

SUPREME COURT OF THE STATE OF NEW YORK, COUNTY OF NEW YORK	: : :
	: Index No.:
ISAAC FELDMAN, Individually and as Voluntary Administrator of the ESTATE OF LAEL FELDMAN, and MARLA MASE,  Plaintiffs,  -against-  THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY,  Defendant.	: : <b>SUMMONS</b> : : Plaintiffs designate New York : County as the place of trial.  : The basis of venue is CPLR §§ : 503, 505

To the Defendant:

PLEASE TAKE NOTICE THAT YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer on counsel for the Plaintiffs at the address set forth below within 20 days after the service of this Summons (not counting the day of service itself), or within 30 days after service is complete if the summons is not delivered personally to you within the State of New York.

YOU ARE HEREBY NOTIFIED THAT, should you fail to answer, a judgment will be entered against you by default for the relief demanded in the accompanying complaint.

Dated: July 24, 2018

/s/ William F. Costigan

William F. Costigan  
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TO: THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY  
4 World Trade Center  
150 Greenwich Street  
New York, NY 10007

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

-----X  
ISAAC FELDMAN, Individually and as Voluntary  
Administrator of the ESTATE OF LAEL  
FELDMANN, and MARLA MASE,  
Plaintiffs,

Index No.

-against-

**COMPLAINT**

THE PORT AUTHORITY OF NEW YORK AND  
NEW JERSEY,  
Defendant.

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**PARTIES AND BACKGROUND**

Plaintiff, ISAAC FELDMAN, Individually, as Administrator of the Estate of LAEL  
FELDMAN, Deceased, and MARLA MASE by their attorneys, COSTIGAN LAW PLLC,  
allege:

1. This case arises out of the premature death of LAEL FELDMAN, an  
accomplished jazz artist who performed at the Blue Note Jazz Club in New York City and  
recorded two albums all in or before her early 20s. On the night of July 26, 2017, LAEL  
FELDMAN, at the age of 24, jumped to her death from the South Walkway of the George  
Washington Bridge.

2. The plaintiff, ISAAC FELDMAN, has been at all relevant times a resident of  
Forest Hills, New York. He is the father of LAEL FELDMAN. Plaintiff MARLA MASE is the  
mother of LAEL FELDMAN and a resident of Brooklyn, New York.

3. On January 16, 2018, the Kings County Surrogate's Court, issued a decree  
naming ISAAC FELDMAN as the Voluntary Administrator of the Estate of LAEL FELDMAN  
and he is in that capacity duly qualified to maintain this action.

4. Defendant, THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY (the "PORT AUTHORITY"), is an authority created by a compact entered into by the States of New York and New Jersey in 1921, which was consented to by Congress pursuant to the Interstate Compact Clause of the United States Constitution. The PORT AUTHORITY has its principal place of business at 4 World Trade Center, 150 Greenwich Street, New York, New York 10007.

5. At all times relevant, the PORT AUTHORITY has owned and operated the George Washington Bridge. The 14-lane, double-deck suspension bridge spans the Hudson River between Washington Heights, New York, and Fort Lee, New Jersey. It transports over 100 million vehicles per year as well as pedestrian and bicycle traffic.

6. Just over a week after its October 25, 1931 opening, the George Washington Bridge experienced its first leaping suicide – an unidentified man about 25 years of age who leapt on the night of November 3, 1931. Since then, the bridge has acquired a reputation as a "suicide magnet." By 2016 suicide attempts at the bridge were occurring at the approximate rate of one every 3 and 1/2 days. In the seven years leading up to 2016, approximately 93 people perished by jumping from the walkways of the bridge. At least, another 12 would die that year.

7. In just a five week period in July-August 2017, five people, including LAEL FELDMAN lost their lives at the bridge. In all, at least 15 persons are known to have plunged to their death in that year.

8. Long before LAEL FELDMAN's untimely death, the PORT AUTHORITY was aware of the extraordinary number of suicides at the bridge and of the significant public and expert demand for suicide prevention barriers to be installed on the bridge's walkways in order

to thwart what is often a fleeting impulse to jump. However, the PORT AUTHORITY did not begin to install suicide prevention fencing until September 25, 2017 notwithstanding that it was entirely feasible to do so many years before. Once the Port Authority got started on the project it took only eleven weeks to secure the South Walkway at a modest cost.

### **JURISDICTION AND VENUE**

9. This court has jurisdiction over plaintiffs' claims because the events leading to this action occurred within the State of New York and the defendant resides within the State. Venue is appropriate in New York County because it is the county where LAEL FELDMAN died and because the defendant is a resident of the county.

### **FIRST CAUSE OF ACTION**

10. On the night of July 26, 2017, LAEL FELDMAN walked along the South Walkway of the bridge. Shortly before midnight, she placed her flip-flops, phone, and bag on the walkway and jumped over its low railing into the Hudson River below. LAEL FELDMAN suffered catastrophic physical injuries and, at some point between hitting the river and the retrieval of her body on July 31, 2017, she died.

11. The action of LAEL FELDMAN, like that of scores of other people who attempted suicide from the bridge's walkways, was reasonably foreseeable to the PORT AUTHORITY.

12. PORT AUTHORITY knew of the serious risk of harm posed by the George Washington Bridge, given the frequency of actual and attempted suicides at the bridge, the escalating number of such actual and attempted suicides, the media coverage surrounding suicides at the bridge, and the reports of its own employees regarding same.

13. Knowing of the risk of harm, and possessing actual knowledge of scores of previous jumping suicides at the George Washington Bridge in the years prior to July 26, 2017, the PORT AUTHORITY failed to take obvious steps to address the serious known risk, including the installation of suicide prevention fencing like the fencing installed years earlier at other “suicide bridges,” such as the Duke Ellington Bridge (Washington, D.C.) in 1986, the Nusle Bridge (Prague) in 1997, the Clifton Suspension Bridge (Bristol, England) in 1998, the Prince Edward Viaduct (Toronto) in 2003, and the Aurora Bridge (Seattle) in 2011.

14. The PORT AUTHORITY’s unconscionable delay has cost many lives. Studies establish that the impulse to commit suicide is often fleeting and that, if thwarted, the vast majority of attempters will not make another attempt.

15. The incident, injuries, damages, and death of LAEL FELDMAN were caused by the deliberate indifference of the PORT AUTHORITY to its duties to LAEL FELDMAN and to the public generally, without any fault on the part of the plaintiffs or LAEL FELDMAN.

16. By reason of LAEL FELDMAN’s death plaintiffs suffered pecuniary damages, including loss of support and services and potential inheritance as well as substantial funeral, burial, and other expenses.

17. Notice of Claim of Plaintiffs’ damages was duly served by personal delivery to the Port Authority at its headquarters on April 12, 2018.

## SECOND CAUSE OF ACTION

18. Plaintiffs repeat and reallege each and every allegation set forth in paragraphs numbered “1” through “17” herein, as if fully set forth at length herein.

19. The incident, injuries, damages, and death of LAEL FELDMAN were caused by the deliberate indifference of the PORT AUTHORITY to its respective duties owed to the LAEL

FELDMAN and to members of the public generally without any fault on the part of the plaintiffs or decedent.

20. As a result of the Port Authority's violations of its duties to LAEL FELDMAN and to the public generally, and by reason of its deliberate indifference, LAEL FELDMAN sustained catastrophic personal injuries and, before and after crashing into the river, intense and excruciating conscious pain and suffering.

### THIRD CAUSE OF ACTION

21. Plaintiffs repeat and reallege each and every allegation set forth in paragraphs numbered "1" through "20" herein, as if fully set forth at length herein.

22. At all times relevant, the PORT AUTHORITY, as the owner of the George Washington Bridge, owed a duty to the public, including LAEL FELDMAN:

To provide a safe crossing from New York to New Jersey over the Hudson River;

To maintain the bridge in a reasonably safe condition;

To take reasonable care under the circumstances to maintain the property in a safe condition;

To protect the public from foreseeable harm;

To protect and warn the public from foreseeable dangers;

To take reasonable steps to protect public safety;

To take reasonable steps to prevent foreseeable harm;

To take reasonable steps to prevent suicide;

To install "means restriction" suicide prevention devices;

To keep its premises free from known dangerous conditions;

To correct a dangerous condition that was known;

To remain aware of the state of the art for installation of suicide prevention barriers at other “suicide magnet” locations;

To not increase the risk of suicide by inaction;

To remove any hazards that may have the potential to serve as “means of suicide”;

To restrict access to high places on or near the George Washington Bridge;

To protect human life;

23. At all times relevant the defendant the PORT AUTHORITY did not maintain a safe bridge over the Hudson River, as, among other things, the George Washington Bridge lacked adequate means restrictions to prevent suicide by jumping from the walkways to the river below, and that the bridge was in a dangerous and defective condition.

24. At all times relevant the PORT AUTHORITY had actual and constructive notice of the dangerous and defective condition of the George Washington Bridge.

25. At all times relevant the PORT AUTHORITY failed to exercise reasonable care in constructing, operating, and maintaining the George Washington Bridge, as the same lacked adequate means restriction to prevent jumping suicides from its walkways.

26. The PORT AUTHORITY, its agents, servants, officers, board members and/or employees were negligent, careless and reckless in failing to provide for the safety and protection for vulnerable or impulsive individuals.

27. The incident, injuries, damages, and death of LAEL FELDMAN were caused by the negligent acts of the PORT AUTHORITY, without any fault on the part of the plaintiffs or LAEL FELDMAN.

28. By reason of LAEL FELDMAN’s death, plaintiffs suffered pecuniary damages, including loss of support and services as well as substantial funeral, burial, and other expenses.



**FOURTH CAUSE OF ACTION**

29. Plaintiffs repeat and reallege each and every allegation set forth in paragraphs labeled "1" through "28" herein, as if fully set forth at length herein.

30. The incident, injuries and damages and death of LAEL FELDMAN were caused by the negligent acts of the PORT AUTHORITY, without any fault on the part of the plaintiffs or decedent.

31. As a result of the Port Authority's negligence, LAEL FELDMAN sustained catastrophic personal injuries and, before and after crashing into the river, intense and excruciating conscious pain and suffering.

WHEREFORE, the plaintiffs demand judgment against the PORT AUTHORITY, for damages in the amount of \$20 million dollars on each cause of action pled; and punitive damages against the defendant in the amount of \$20 million dollars, together with the costs and disbursements of this action, and for such other and further relief as the Court deems just and proper.

Dated: New York, New York  
July 24, 2018

***COSTIGAN LAW PLLC***

BY \_\_\_\_\_

  
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