

# \$12,500 award ends leg injury suit of Willowbrook patient

A state Court of Claims judge has awarded \$12,500 in damages to an 11-year-old Staten Island Developmental Center resident for her pain and suffering when an attendant stepped on and fractured her left thigh more than four years ago.

Judge Robert J. Mangum found that the institution was negligent in allowing the girl, Donna Albanese, to be in a position which exposed her to being stepped on.

The judge dismissed claims by the girl's parents, Mr. and Mrs. Alexander Albanese of 15 East Augusta Ave., Great Kills, which sought damages for loss of their daughter's services and mental anguish, as well as the alleged malpractice of the state in treating their daughter's injuries.

The girl was seven years old at the time of the accident, Dec. 21, 1973. The attendant said he was feeding other children in Building 26 when he stepped backward and stepped on the girl, who was on the floor.

Donna was examined by a staff nurse, who found no bruise or swelling of the thigh, but gave instructions to keep the girl under surveillance to see if there was any change of color or swelling.

Center authorities said that when swelling was subsequently observed, X-rays were ordered and the fracture discovered. An orthopedic surgeon applied a cast. On Christmas Day, four days

later, she was transferred to the U. S. Public Health Service Hospital, Clifton, where the fracture was reset. Three months later, Donna was returned to the Clifton hospital for an operation to remove sharp pieces of bone.

The claimants' only witness at a trial last December was the girl's father. During the trial, Peter J. Napolitano, representing Mr. and Mrs. Albanese and their daughter, offered no evidence in regard to malpractice or the claims made on behalf of the parents.

Napolitano proceeded under a theory of law in cases involving persons who are unable to testify on behalf of themselves that requires a lesser degree of proof to establish negligence.

Donna has an intelligence quotient of four and requires complete care. She was less than 2 years old when admitted to the institution. At the time of the incident, the school said she was on a mat on the floor in connection with a training program.

The state, represented by Assistant Attorney General William T. McCue, offered no testimony at the trial. It maintained, however, that it was not responsible for the accident.

## Yukon River

From the source of the Yukon River at the junction of Lewes and Pelly Rivers, Yukon, to its outflow into the Bering Sea in Alaska, the river is 1,770 miles long.