

# LIPSITZ & PONTERIO, LLC

Attorneys at Law

**NEWS RELEASE**  
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## **First Plaintiff's Jury Verdict in Western New York Lead Poisoning Case**

**ROCHESTER, NEW YORK** – After three hours of deliberations in the Hall of Justice in downtown Rochester, a Monroe County Supreme Court jury returned the first verdict for a plaintiff in a lead poisoning case in Western New York history. The plaintiff, Ashley Hicks, age 23, was lead poisoned while residing in rental properties in Rochester between the ages of three and six years old. Ms. Hicks is currently enrolled at Monroe Community College, where she hopes to earn her Associate's Degree, despite her acknowledged learning disability due to lead poisoning.

The jury returned its verdict in the amount of \$221,000. The verdict will be paid from the defendant's homeowner's insurance. The verdict was rendered for Ashley's future economic loss from the neurological effects that lead poisoning will have on her capacity for future earnings. The jury ruled that the sole defendant at trial, landlord Richard Franco, is responsible for paying the entire verdict. The trial was presided over by State Supreme Court Justice Matthew A. Rosenbaum, who is in charge of all lead poisoning cases pending in the Rochester Area.

Ashley Hicks is represented by the Buffalo law firm of Lipsitz & Ponterio, LLC and the Rochester law firm of Dennis Herron and Associates, LLP. Defendant Richard Franco was represented at trial by a team of three experienced trial lawyers from the New York City Area law firm of Wilson, Elser, Moskowitz, Edelman & Dicker LLP. The jury's verdict sends a strong message to professional landlords throughout Western New York about the importance of maintaining their rental properties in a safe and lead-free condition.