

# ***As Published In***

## THE NEW YORK JURY VERDICT REPORTER

**XIX/15-22**      PROPERTY DAMAGE — FAILURE TO PUT UP LEADERS AND GUTTERS ON RENOVATION — DAMAGE TO HOUSE AND LOSS OF RENTAL INCOME — INQUEST

Zalmen Kremer v. Hadassah London; Ike Ashkanazai; Alliance Building Manag., Inc.; and Moshe Friedman, P.E. 20255/98 1-day trial Decision 7/2/01 Kings Supreme

**Judge:** Joseph S. Levine

**Decision:** \$83,200 for property damage v. London. Pltf. settled with Defts. Ashkanazai and Alliance Building for \$75,000. The jury was excused after the settlement between Ashkanazai and Alliance. This was an inquest.

**Pltf. Atty:** Joseph Giaramita, Jr., Brooklyn.

**Def. Atty:** Vincent Terrasi of Fixler & Associates, Elmsford, for Ashkanazai and Alliance  
Eli Yeger, Brooklyn, for London

**Facts:** In January 1998, Deft. London rebuilt his two-family home and added a third story. Deft.'s home was attached to Pltf.'s two-story home. Deft. Ashkanazai and Alliance Building were the contractors. After construction had started, Deft. failed to put up leaders and gutters, as specified in the architect's plans. At some time during the construction, Deft. Ashkanazai and Alliance Building were taken off the job site. With no leaders or gutters in place, water poured into the party wall of the two homes, causing extensive damage to Pltf.'s home. Pltf. claimed that the damage exceeded \$143,000, and that the loss of rent from a tenant was \$15,200.

Deft. Ashkanazai, who received a judgment on his cross-claim for \$75,000 against Deft. London, contended that he was taken off the job before he had the opportunity to put up leaders and gutters. He also contended that Deft. London was the general contractor who was responsible for putting up leaders and gutters. Demonstrative evidence; architect's plans; certified copy of an injunction; photographs of the damage; engineer's reports of the damage.

**Pltf. Expert:** James Liubicich, engineer, Brooklyn (would have testified about the damage to Pltf.'s home).

**Def. Expert:** There was no expert testimony for Defts.