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Intentional Torts

Plaintiffs claimed distress from FBI imposter's traffic stop

Verdict: (P) \$240,000.00

Case Type: Assault and Battery, Intentional Torts - Intentional Infliction of Emotional Distress

Case: Sergey Priporin, Olga Priporina and Irinia Priporina, by m/n/g Yulia Priporina v. Earl Simmons, No. 729/05

Venue: Westchester Supreme, NY

Judge: Gerald E. Loehr

Date: 04-30-2009

PLAINTIFF(S)

Attorney:

- Matthew T. Gammons; Rosenbaum & Rosenbaum, P.C.; New York, NY, for Sergey Priporin, Olga Priporina, Irinia Priporina

Expert:

- None

DEFENDANT(S)

Attorney:

- Richard G. Corde; Boeggeman, George & Corde, P.C.; White Plains, NY, for Earl Simmons

Expert:

- None

Facts:

On June 24, 2004, plaintiff Sergey Priporin, 36, a security-alarm technician, was driving in a parking lot of John F. Kennedy International Airport, in Queens. His daughter, plaintiff Irinia Priporina, 12, and his mother, plaintiff Olga Priporina, 52, were occupants of the vehicle. The plaintiffs' vehicle was stopped by the driver of a sport utility vehicle that was equipped with a siren and a strobe light. The man bolted toward the plaintiffs' vehicle, shouted, "FBI agent," and struck the vehicle's roof and one of its windows. Police officers eventually arrived and apprehended the man, who was identified as rap artist DMX, whose given name is Earl Simmons. Crack cocaine was found in Simmons' vehicle, and Simmons was arrested. He received charges of criminal impersonation, criminal mischief, second-degree attempted robbery, possession of a weapon and a controlled substance, driving under the influence, and refusal to submit to a chemical analysis. He ultimately pleaded guilty to lesser charges of driving under the influence and second-degree reckless endangerment. The

plaintiffs claimed that they suffered emotional distress.

Olga Priporina, Sergey Priporina and Irinia's mother, Yulia Priporina, who was acting as Irinia's parent and natural guardian, sued Simmons. The plaintiffs alleged that Simmons' actions constituted assault, battery and an intentional infliction of emotional distress.

Injury:

The plaintiffs acknowledged that they were not physically harmed, but they claimed that they feared for their lives. Sergey Priporin contended that Simmons shouted at him and tried to pull him out of one of the vehicle's windows.

According to the complaint, the plaintiffs sought recovery of a total of \$4 million for their past pain, suffering, emotional distress and lost enjoyment of life. They also sought punitive damages.

Verdict Information The jury found that Simmons' actions constituted reckless, malicious assault and battery. It determined that the plaintiffs' damages totaled \$240,000.

Sergey Priporin

\$75,000 Personal Injury: Punitive Exemplary Damages

\$15,000 Personal Injury: Past Pain And Suffering

Irinia Priporina

\$75,000 Personal Injury: Punitive Exemplary Damages

\$15,000 Personal Injury: Past Pain And Suffering

Olga Priporina

\$50,000 Personal Injury: Punitive Exemplary Damages

\$10,000 Personal Injury: Past Pain And Suffering

Post-Trial: Judge Gerald Loehr denied defense's counsel's motion to reduce or set aside the verdict.

Editor's Comments This report is based on information that was provided by plaintiffs' and defense counsel.