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OTHER CASE OF INTEREST

VII/8-33 ASSAULT AND FALSE IMPRISONMENT - INSURANCE SCAM SET-UP - PUNITIVE DAMAGES - BENCH TRIAL

Doris Uzulmez v. Morris and Isaac Haymov 5883/85 Verdict 3/21/89 Judge Richard C. Wesley, New York Supreme

VERDICT: \$500,000 bench decision. Breakdown: \$150,000 for compensatory damages; \$150,000 for punitive damages v. Morris H.; \$250,000 for punitive damages v. Isaac H.

Pltf. Atty: Harry I. Katz, Fresh Meadows
Def. Atty: Martin Elefant, Brooklyn

Facts: Pltf. was a receptionist at a gem company owned and operated by Defts., who are father and son. Evidence indicated that Defts. had arranged for a gunpoint robbery, and that Pltf. was the target. The robbery had been arranged as a scam to collect insurance proceeds. The hired assailants ordered Pltf. at gunpoint into a back room and handcuffed her to a piece of furniture. She was released 20 minutes later by a customer who heard her cries for help.

Subsequent investigation by the police disclosed that the robbery was a fraudulent set-up to collect insurance proceeds on stolen gems. Evidence showed that Deft. Isaac Haymov actively arranged for the incident. Deft. Morris Haymov testified that he had wanted to call the event off, but was unable to do so because he was out of the country. Both Defts. also testified that it was not their intention that Pltf. be involved. Defts. testified that their actions were motivated purely by dire financial straits, and that Pltf. appeared at work the following day and was not seriously injured. Injuries: psychological injuries including nightmares and hypersensitivity to loud noises. Pltf. also exhibits a lump on her neck where she had been touched by a gun. There was no medical proof offered at trial. Pltf. was able to discover property belonging to Defts. in a foreign country. Note: This lawsuit resulted in a default decision by Judge Ascione in April 1986 for \$150,000. A motion to vacate the default was granted to the extent of ordering this new trial on damages.