

# Attorney Robert Miklos of Silberstein, Awad and Miklos, P.C. and Family Vindicated by New York Appeals Court

*Verdict Reinstated and Awards totaling Over \$16 Million Upheld for Catastrophically Brain Injured Man*

NEW YORK, NEW YORK, UNITED STATES, March 9, 2021 /EINPresswire.com/ -- A New York Appellate Court rendered a decision in favor of a catastrophically brain-injured man represented by Trial Attorney [Robert A. Miklos](#) and Silberstein, Awad and Miklos P.C. by reversing a Supreme Court Order in a [medical malpractice case](#).

The action arose when in 2013, Mr. Carlyle Roberts was brought by an ambulance to the Kings County Hospital Center after being involved in a hit and run accident. During this admission, a subdural hematoma went unmonitored and was not timely diagnosed and treated.

Due to this lack of proper diagnosis and prompt treatment, Mr. Roberts suffered permanent brain damage with cognitive impairment and left side hemiplegia, which rendered him functionally paraplegic. These conditions left Mr. Roberts unable to care for himself. Subsequently, an action was initiated on Mr. Robert's behalf.

After a jury trial conducted by Robert A. Miklos, a verdict was rendered in the plaintiff's favor, awarding damages for past pain and suffering in the sum of \$10,000,000 and future pain and suffering in the sum of \$11,500,000 and over \$7,000,000 in future medical care costs over a period of 11.5 years.

The defendant thereafter moved a motion pursuant to CPLR 4404(a) to set aside the jury verdict and for a new trial in the interest of justice on the basis of misconduct by the plaintiff's counsel during summation. The defendant also sought to reduce the amount of damages awarded to the plaintiff.

By an Order dated October 22, 2019, the Supreme Court, granted that branch of the motion which was to set aside the jury verdict and for a new trial in the interest of justice. Aggrieved by the Supreme Court Order, the plaintiff appealed.

After hearing both parties, the Appellate Court, by an Order dated February 24, 2021, reversed that branch of the defendant's motion pursuant to CPLR 4404(a), which was to set aside the jury verdict and for a new trial in the interest of justice and reinstated the jury verdict.

The Appellate Court in the Order concluded that the Supreme Court improvidently exercised its discretion in ordering a new trial in the interest of justice based upon attorney misconduct.

Though the Appellate Court Judges did agree that some of the conduct was improper and they did not condone it, the four Judge bench concluded that the conduct of the plaintiff's counsel was not so pervasive or prejudicial as to have deprived the defendant of a fair trial.

The Appellate Court further concluded that the defendant failed to demonstrate, through any evidence, that the amount of damages awarded for the future medical care costs and other expenses was inaccurate or excessive.

However, the Appellate Court was of the opinion that the amount of damages awarded by the jury for past and future pain and suffering deviated materially from what would be reasonable compensation. The Appellate Court decreased the amount awarded as damages for past pain and suffering from the sum of \$10,000,000 to the sum of \$4,000,000 and for future pain and suffering from the sum of \$11,500,000 to the sum of \$5,000,000. In spite of the decrease, the plaintiff still received a very substantial amount as damages which totaled in excess of \$16,000,000.

Silberstein, Awad, and Miklos P.C. have achieved numerous [multi-million dollar settlements](#) and verdicts for their clients. They are known to take up and win complex and complicated cases which other firms have refused. Trial Attorney Robert A. Miklos has helped recover millions of dollars for medical malpractice victims in the communities of New York State. He has successfully championed the cause of those who have been wrongfully injured.

Robert A. Miklos' trailblazing success in the courtroom has been recognized by both peer recognition groups and client appreciation sites such as SuperLawyers, Martindale-Hubbell, and Avvo. He has served on the Board of Directors of the New York State Trial Lawyers Association and has been at the forefront of several community organizations.

Joseph Miklos  
Silberstein, Awad & Miklos, PC  
+1 516-832-7777

[email us here](#)

Visit us on social media:

[Facebook](#)

[Twitter](#)

[LinkedIn](#)

---

This press release can be viewed online at: <https://www.einpresswire.com/article/536551620>

EIN Presswire's priority is source transparency. We do not allow opaque clients, and our editors try to be careful about weeding out false and misleading content. As a user, if you see something

we have missed, please do bring it to our attention. Your help is welcome. EIN Presswire, Everyone's Internet News Presswire™, tries to define some of the boundaries that are reasonable in today's world. Please see our Editorial Guidelines for more information.

© 1995-2021 IPD Group, Inc. All Right Reserved.