



## \$1.2 Million Settlement over Broken Toilet

By Robin Salisian

The Atlanta Falcons, the NFL Players Association, the NFL Management Council, and others are all responsible for figuring out what to do with Michael Vick's millions of dollars of bonuses.



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The plaintiff, Jean Ciocci, 74, of Philadelphia, fell from her hotel's toilet on Oct. 8, 2004, and injured her left arm, which "resulted in pain, numbness, tingling in her left hand, moderate to severe left carpal tunnel syndrome and

mild axonal neuropathy." A year and a half later, Ciocci fell again, which, argued her attorney, "came about because of the significant physical disability in her left arm caused by the earlier bathroom fall," the article continues.

"The Pennsylvania Supreme Court has continued to uphold that negligent defendants are liable for all the harm that flows from an initial injury," noted Ciocci's attorney, Daniel Mann of Feldman Shepherd Wohlgeleenter Tanner & Weinstock on [www.law.com](http://www.law.com).

Ciocci demanded \$2 million to settle the case.

However, the Taj Mahal representatives argued that, while they were responsible for the broken toilet, they were not "liable for the second accident."

"Taj Mahal also argued that Ciocci would be unable to prove that she could have caught herself if her left hand had been stronger and that her fall would have been prevented if she had caught herself," continues the article. "[And] the second fall could not have been prevented because Ciocci was only 5 feet 1 inch tall, weighed 320 pounds and had been using a wheelchair for several years."

But Mann disagreed. "They could have proven via trial testimony from a biomechanical expert and several physicians that Ciocci's injuries from the first fall required an operation and that she was never able to obtain full relief," he said to [www.law.com](http://www.law.com). "He also said the witnesses would have been able to testify her left arm was left weakened from the 2004 fall; she didn't have the strength to brace herself when she lost her balance in April 2006."

Ciocci, because of her injuries, is now limited to her living room and may have to pay up to \$9111, 388.47 to meet her nursing needs.

As for the \$1.2 million, Mann said, "We're hoping she'll be able to use some of this money to make improvements to her house so she'll be able to get around."

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