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At IAS Part \_\_\_ of the Supreme Court of the State of New York, County of New York, at Courthouse, 60 Centre Street, New York, New York, on the \_\_\_ day of \_\_\_\_\_, 199\_\_

PRESENT:

HON. \_\_\_\_\_  
Justice

-----X

Plaintiff(s),

Index No. \_\_\_\_\_

- against -

JUDGMENT

Defendant(s).

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The above-entitled action having come on for trial of the issues of liability and damages on \_\_\_\_\_, 199\_\_ before the Honorable \_\_\_\_\_, IAS Part \_\_, and a jury, and the plaintiff having been represented by \_\_\_\_\_, Esq. of the firm of \_\_\_\_\_, and defendant \_\_\_\_\_ having been represented by \_\_\_\_\_, Esq. of the firm \_\_\_\_\_, and defendant \_\_\_\_\_ having been represented by \_\_\_\_\_, Esq. of the firm of \_\_\_\_\_, and defendant \_\_\_\_\_ having been represented by \_\_\_\_\_, Esq. of the firm \_\_\_\_\_, and defendant \_\_\_\_\_ having been represented by \_\_\_\_\_, Esq. of the firm of \_\_\_\_\_, and the case having been discontinued during trial against defendant \_\_\_\_\_, and

**Form 50: Structured Judgment**

The Court having presented the case to the jury on \_\_\_\_\_, 199\_\_, and the jury having returned a verdict on the issues of liability and damages in favor of the plaintiff and against defendant \_\_\_\_\_, and the jury having found the remaining defendants not liable, and the jury having answered special jury questions, and

The jury having found that defendant \_\_\_\_\_ was 100 % percent at fault and that plaintiff was not at fault, and

The jury having assessed damages for plaintiff in the following amounts:

Past pain and suffering	\$	
Past loss of earnings	\$	
Past medical expenses	\$	
Future pain and suffering	\$	over __ years
Future loss of earnings	\$	over __ years
Future medical expenses	\$	over __ years

And the Court having calculated the payment of damages for plaintiff pursuant to CPLR Article 50\_\_ as follows:

The amount due for past damages is in total \_\_\_\_\_ and the

amount due for future damages is in total \_\_\_\_\_,

Form 50: Structured Judgment (cont.)

And the court having adjusted the total future damages by deducting therefrom the first \$ 250,000, which shall be paid in a lump sum, and that sum having been deducted from the elements of the future damages in the same proportion as the elements bear to the total, and the jury's award of \_\_\_\_\_ for future pain and suffering equalling \_\_ percent of the total future damages, and the jury's award of \_\_\_\_\_ for future loss of earnings equalling \_\_ percent of the total of future damages, and the jury's award of \_\_\_\_\_ for future medical expenses equalling \_\_ percent of the total of future damages, and the lump sum of \$ 250,000 being allocated to these categories of future damages according to these percentages, yielding figures of \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_ for future pain and suffering, loss of earnings and medical expenses respectively, and these sums being deducted from the awards of future damages in each category and yielding a balance of future damages in each such category in the sums of \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_ respectively, or a total of \_\_\_\_\_,

And the court having determined that the plaintiff's litigation expenses amount to \_\_\_\_\_ and allocating litigation expenses to each category of past damages, the first \$ 250,000 of future damages and each category of future damages and deducting these expenses from each such category, yielding adjusted awards as follows:

Form 50: Structured Judgment (cont.)

Past Damages

Pain and suffering \$

Loss of earnings \$

Medical expenses \$

First \$ 250,000

\$

Future Damages (over \$ 250,000)

Pain and suffering \$

Loss of earnings \$

Medical expenses \$

With regard to the amount of future damages to be structured as provided by CPLR 5031(e), the court having found that the discount rate to be

applied is \_\_ percent, and and there remaining amounts of future damages in the three categories as set forth in the immediately preceding paragraph, and the gross amount of the future payments in each category being divided by the appropriate period of years, yielding the following:

**Form 50: Structured Judgment (cont.)**

(i) Pain and suffering: the balance of future damages in this category is \_\_\_\_\_ and the period of the award is \_\_\_ years and the first year's payment (before attorney's fees) is \_\_\_\_\_, and the value of the remaining payments being calculated by adding 4 % to the amount of the prior year's payment,

(ii) Loss of earnings: the balance of future damages in this category is \_\_\_\_\_ and the period of the award is \_\_\_ years and the first year's payment (before attorney's fees) is \_\_\_\_\_, and the value of the remaining payments being calculated by adding 4 % to the amount of the prior year's payment,

(iii) Medical expenses: the balance of future damages in



Medical expenses Fee: \$

Balance: \$

And the court having calculated the lump sums due to plaintiff and as litigation expenses and counsel fees as follows:

Lump sum due plaintiff

\$

Litigation expenses

\$

Form 50: Structured Judgment (cont.)

Attorney's fees

\$

And the final adjusted annuity payments in each of the categories of future damages awarded being as follows:

Pain and suffering: \$ per month over years, and increasing 4 % per year,

Loss of earnings: \$ per month over years, and increasing 4 % per year,

Medical expenses: \$ per month over years, and increasing 4 % per year,

And the present value of an annuity contract that guarantees these payments being the following:

Pain and suffering: \$

Loss of earnings: \$

Medical expenses: \$ \_\_\_\_\_

Total: \$

NOW, on motion of \_\_\_\_\_, attorneys for plaintiff, it is

ADJUDGED AND DECREED, that plaintiff \_\_\_\_\_, residing at \_\_\_\_\_,

Form 50: Structured Judgment (cont.)

New York, New York, do recover from defendant \_\_\_\_\_, \_\_\_\_\_, New York, New York, as a lump sum of past damages and the lump sum portion of future damages (\$ 250,000), as adjusted for litigation expenses and related attorney's fees, the sum of \_\_\_\_\_, together with interest thereon through the date of entry of the judgment in the amount of \$ \_\_\_\_\_, as calculated by the Clerk, and all interest accrued thereon as of the date of payment of the judgment, plus costs and disbursements as taxed by the Clerk in the amount of \$ \_\_\_\_\_, together with interest on the total net present value of the structured portion of the judgment until the entry of this judgment in the amount of \_\_\_\_\_, making in all \_\_\_\_\_, and it is further

**ADJUDGED AND DECREED**, that plaintiff do recover from defendant \_\_\_\_\_, as litigation expenses and attorney's fees, the sum of \_\_\_\_\_, together with the interest accrued up to the date of entry of this judgment in the amount of \$ \_\_\_\_\_, as calculated by the Clerk, and the interest to the date of payment, and it is further

**ORDERED, ADJUDGED AND DECREED**, that plaintiff have execution for the foregoing, and it is further

**ORDERED, ADJUDGED AND DECREED**, that the defendant shall offer and purchase and guarantee payment of an annuity contract assuring the following annual payments in equal monthly installments in advance: \_\_\_\_\_ per year for future pain and suffering extending for \_\_ years and increasing annually by 4 percent, compounded annually; \_\_\_\_\_ per year for future loss of earnings for \_\_ years and increasing

Form 50: Structured Judgment (cont.)

annually by 4 percent, compounded annually; and \_\_\_\_\_ per year for future medical expenses for \_\_ years and increasing annually by 4 percent, compounded annually, and it is further

**ORDERED, ADJUDGED AND DECREED**, that the annuity contract shall be issued by an insurance carrier rated A+ and designated as qualified by the New York State Superintendent of Insurance and approved by this Court and shall be

posted as security within thirty days after the entry of this judgment.

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J.S.C.

Judgment entered this      day of      , 199

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Hon. Norman Goodman  
Clerk of the Court