

## SCHULE WINS DEFENSE VERDICT IN LEAD PAINT LAWSUIT

Plaintiff was 19 years old at trial. He claimed exposure to lead paint from chipping, peeling and flaking lead paint while living at defendant's rental property located at 24 Spaulding Street in Lockport, New York from 1993 through 1995.

Plaintiff's attorney claimed his client sustained brain damage as a result of exposure to high lead levels as an infant. Plaintiff's attorney claimed as a result that plaintiff had a complex disorder of the brain, ADHD, hyperactivity and loss of IQ. Plaintiff presented proof that because of his injuries he would have a future loss of economics of \$1.7 million.

The defendant was the owner of 24 Spaulding Street. He was cited by the Niagara County Department of Health for 6 interior and exterior lead paint violations at the premises in July 1995.

Plaintiff presented the Department of Health inspector to confirm the environmental testing performed on the house. He called the Niagara County lead nurse to testify regarding the treatment of the infant plaintiff from age 3 to age 6.

Plaintiff's peak lead level by finger stick was 34. The peak venous blood lead level was 22. No mobilization or chelation therapy was provided. Plaintiff presented neuropsychological experts Dr. Lopez-Williams, Ph.D. and Megan Brown Ph.D. These experts testified to loss of cognitive abilities and brain damage allegedly caused by plaintiff's exposure to lead.

Defendants presented neuropsychologist, Mark Schachter, Ph.D. Dr. Schachter testified that plaintiff's problems are not related to lead in any way. Plaintiff actually had a higher IQ than his mother. Plaintiff's problems are caused by depression and chronic truancy.

Defendants offered \$300,000 pre-suit. Plaintiff's demand was \$800,000.

The jury deliberated for approximately 50 minutes before returning with a verdict that the landlord was negligent but not the proximate cause of the injury.