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On Thursday evening March 3, 2011, a New York County jury reached a verdict in the case of Ernest Lewis, an infant, by his mother, Brenda Lewis against the New York City Transit Authority, MABSTOA and Courtney Thompson, Index no. 101833/07. The four man, two woman jury awarded the 13 year old (now 18) plaintiff \$6,783,202.90 for being run over by the BX19 bus at 145th Street and Convent Avenue on November 19, 2005.

After a church service at the First Calvary Baptist Church on 148th Street, Mrs. Lewis and her son Ernest were on their way home. They were trying to catch the BX19 bus at the 145th Street at Convent Ave. bus stop. As Ernest was running alongside the bus he began hitting the side of the bus, which was not moving, to alert the driver of their presence. As he got in front of the middle wheels of this 60-foot long articulating bus, he tripped and his legs fell under the bus. An eyewitness, Alphonza Elliott, testified at the trial, that it was just about the time the child fell that the driver started the bus. The middle tire rode over his legs. Police officers called to the scene noted a tire tread impression in his leg.

The driver claimed that he was aware the child was running for the bus, but didn't see him when he was near the middle of the bus and pulled into the intersection. He glanced at his right side mirror and saw a shadow on the ground and stopped the bus in the middle of the intersection to investigate. He found Ernest behind the middle tire. There was a lot of blood. He called the TA from the phone on his bus, while the eye witness called 911 on his cell phone.

The trial, which started on February 22, 2011 before Justice Geoffrey Wright in Supreme Court, New York County, ended this evening with the jury verdict. The jury awarded Ernest \$2,500,000.00 for past pain and suffering, \$283,202.09 for past medical expenses and \$4,000,000 over 10 years for future pain and suffering.

Ernest sustained a major degloving injury to his right lower leg tearing off skin, muscle and tendons and exposing the bones, fracture of the distal fibula, avulsion of the distal tibia and a fracture of the left calcaneus. Ernest was taken to Columbia Presbyterian Hospital where skilled trauma specialists treated him for 3 1/2 weeks, saving his leg. He was taken to the OR on 8 separate occasions for placement of pins and an external fixator to hold the fractured fibula in place, placement of a rod in the fibula (permanent) to align the bone fragments, a syndesmotomic screw to realign the spacing between the tibia and fibula and an 8 1/2 hour surgery to harvest muscle from his abdomen to transplant into his leg and to harvest skin from his thigh to graft over the transplanted muscle. He also had a cast on his left foot. After 3 1/2 weeks at Children's hospital he was transferred to St. Mary's Rehabilitation Hospital in Ossining, New York on December 15, 2005. He remained there until February 24, 2006 making periodic visits to his doctors at Presbyterian. The cast on the left leg was removed on January 5, 2006 and the external fixator was removed on February 14, 2006.

He continued to receive nursing care and physical therapy at home until May, 2006 when he finally returned to his 8th grade class at St. Dominic's School. Ernest is presently in his

## Jury Awards \$6.78 Million in Pedestrian Accident

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freshman year at Berkley College in Manhattan expecting to earn a degree in business in four years. Ernest and Mrs. Lewis were represented by Richard A. Gurfein, Esq. of Gurfein Douglas LLP in Manhattan. The Transit Authority and the other defendants were represented by Lynne Troy Henderson, Esq. of Wallace Gossett's office.

Comment: The Bus Operator knew the child was alongside his bus. He should never have moved the bus until the child was out of the danger zone.

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