

48 A.D.3d 667, 850 N.Y.S.2d 905, 2008 N.Y. Slip Op. 01526
(Cite as: 48 A.D.3d 667)

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Supreme Court, Appellate Division, Second Department, New York.

John SKORDILIS, respondent,

v.

LA QUILA CONSTRUCTION, INC., et al., appellants, et al., defendants. (Action No. 1).

John Skordilis, respondent, et al., plaintiffs,

v.

La Quila Construction, Inc., et al., appellants, et al., defendant. (Action No. 2).

Feb. 19, 2008.

Smith Mazure Director Wilkins Young & Yagerman, P.C., New York, N.Y. (Fiedelman & McGaw [Andrew Zajac of counsel]), for appellants.

Weg & Myers, P.C., New York, N.Y. (Dennis T. D'Antonio, William H. Parash, and Susan V. Lifsey of counsel), for respondent.

In two related actions to recover damages for injury to property, the defendants La Quila Construction, Inc., and New York City Transit Authority appeal from a judgment of the Supreme Court, Queens County (Rosengarten, J.), entered July 21, 2006, which, upon a jury verdict on the issue of liability, is in favor of the plaintiff John Skordilis and against them in the total sum of \$631,327.06.

ORDERED that the judgment is affirmed, with costs.

Contrary to the defendants' contention, a new trial on the issue of liability is not warranted (*see Nicastro v. Park*, 113 A.D.2d 129, 133, 495 N.Y.S.2d 184; *Lagana v. Fox*, 6 A.D.3d 583, 776 N.Y.S.2d 298). Furthermore, the award of damages did not deviate "materially from what would be reasonable compensation" (CPLR 5501[c]; *see Christopher v. Great Atl. & Pac. Tea Co.*, 76 N.Y.2d 1003, 564 N.Y.S.2d 715, 565 N.E.2d 1266).

MASTRO, J.P., SKELOS, FLORIO and DICKERSON, JJ., concur.

N.Y.A.D. 2 Dept. 2008.

Skordilis v. La Quila Const., Inc.

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