

## Pothole Costs NY City \$350K

*After losing a Batson challenge to remove the only African American from a jury, NY City settled with pothole victim Richard Overton for \$350K.*

([PRWEB](#)) June 12, 2004 -- Supreme Court Justice Nicholas Figueiroa refused to allow the City of New York to strike the only black juror on case where a black child was injured in Harlem. The next day, the City quintupled its offer to settle the case.

12-year old Richard Overton was seriously injured when he fell into a pothole the City had failed to repair on a Harlem street. The boy was on his way to school when he fell and the head of his leg bone separated from the shaft of his leg bone. After receiving emergency medical care and surgery at Metropolitan Hospital, he was home-schooled for a year.

The 1997 case finally reached the trial phase in May 2004. The attorney for the City of New York tried to remove the only black juror. Trial lawyer Cory Rosenbaum opposed the attempt arguing that the City only wanted to remove the black juror because she was black, like the plaintiff. The City failed to provide any race-neutral reasons for trying to disqualify the juror. The Court ruled that, under Batson, the City could not strike the juror. The next day, the City of New York quintupled its settlement offer and the plaintiff, now 20-years old, accepted.

According to Cory Rosenbaum, attorney for the victim, "The City of New York knew that they had no reason to remove that juror other than the fact that she was black and the plaintiff was black. I'm glad the case settled, I'm just sorry it took so long for the City of New York to take responsibility for this young man's injuries. It is sad that the City of New York, to save a few dollars on maintenance, would cause this young man so much pain and end up paying \$350,000 for a pothole."

CASE INFORMATION: Supreme Court NY, County of New York, Index No. 110300/97 : Richard Overton v The City of New York

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