tarallo, LLP.
- Serves on the Committee on Character and Fitness, Appellate Division, First Department.

COURSE OBJECTIVES

- To expose students to **basic concepts** of a civil action, various causes of action and pre-trial **civil procedure**, including court structure, basic jurisdictional requirements, pleadings, discovery and the structure of a trial.
- Clearly distinguishing a civil action and the various components of prosecuting a civil case as opposed to a criminal matter. To enable students to **evaluate a personal injury** case and research the specific procedural requirements that will apply to a particular hypothetical case.

COURSE OBJECTIVES

- To develop the critical analysis of the application of the regulations to the **routine activities of paralegals** and their professional responsibilities.
- Understand all of the important procedural requirements and necessary time periods such as statute of limitations in bringing an action, time periods for exchange of pleadings, discovery, motions, pre-trial motions and trial, through an analysis of **New York's Civil Procedure Law & Rules**.
- MAIN OBJECTIVE, to increase students' ability to read and work with statutes, court rules, pleadings and other court documents to develop **practice readiness**.

“DON’T FORGET THE CANNOLI!”

Capturing and maintaining student attention can be challenging for instructors, especially when students may not find a subject applicable to their lives.

Civil procedure and the foundational concepts of civil litigation can seem foreign and complex to many students. This presentation is a broad overview of my litigation course, which is fueled by a hypothetical created with facts of actual cases.

PERSONAL INJURY FACT PATTERN

To overcome these challenges, I teach New York Civil Practice Law and Rules (CPLR) through the analysis of a fact pattern and via a trial team approach.

Given that many students will begin their careers in personal injury law in New York City, a tort-based fact pattern was chosen.



Why the Cannoli Hypothetical?

Culture & Introducing Civil Litigation

- **Culture** encompasses our interactions within family and social groups, and each student brings their unique cultural perspective to class.
- Many of our students are the children of immigrant families or are **first generation college students**, or both.
- While integrating my immigrant experience to better connect with those students, I introduce a self-deprecating hypothetical which allows me to explain **civil litigation from intake to verdict** while discussing my background and litigation experience.

Why the Cannoli Hypothetical? Culture & Introducing Civil Litigation

- During the course as we analyze the fact-pattern we employ tools like rote learning, **frequent repetition**, mnemonics, oral presentations, research, and writing assignments.
- **Learning preferences** are closely tied to culture, and my goal is to foster multiculturalism by accommodating diverse learning styles. At the end of the day, I want every student to feel like they fit and can achieve their goal of becoming a paralegal or a lawyer!



- The hypothetical that is introduced is inspired by three cases I litigated in Kings and Bronx County Supreme Court.
- Injecting humor, poking fun at my upbringing in an immigrant family and in a Bronx Italian-American neighborhood circa 1990s adds a personal view and a quick snap-shot of growing up in an immigrant section of NYC.

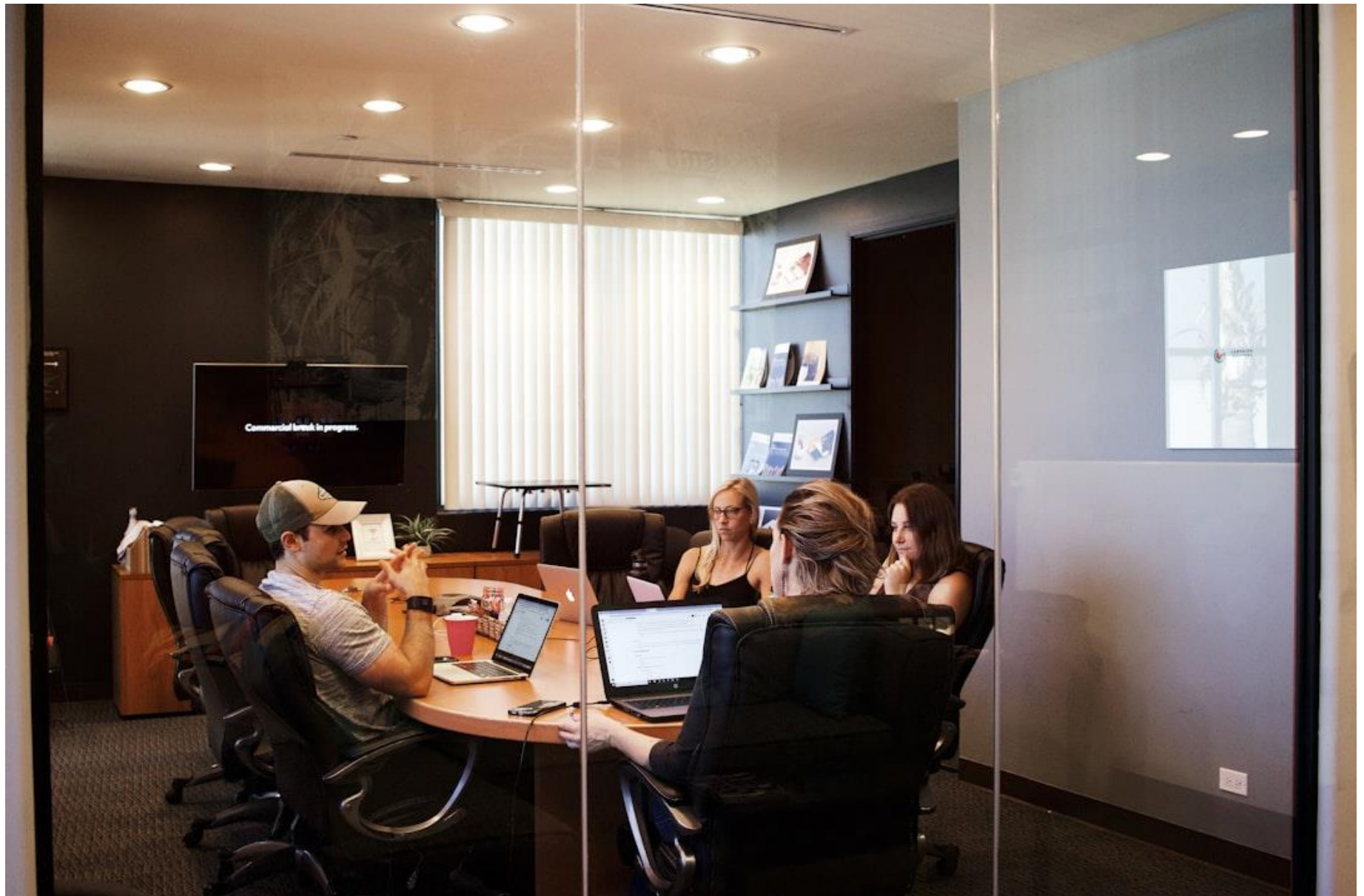
HOW DO WE GET STARTED?

LESSON/READING ASSIGNMENT:

- Introduction to civil litigation
- What is the New York Civil Procedure Law & Rules?
- Structure of the Courts in New York and Federal System
- Jurisdictional Bases-Subject Matter Jurisdiction, General Subject Matter Jurisdiction, Limited, Exclusive Subject Matter Jurisdiction, etc.
- Venue
- Statute of Limitations

STUDENTS FORM TRIAL TEAMS

- In break down groups trial teams are formed and the hypothetical is introduced!
- Students analyze and discuss the “Don’t Forget the Cannoli” hypothetical , featuring "Tony Ravioli," who suffers serious injuries one Saturday night in Brooklyn, jeopardizing his ability to fetch cannoli and fresh bread for Sunday's family meal.
- Students first read some assigned material to familiarize themselves with the civil litigation process before analyzing the fact pattern as a trial team before discussing the facts together in class.



INITIAL PHONE CALL- 1-800-I AM HURT

At the intake phone call, Paralegal Ms. Maria Gelato recorded the information that is contained in the fact pattern entitled “Don’t forget the cannoli.”

- Tony asked several question. Maria, just like an overzealous paralegal, gave him a lot of answers and information about his case. She told him he had a case that was a “slam dunk” and he would be “well compensated” at the end because of his serious injuries.
- A **litigation roundtable** is scheduled for this afternoon. At this point in time, we are a plaintiff’s personal injury law firm. Our main office is located on Wall Street.

Q: What will be discussed? What do we do?

Paralegal Preparation for Meeting

1. Dress to impress! (we are not repairing transmissions).
2. If you're early, you're on time, if you're on time you're late!
3. Bring the right demeanor, the right attitude.
4. Be confident! But always be aware of the dangers of arrogance.
5. Always remember the benefits of humility
(often \$ causes people to forget)



MORE TIPS

6. Remember to always be **polite, respectful**, and value the **contributions of others** this will allow you to learn and grow as a team member! **Learn to listen!** No Phones!
7. **“Kindness kills”**-it will diffuse almost every uncomfortable situation and make up for anyone’s deficiencies and limitations.
8. Follow the “Cos Kindness Rule” throughout your legal career- If your adversary mistakes “kindness for weakness” you will have a great advantage!

MORE TIPS (Continued)

9. Due Diligence: **Always be prepared!** Always be prepared! Always Be prepared! Preparation always beats talent. Preparation beats the “so called” better educated. Preparation always beats even the veteran litigator and always, the more prepared attorney shines!
10. **Be resourceful**, make sure you **use your common sense** due diligence, and use your street smarts-We are St. John’s students-the best in the business!
11. **Time to go to work:** gathering information; investigation and think evidence/trial!

LET'S SUE SOMEONE, ANYONE? –Trial Team Activity

- Spot Issues! Potential defendants? Causes of action? Discuss within their teams and analyze as a small group. Listen and involve all members!
- **Issue Spot:** this challenges students to identify legal issues, they are immediately introduced to the IRAC method (Issue, Rule, Application, Conclusion) for legal analysis.
- **Learning the Law:** class discussions always involves learning substantive law, doctrines, rules, such as court jurisdiction, venue, potential defendants, and distinguishing between individual and municipal liability. The exercise encourages critical thinking, fostering independent and group discussions.

Jurisdiction

*The power that an official or court of law has to enforce laws or to carry out judgments.
An area in which a court and system of laws has authority.*

There are many types of jurisdictions

Subject Matter Jurisdiction

The court's authority to decide the issue on a subject matter.



Appellate Jurisdiction

The authority to hear a case appealed from a lower court.

Original Jurisdiction

*The right to hear cases for the first time.
Decide guilty or not guilty.*

Concurrent Jurisdiction

Both have original jurisdiction over both cases.

Territorial Jurisdiction

The court's power to bind the parties involved to the action.



Personal Jurisdiction

The authority over a person, regardless of their location.

INDIVIDUAL TEAM & CLASS DISCUSSIONS

- The fact pattern leads the class on a journey through this personal injury case with a **few twists and turns**.
- The **most common areas** of civil procedure and substantive law are introduced. Especially, the concepts and laws that the students will encounter immediately upon working in a personal injury law firm, either on the defense or plaintiff's side.
- It allows the student the opportunity to learn basic litigation practice in a fluent, **useful** and interactive way.

TRIAL TEAM BREAKOUT GROUPS ANALYZE FACTS & PREPARE TO DRAFT MEMORANDUM TO TRIAL ATTORNEY

- Which court will this hear this case? Venue? \$\$\$\$
- Who are all the possible defendants? Any “**deep pocket**” defendants?
- How do we get them to show up in court?
- **What do you think** of the client Tony Ravioli from reading his answers to the intake questionnaire? Is he really hurt?
- Is suing an individual the same as **suing a municipality**?
- Who and what is a party? How do we sue New York State? New York City?
- Students present oral arguments as a trial team, submitting initial memoranda outlining **case strengths and weaknesses** to the trial attorney (myself).

Medical Definitions-Is this Medical School?

Vertebral Column

Herniations

Tibia

Fibula

Fracture-Segmental, comminuted, non-displaced?

Tri-malleolar fracture

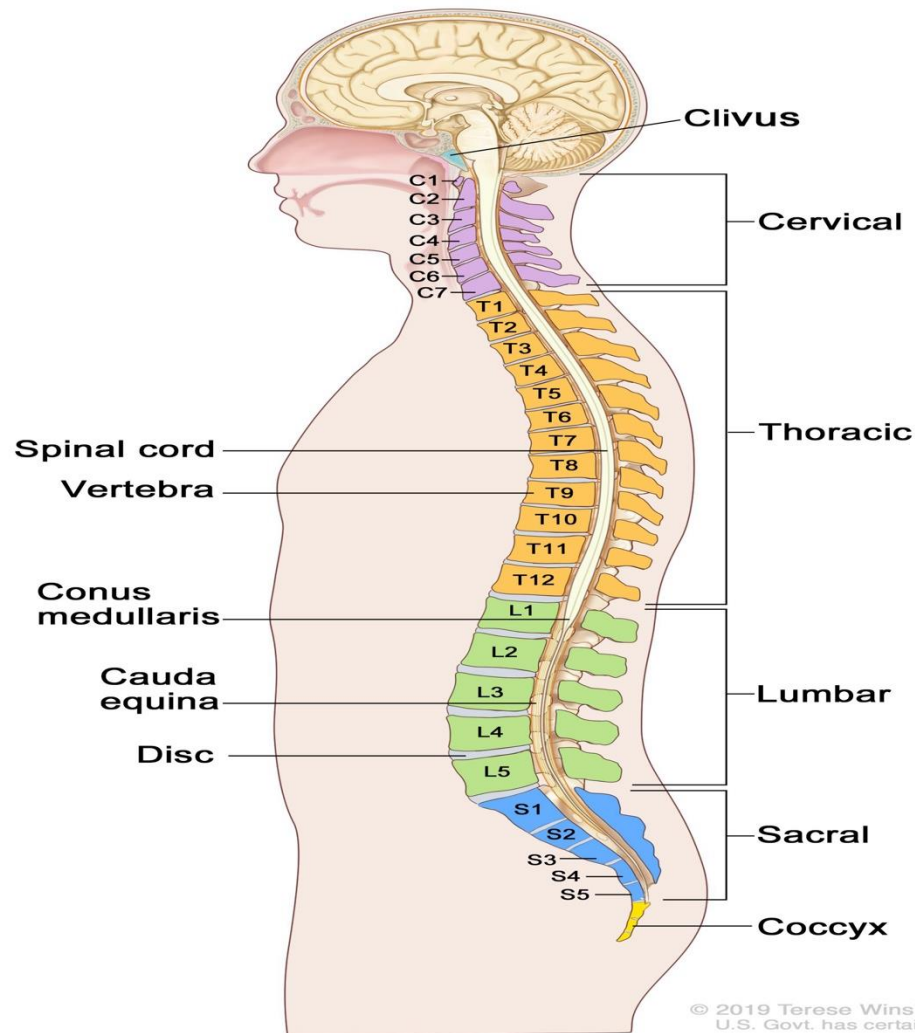
TBI

Necrosis

Biology, Bio-mechanics, Orthopedics, etc

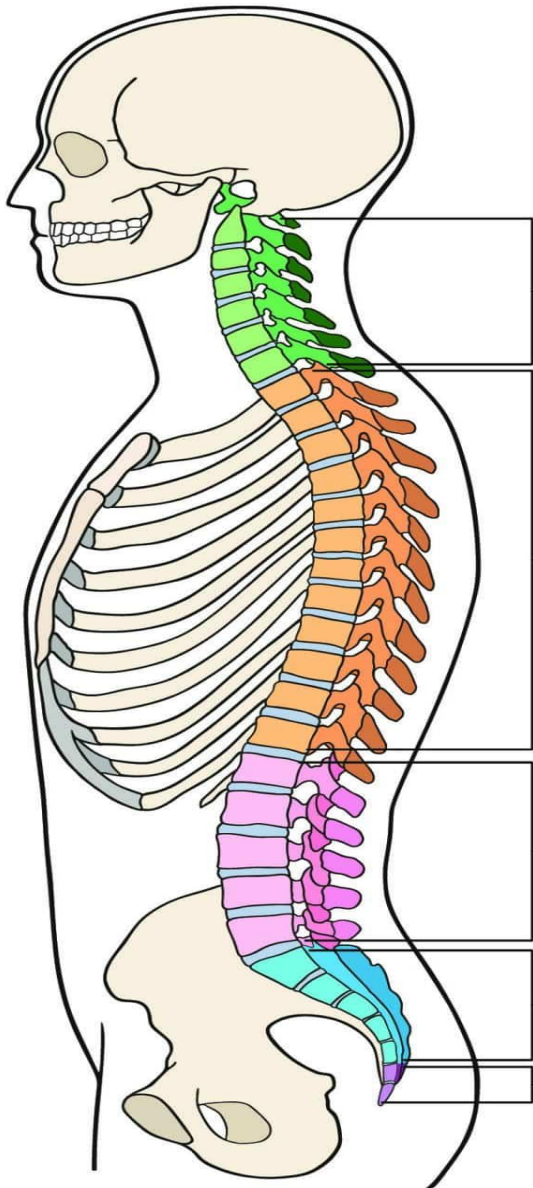
Science class?

Anatomy of the Spine





Vertebral Column



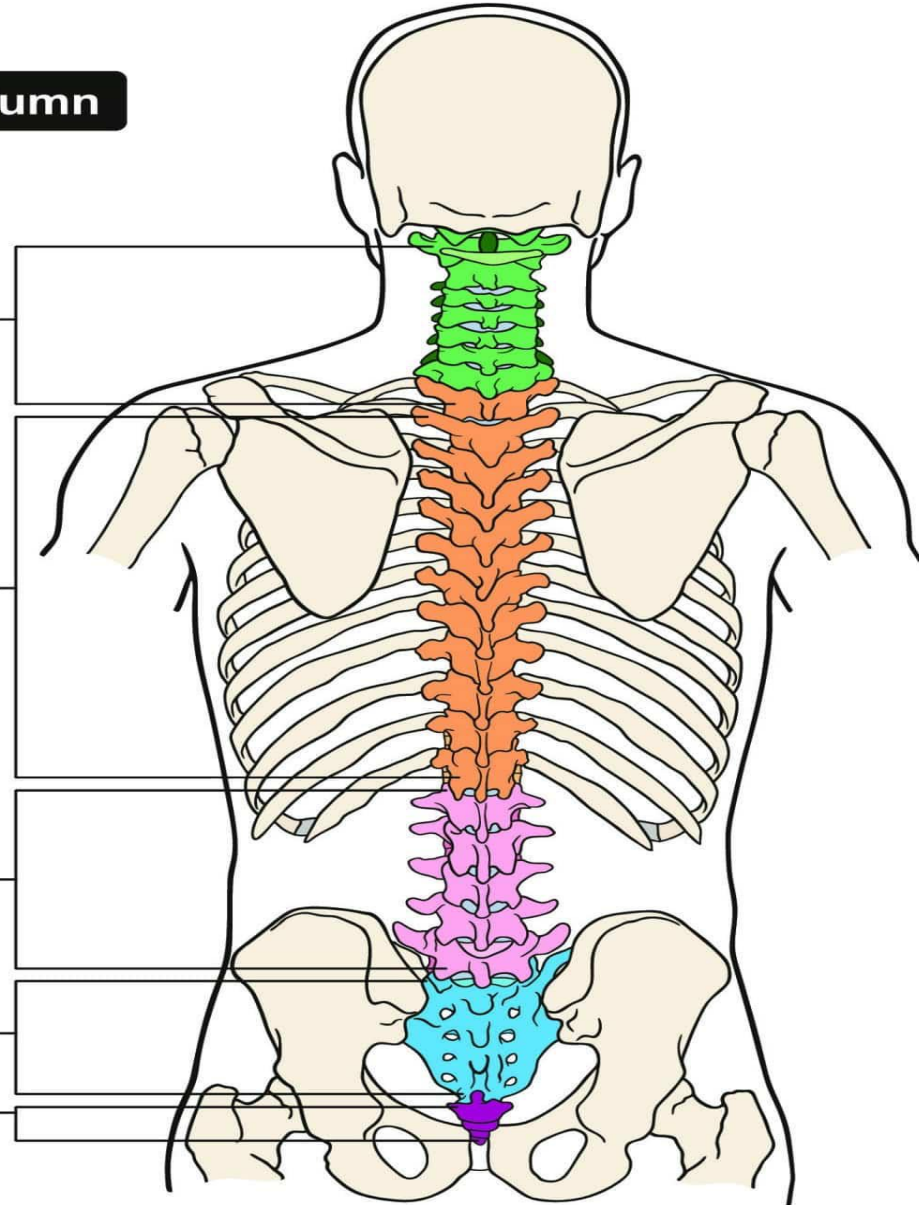
7
Cervical Vertebra

12
Thoracic Vertebra

5
Lumbar Vertebra

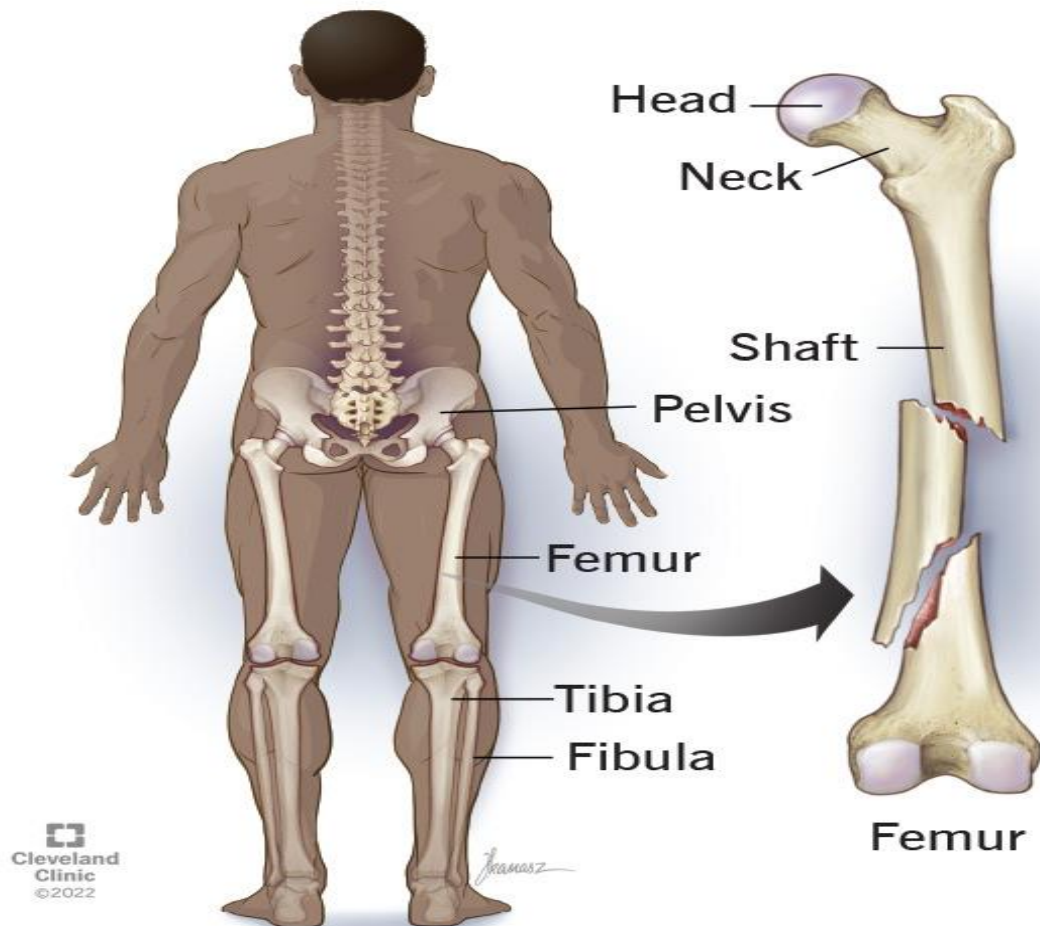
5
Sacral Vertebra

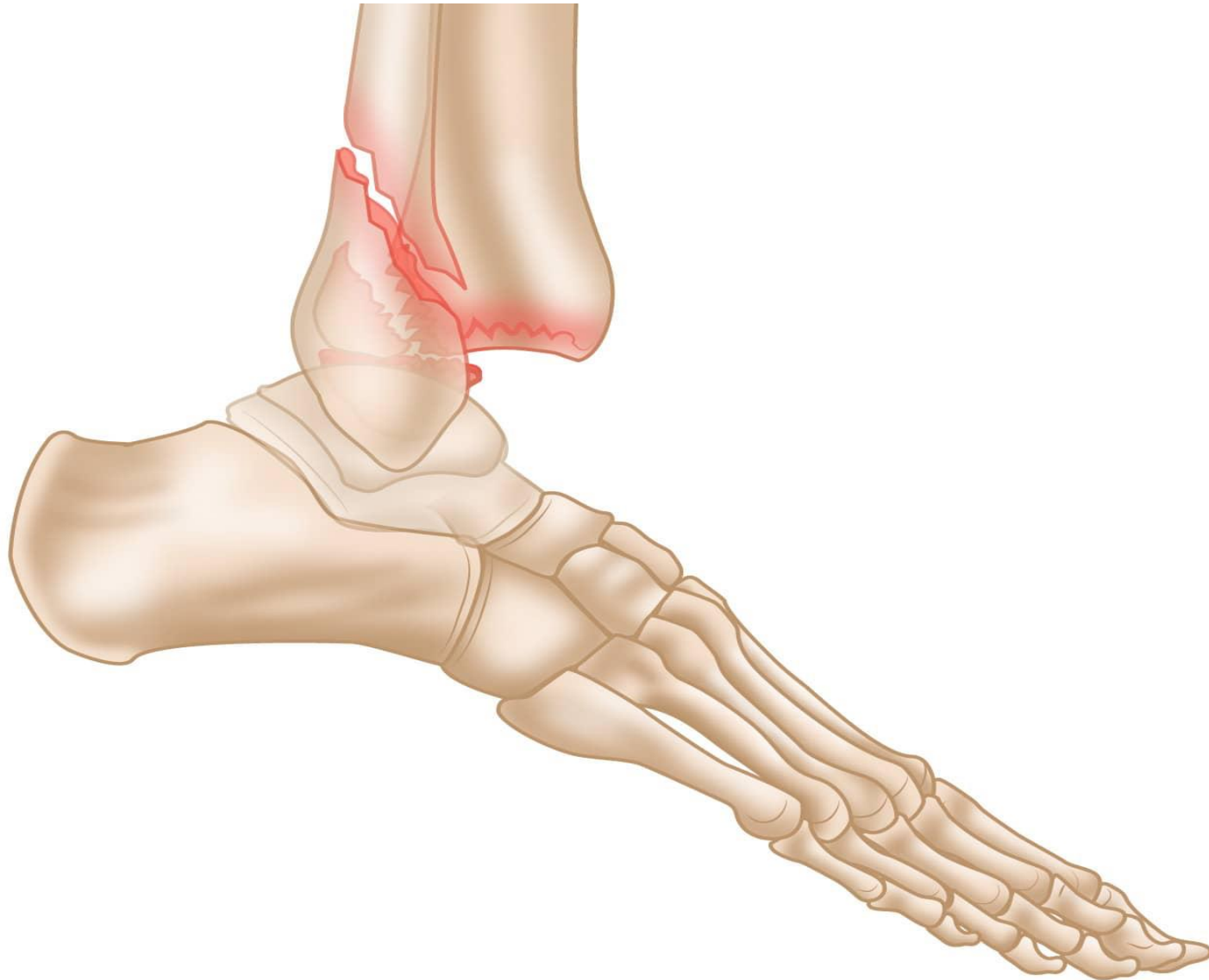
4
Coccygeal Vertebra

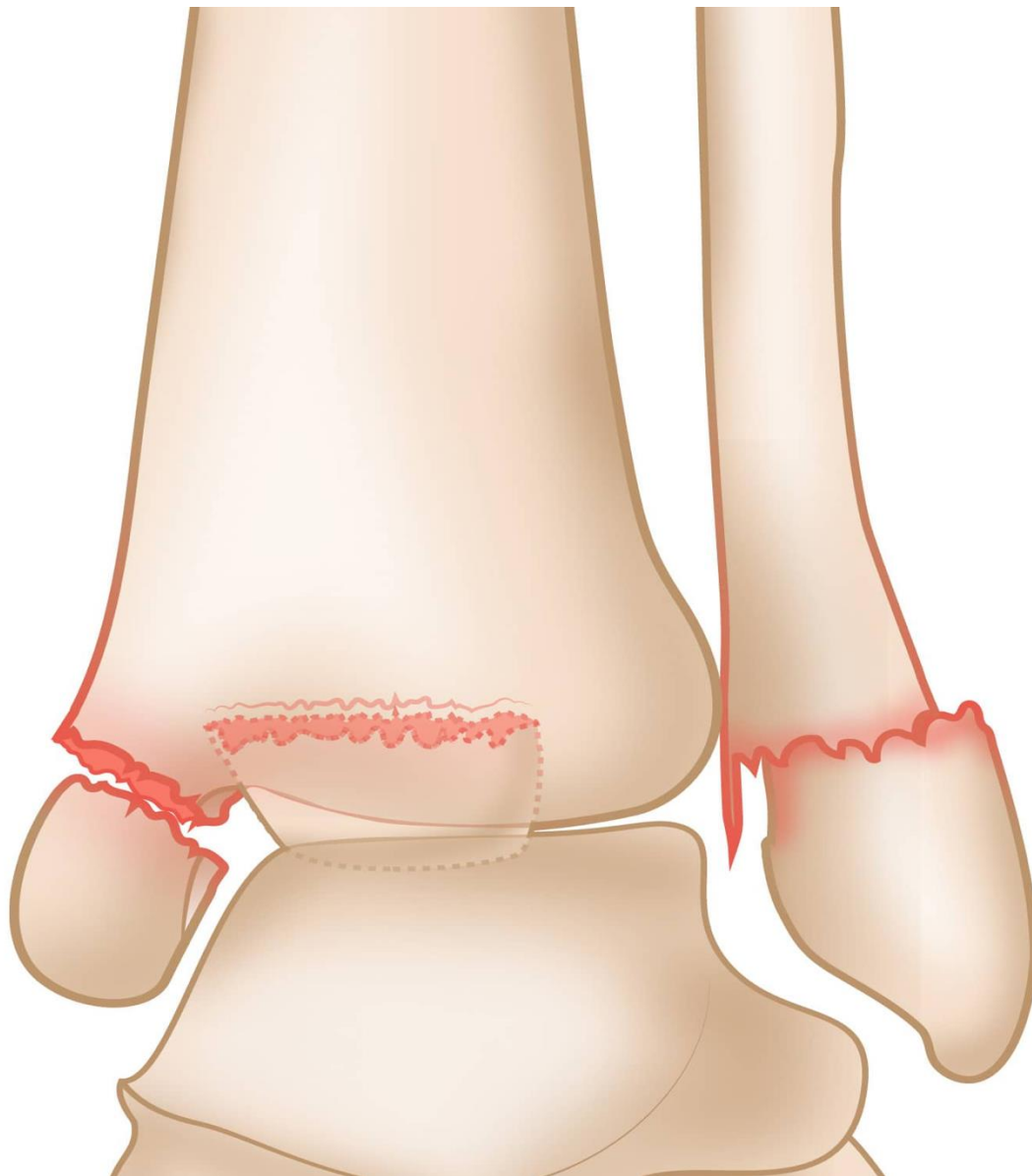


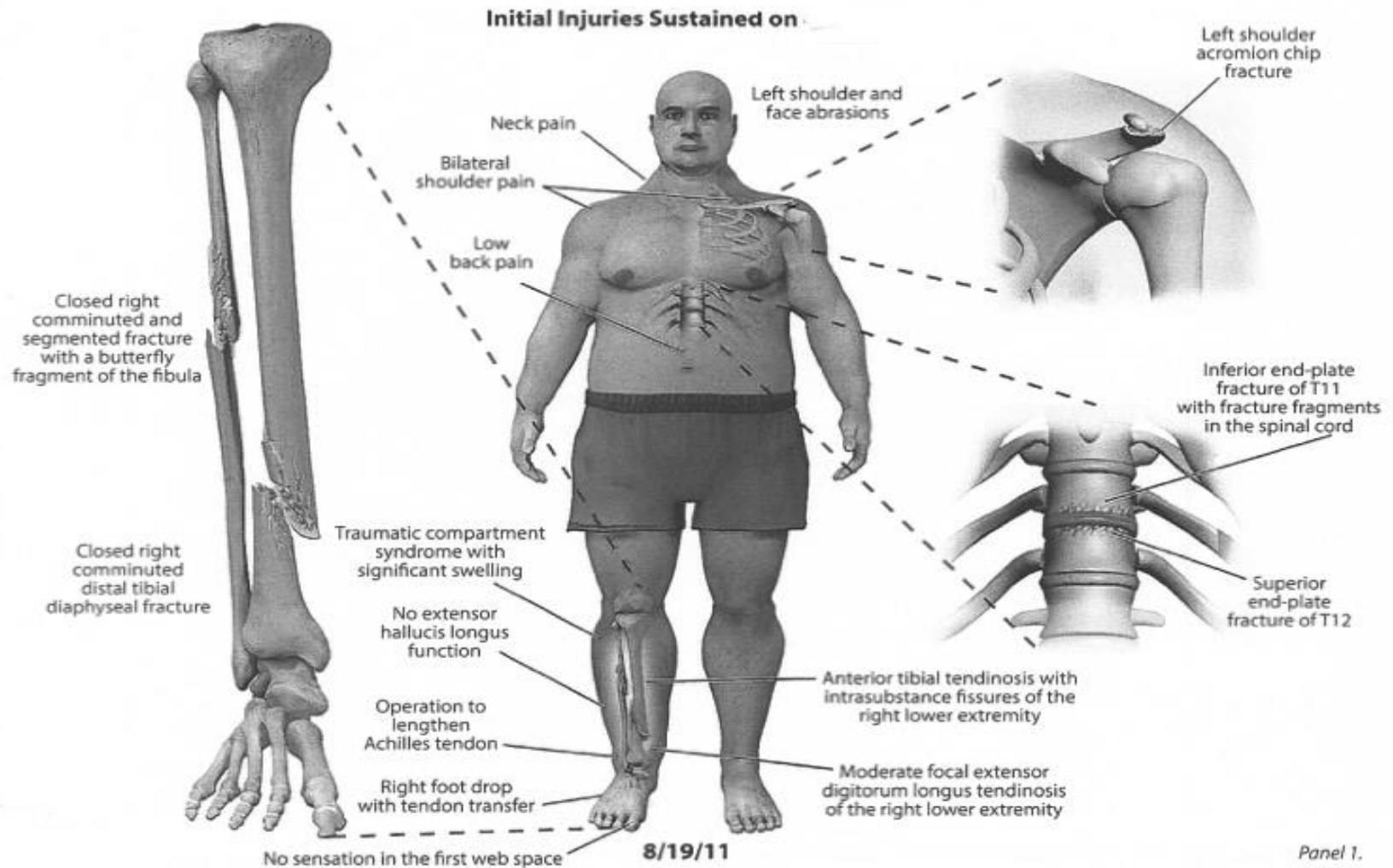
Segmental Fracture-Broken in 2 Places

Segmental fracture









Panel 1.

FIRST IDENTIFY CAUSES OF ACTION: Which Tort?

IS TIME AN ISSUE? Statute of Limitations

- The focus shifts to emphasizing elements of negligence and intentional torts.
- Importance of time management in litigation is stressed, highlighting, deadlines, and the statute of limitations, especially when suing municipalities.
- A class is devoted to fact-gathering and a broad overview of evidence.
- The students begin realizing early on that in the practice of law, whether you are a paralegal or lawyer, “time is of the essence” and in practice, **“time wasted, is money wasted.”**

IDENTIFY CAUSES OF ACTION: Which Tort? IS TIME AN ISSUE? Statute of Limitations

- As the course material progresses we begin to **repeat elements of tort** and legal concepts that we review in PowerPoint slides.
- Repetition is key! Some information **MUST** be memorized!
- For students to have no prior knowledge in order to establish a solid foundation, course materials and concepts are presented with a good dose of repetition throughout the semester.

VICARIOUS LIABILITY

Origins: Doctrine of **RESPONDEAT SUPERIOR** (Latin: “let the master answer” or “let the superior reply”)

Common Law notion:

- the duty rests upon a person to conduct his affairs, so not to injure someone else, whether or not in managing the affairs he or she employs agents or servants.
- this doctrine is invoked when there is a master-servant relationship between two parties like an employer/employee, principal/agent-relationship.
- an employer is responsible for the actions of their employees if those employees cause harm or injury to another person.

PROF. R. COSENTINO

New York Vehicle and Traffic Law §388: Vicarious Liability

New York's Vehicle and Traffic Law (VTL) §388 provides that:

Every owner of a vehicle used or operated in this State shall be liable and responsible for death or injuries to person or property resulting from negligence in the use or operation of such vehicle, in the business of such owner or otherwise, by any person using or operating the same with the permission, express or implied, of such owner.

McKinney's Vehicle and Traffic Law §388(1).

Simply stated, this statute imposes vicarious liability upon owners of motor vehicles for the negligent acts of permissive users of such. VTL §388 abrogates the common law rule that an owner of an automobile is not responsible for the negligent acts of a driver who was using the vehicle for his or her own business or pleasure. See, Murdza v. Zimmerman, 99 N.Y.2d 375 (2003).

PROF. R. COSENTINO

NEGLIGENCE

All negligence claims require proving four elements:

1. Defendant owed a **DUTY** of **CARE** to the plaintiff;
2. Defendant failed to adhere to the duty (by doing or not doing something)
BREACH OF DUTY;
3. Plaintiff suffered an **INJURY**;
4. There is a connection between defendant's conduct (the breach) which is a foreseeable consequence. This is called **CAUSATION** or **PROXIMATE CAUSE**.

PROF. R. COSENTINO

NEGLIGENCE-MEMORY TOOL

To sue for negligence, the plaintiff needs a “Ph.D.”

1. Establish that defendant’s conduct was the **PROXIMATE CAUSE** of plaintiff’s injuries;
2. **HARM** to Plaintiff (negligence requires a physical injury)
3. **DUTY OF CARE**: is simply is to behave with that degree of care that a *reasonable person* would exercise in similar circumstances

PROF. R. COSENTINO

INTENTIONAL TORTS AGAISNT PERSONS

BATTERY

Essential elements of Battery:

1. An act
2. Harmful or offensive contact with the plaintiff's person
3. Intent
4. Causation

PROF. R. COSENTINO

MEDICAL MALPRACTICE

To establish a claim for medical malpractice, the plaintiff must demonstrate that:

1. there was a deviation or departure;
2. from good and accepted practice; and
3. such departure or deviation was the proximate cause of injury or damage.

PROF. R. COSENTINO

NEW YORK STATES DRAM SHOP ACT

- allows a cause of action to plaintiffs who have been injured due to a bar or restaurant illegally serving alcohol.
- the main purpose of this act is to punish businesses that facilitate illegal drinking. It forbids the illegal sale of alcohol, which consists of selling alcohol to children under 18, alcoholics, or to visibly intoxicated people. Plaintiffs in Dram Shop Act actions may claim punitive damages (exemplary damages).
- the “proximate cause” element is replaced with the “practical and reasonable connection” standard which relieves the plaintiff of proving that the plaintiff’s injuries were the foreseeable result of the illegal service of alcohol by a particular bar. It is enough that the bar or restaurant served the party who caused the injuries.

New York General Obligations Law section 11-101.

DISCOVERY: WHAT DO WE NEED?

They strategize on information gathering and evidence collection, discussing the role of pre-trial discovery and navigating digital technologies and social media in evidence acquisition.

TRIAL TEAM PROJECT:

- Together, they are required to list all the information they need to gather in order to prosecute the case (minimum of 10 items).
- Once they determine which information they need, they must research and find out how to obtain that information.
- This initiates the instructor's analysis of the applicability of the relevant evidence law and the process of exchanging information between the parties through pre-trial discovery.
- Certain methods are taught, and resources explored regarding how to request information. Some obtainable by the public and other information requiring the exchange of discovery.

Statute of Limitations

Statutes of limitations are laws which say how long, after certain events, a case may be started based on those events.

Case	Time Since	The Law
Arson	No time limit, 2 or 5 years depending on the facts	<u>Crim. Proc. 30.10(2)(a) or (b) or (c)</u>
Assault/Battery	1 year from act (Civil); 2 or 5 years depending on the facts (Criminal)	<u>CPLR 215(3); Crim. Proc. 30.10(2)(b) or (c)</u>
Burglary	2 or 5 years depending on the facts	<u>Crim. Proc. 30.10(2)(b) or (c)</u>
Car accidents	3 years from date of accident	<u>CPLR 214(4)</u>
Child sex abuse	most cases until victim turns 55 (Civil) or turns 28 (Criminal)	<u>CPLR 214-G; Crim. Proc. 30.10(3)(f)</u>
Class A felony	No statute of limitations	<u>Crim. Proc. 30.10(2)(a)</u>
Contract in writing	6 years	<u>CPLR 213(2)</u>
Contract oral or not in writing	6 years	<u>CPLR 213(2)</u>

Case	Time Since	The Law
Debt collection	3 years *If the company is based outside of New York State, the statute of limitations may be even shorter depending on that state's statute of limitations.	CPLR 214-i
Emotional distress (intentional)	1 year from act	CPLR 215(3); 14 N.Y. Prac. , New York Law of Torts 1:40
Emotional distress (negligent)	3 years from date of accident	75A Jur. 2d, Limitations and Laches 215
Enforcing court judgments	20 years	CPLR 211(b)
False imprisonment	1 year (Civil)	CPLR 215(3)
Fraud	6 years	CPLR213(8)
Kidnapping	No time limit or 5 years depending on the facts	Crim. Proc. 30.10(2)(a) or (b)
Legal malpractice	3 years	CPLR 214(6)
Libel/Slander	1 year from act	CPLR 215(3)

Case	Time Since	The Law
Manslaughter 1st & 2nd degrees	5 years	<u>Crim. Proc. 30.10(2)(b)</u>
Medical malpractice	2 years and 6 months from date of malpractice or from end of continuous treatment rendered by the party or entity you intend to sue for a particular condition, illness or injury	<u>CPLR 214-A</u>
Misdemeanors	2 years	<u>Crim. Proc. 30.10(2)(c)</u>
Mortgages	6 years	<u>CPLR 213(4)</u>
Murder, 1st degree	No time limit	<u>Crim. Proc. 30.10(2)(a)</u>
New York City & New York State	90 days to give notice; 1 year and 90 days	<u>CPLR 217-A</u>
Other felonies	5 years	<u>Crim. Proc. 30.10(2)(b)</u>
Other negligence resulting in personal injury	3 years from date of accident	<u>CPLR 214(5)</u>
Petty offense	1 year	<u>Crim. Proc. 30.10(2)(d)</u>
Product liability	3 years from date of accident	<u>CPLR 214(3)</u>

Case	Time Since	The Law
Property damage	3 years	<u>CPLR 214(4)</u> or <u>CPLR 214-C</u>
Rape	No time limit	<u>Crim. Proc. 30.10(2)(a)</u>
Receiving stolen property	2 or 5 years depending on the facts	<u>Crim. Proc. 30.10(2)(b) or (c)</u>
Robbery	5 years	<u>Crim. Proc. 30.10(2)(b)</u>
Slip and fall	3 years from date of accident	<u>CPLR 214(5)</u>
Store credit cards	4 years	<u>UCC 2-725(1)</u>
Theft ("Larceny")	2 or 5 years depending on the facts	<u>Crim. Proc. 30.10(2)(b) or (c)</u>
Trespass	3 years	<u>CPLR 214(4)</u>
Wrongful death	2 years from death	<u>EPTL 5-4.1</u>

DISCOVERY: HOW DO WE GET IT?

METHODS OF DISCOVERY

- Depositions-Venue of the Deposition-Notice Requirement-Use of a Deposition
- Interrogatories
- Physical or Medical Examination
- Request for Production, Inspection, or Entry of Documents, Items, or Land
- Subpoena

TRIAL TEAM ACTIVITY

- List the minimum of 10 necessary discovery items and draft a Discovery Demand (CPLR 3101-Scope of Disclosure)
- Draft a Preliminary Conference Stipulated Order

TEAM MEETING: RETAINING AN EXPERT CPLR 3101(d)

Lesson: What is an Expert? Why do we need one? or two? Or Three?

Team Activity: Discuss selecting and retaining Experts

- We analyze an expert disclosure, a witness list, exhibit list, all with an eye toward preparing a trial notebook.
- The course at this point begins to take flight, as the students are exposed to all relevant areas of law that pertain to this hypothetical, such as CPLR 3101 (d), all relevant New York Consolidated Laws, General Municipal Law, Personal Injury Insurance, better known as PIP, the New York State No Fault Law, elements of causes of action and the New York Dram Shop Act (New York General Obligations Law 11-101).

PRESENTATION BY TEAM LEADERS

They must present their step-by-step approach **as to how they plan on obtaining a certain piece of information**, such as:

- New York City Transit Authority bus route schedules,
- FOIL-Freedom of Information Law Request for State documents,
- Obtain Medical records/Health Insurance Portability and Accountability Act
- Google Images and maps for images of area, i.e., traffic patterns, traffic control devices etc. to enter into evidence.

DRAFTING DOCUMENTS/PLEADINGS

- **Later in the semester**, each student with the help of the team drafts initial litigation pleadings and discovery documents.
- They are first assigned to draft a **Notice of Claim** (even numbered students draft notice of claim based on medical malpractice and odd number students draft he noticed a claim based on negligence)
- Later, **specific groups** are assigned to draft either a complaint, discovery demand, correspondence to retrieve medical records, or a chronology of any and all necessary medical records,

REVIEW OF OTHER DOCUMENTS/PLEADINGS

- We **analyze** in class an expert disclosure, a witness list, exhibit list, all with an eye toward preparing a trial notebook.
- The course at this point the students are beginning to see the big picture, as the students are already exposed to all relevant areas of law that pertain to this hypothetical, such as New York Consolidated Laws, General Municipal Law, Personal Injury Insurance, better known as PIP, the New York State No Fault Law, and the New York Dram Shop Act (New York General Obligations Law 11-101).

THE TRIAL TEAM MEMORANDUM: A WORK IN PROGRESS

The memorandum at this point includes all of the following categories:

OBJECTIVES:

- List all the potential parties
- Where will we sue and why plaintiff and defendant(s) considerations?
- Injuries, damages, medicals, pain and suffering
- List all potential causes of action
- Statute of limitation issues? Sovereign immunity/General Municipal Law, discovery list, witness list, etc.
- Memorandum to trial attorney regarding above mentioned referenced issues and **feedback on the chemistry of the trial team.**

TIME TO LOOK SHARP: TRIAL

The Trial-“The Stress”, the drama, and the need for TUMS!

Readiness for Trial-The Trial Calendar

Before Going to the Court-Strategy-Dress-Posture-Brief Discussions

- Jury v Bench Trials
- Jury Selection (MOST IMPORTANT): Challenges (Be wise!)
- Jury Trial Election
- The Pre-trial Conference
- ADR? Mediation? Arbitration?
- The Order of Trial
- Opening Statement
- Plaintiff's case in chief
- Defendant's case in chief
- Closing Arguments
- Victory or defeat?

GENERAL SKILLS LEARNED

For all oral presentations and written assignments the students are provided general guidelines.

ORGANIZATION OF MATERIAL

- Bullet point main ideas
- **Practice** your presentation with your team members allocating equal time to each
- **Provide** slides (or consider using handouts) or information that is accurate and instructive for all to use and keep for future use
- The delivery of your presentation should keep in mind that you are **presenting** to the partner or trial lawyer at the firm (even if not dressed in professional attire, discuss how you would be dressed)

SKILLS LEARNED-WRITING

The writing projects include drafting:

- **Questionnaire** for the intake meeting
- **Memorandum** to Partner/Trial attorney
- **Notice of Claim** either based on negligence or medical malpractice
- **Discovery Demands** to defendants

For all written assignments it is recommended that the students:

- For writing assignments follow the examples provided in Canvas, i.e. NYCTA Notice of Claim.
- Follow the instructions regarding typeface and font size and avoid grammatical errors and spelling errors
- “Do it nice or do it twice!” Show that you care and that placing your name at the end of the document means something to you!

SKILLS LEARNED-PRESENTATION/DELIVERY

- Be remarkably familiar with your presentation so you are not reading from notes or slides
- Make frequent eye contact with the audience
- Speak in a clear and audible voice
- Go slowly make sure you are not rushing through the material. Understand this is the first time the audience hears this information, especially about how team plans on gathering evidence
- Most of all, show enthusiasm for your topic and believe in the case you are about to build!

STUDENT REACTION AND LEARNING

- Feedback so far from former students employed as paralegals: they felt **comfortable and prepared** as they demonstrated to their employer that they had a solid grasp of the fundamentals of New York Civil Procedure.
- They **confidently** discuss legal concepts as they practiced using the class hypothetical, participating in analyzing issues like venue selection, assessment of damages, and insurance coverage issues.
- The ability to begin working on the most common paralegal tasks of practice, such as obtaining and exchanging discovery and demonstrating the **practical skills** necessary for effective real-life legal work.

STUDENT REACTION AND LEARNING

- Whether our Legal Studies students proceed to law school or enter the workforce directly, they must be organized, resourceful, and possess strong oral communication skills.
- In preparing cases at a law firm, attorneys and paralegals must work efficiently
- The trial team approach gives them an advantage when beginning to work in the personal injury field in New York .

THANK YOU FOR LISTENING! QUESTIONS? NEW FRIENDS

Please do not hesitate to contact me with any questions and/or ideas as to how I can improve my course.

Also, new to the business, in need of a “friend” outside of St. John’s University. Anyone who is interested in collaborating on a project in the future, please contact me!

cosentir@stjohns.edu

Thank you and have a great spring semester!

Rob Cosentino



“DON’T FORGET THE CANNOLI”

On September 21, 2024, Luigi Mangiapasta from the “Da Bronx” is heading out on a Saturday night. His mother, as he was leaving shouts out in Calabrese, “Don’t forget the cannoli and pane di casa!” Luigi who is 18 years old, takes his father’s Cadillac Fleetwood to visit his girlfriend Lucia Amore in Bensonhurst, Brooklyn. He followed a GPS navigation system on a cell phone in order to follow directions and allow him to make some stops before picking up Lucia.

His two friends Tony Ravioli (resides in Eastchester) and Luca Palermo (resides in Putnam County) are going along for the ride with the hope of a “hooking up” with Lucia’s friends Julia and Carmela. Luca is seated in the back of the vehicle and Tony is a front seat passenger.

“DON’T FORGET THE CANNOLI” (Con’t.)

On his way to Bensonhurst, he stops on 86th St. to buy some vintage vinyl records of an Italian artist named Eros Ramazzotti. Next door to the music store, at a local deli, “Sonny’s Sangwich,” they buy a package of High Noon and Surfside variety pack. They use their “bad” ID, because they forgot their “good” ID that they recently received from Vietnam (paid \$350). Luca took his backpack with him, as if he was going hiking. He makes sure that he is always well organized for “pre-gaming” (even though there is no game scheduled for that evening). In his backpack, he has a two Gatorade bottles filled with Grey Goose Vodka, Red Bull, plastic cups, mouth wash, gum, and bottle of Polo cologne.

PROF. R. COSENTINO

When they arrive in Brooklyn, the girls cancelled on the guys. Carmela calls Luigi and connects via blue tooth to the car. She is heard clearly through the car's speakers shout out "I am not hooking up anymore with anyone with STDs" and hangs up the phone. Luigi is embarrassed.

Disappointed, the guys decide to go to the famous nightclub, Pastels, where the bartender, Vito Provolone observes that the trio who seem drunk and rambunctious. However, he serves them numerous shots of Tequila. Tony "Rav" believed he was getting ripped off with watered down shots. He began shouting unkind adjectives towards the bartender. Vito, in return, punched Tony in the nose. Before being able to retaliate, the bouncers, in a "steroid rage" grabbed Tony and "throw all of them out" of the club. One bouncer, swung a police club at Luca, nearly striking him in the head.

PROF. R. COSENTINO

The boys wanted to cut their losses in Brooklyn, so they decide to head back and visit an afterhours club on Fox Street. Tony Ravioli, while limping away, with blood dripping on his white Fruit of the Looms tank top, maintained his sense of humor. He is a comedian at heart and during the ride kept texting and showing Luigi photos of his girlfriend wearing provocative clothing and attempting to show him funny Key and Peele videos. In addition, he attempts to mess up Luigi's hair every 15 minutes to annoy him since Luigi prefers his hair in perfect "DA" order. In addition, he continuously passes Luigi a cup which contains Vodka and Red Bull and attempts to persuade him to take a sip.

PROF. R. COSENTINO

While on 88th Street, Luigi shows his friends his driving skills. He just saw “Fast and Curious 19” and would like to show how he maneuvers his father’s Cadillac Fleetwood at 60 mph while under the “L”. While scanning his iPhone, a black Mercedes Benz G-class SUV driven by Melissa Strong of Old Westbury, Long Island fails to stop at a stop sign on Fourth Avenue and comes within inches of striking Luigi.

Luigi, to avoid her, swerves and strikes a vehicle that is partially in his lane of travel, an illegally double-parked New York State Department of Transportation truck. Sammy Lopez, the driver of the NYSDOT was struck by the Mangiapasta car while in the process of exiting his vehicle. Mr. Lopez stopped to pick up his dry cleaning, play the lottery and purchase cigarettes.

PROF. R. COSENTINO

After side swiping and striking the NYSDOT vehicle, Luigi subsequently rear-ends a New York City bus that had “suddenly and unexpectedly” switched out of the designated bus lane into Luigi’s lane of travel to avoid an abandoned salt truck, belonging to NYC Department of Sanitation.

All vehicles involved in this accident sustained heavy property damage. All passengers, including Luigi, were injured. Mr. Lopez, the driver of the double-parked vehicle (NYSDOT) was injured. Five of the passengers on the New York City Transit Authority bus also claimed injuries.

PROF. R. COSENTINO

Tony Ravioli is “seriously injured” and would like to bring a civil action. He is scheduled to come to your office next week to meet with you at the firm. During a previous intake telephone call, he expresses his anger regarding the injuries he sustained. He tells the paralegal he wants to sue everybody involved in this case for millions of dollars. Tony sustained multiple injuries: a compression fracture at C4-5, C5-6 with protruding herniations which impinge on the thecal sac, an L4-L5 herniation, a traumatic brain injury, a fracture of fibula/tibia and a right dislocated trimalleolar ankle fracture. He is basically “cooked.”

PROF. R. COSENTINO

Upon communicating with Tony's father, the ambulance takes Tony to Westchester Medical Center in Valhalla where surgery is performed on his foot. Surgeon, Dr. Worth, installs an anatomic locking plate to secure the ankle joint. Within 24 hours of surgery, he developed severe pain in the foot, and it was warm. A Doppler ultrasound was not performed. When Tony woke up in the hospital on the second day, the pain became worse. There was clear evidence of vascular impairment and damage to the peroneal artery. Despite revision surgery, Tony developed severe ischemic damage with soft tissue necrosis which ultimately led to an amputation.

Tony is a machinist in Union Local 79. He operates a crane. Earns \$190,000 a year. He never earned his High School diploma. He was born in Italy and never applied for US Citizenship. He is in this Country illegally.

PROF. R. COSENTINO

Tony Ravioli lives in Westchester County with his family. He called the office for a meeting. At intake, Maria Gelato took the above referenced information during a phone call. Tony asked several questions and Maria, who is no longer with the firm, gave him a lot of answers and information about his case. She told him he had a case that was a “slam dunk” and he would be “well compensated” at the end because of his serious injuries. Tony asked about litigation loans, advancements for his expenses, Statute of Limitations and other legal issues involved in bringing this personal injury lawsuit.

A litigation roundtable is scheduled for this afternoon. At this point in time, we are a plaintiff's personal injury law firm. Our main office is located on Wall Street.

What will be discussed?



“\$UE YORK”—New York a Judicial Hellhole

“JUSTICE IS ROBBED BLIND IN NY”

-Scaffold Scams, staged slip & falls, fake car accidents, lenient liability laws, law-suit friendly policies, plus insatiable GREED result in numerous personal injury lawsuits in NYC

-American Tort Reform Association reports \$88.6 billion spent by NY Businesses- on frivolous suits alone

-Top 20 plaintiffs law firms donated \$4.7 million to state lawmakers

New York Post, December 13, 2024

By Vaughn Golden & Matt Troutman