



Redish v. Adler, 195 A.D.3d 452 (N.Y. S. Ct., App. Div. 2021)

Topics Covered: Abusive Litigation Against Physicians

Outcome: Favorable

Issue

The issue in this case was whether a medical malpractice award was excessive.

AMA Interest

The AMA supports efforts to curb lawsuit abuse against physicians.

Case Summary

Keimoneia Redish was hospitalized for asthma. She asserted that her physicians did not properly manage her condition, and she sustained a neurological injury that left her completely disabled. Redish sued her physicians and the hospital for medical malpractice. After a seven-week trial, the jury returned a verdict of \$60 million for past pain and suffering, and \$30 million for future pain and suffering, plus special (tangible) damages. The defendants moved to reduce the award, arguing that the amount allowed for pain and suffering vastly exceeded the pain and suffering compensation in prior cases involving traumatic brain injury.

Pursuant to the defendants' motion, the trial court reduced the award to \$7 million for past pain and suffering and \$23 million for future pain and suffering, for a total pain and suffering award of \$30 million, a sum a sum nearly double the previous record (\$16 million). The defendants appealed to the New York Supreme Court, Appellate Division, asserting that the judgment was excessive.

On June 3, 2021, the New York Appellate Division further reduced the noneconomic damages to \$10 million, awarding \$3 million for past pain and suffering and \$7 million for future pain and suffering.

Litigation Center Involvement

The Litigation Center, along with the Medical Society of the State of New York, joined a coalition brief in support of the defendants in favor of reducing the award.

New York Supreme Court Appellate Division Brief