



## Department of Investigation *Press Releases*

### *DOI Arrests Two Plaintiffs For Perjury In Tort Fraud Crackdown*

*- Lied In Suits Against City To Obtain Multimillion Dollar Judgments -*

#### **Release #022-2000**

THURSDAY, APRIL 6, 2000 -- EDWARD J. KURIANSKY, Commissioner of the Department of Investigation (DOI), today announced the felony arrests of ROBIN CUEVAS and SYLVESTER RUSSELL, plaintiffs in separate tort actions against New York City, for lying in their lawsuits in an attempt to recover multimillion dollar judgments.

Commissioner Kuriansky said, "People who think that suing the City is a better bet than winning the lottery have to learn that our legal system cannot be fraudulently manipulated for personal gain. This kind of rank abuse not only cheats the City but tarnishes the claims of people with real grievances."

Yesterday's arrests are part of a continuing crackdown by DOI, the Law Department, and the Comptroller's Office on fraudulent lawsuits against the City, which remain a very serious and costly problem. Commissioner Kuriansky noted that approximately 10 percent of the 10,000 lawsuits filed each year against the City are believed to be bogus, and that the City spends more than \$400 million on claims and judgments annually.

In the first case announced today, ROBIN CUEVAS had sued the City for \$1,000,000, claiming that he had suffered severe injury when he fell in a pothole at the corner of Heath Avenue and West 229<sup>th</sup> Street in the Bronx on August 28, 1994. During the course of the litigation, the Law Department obtained medical records that disclosed that CUEVAS had informed hospital personnel he had been injured when he fell down stairs at work. After its initial investigation, the Law Department referred the case to DOI.

DOI's investigation determined that CUEVAS lied in his notice of claim filed with the City, as well as in sworn testimony at a preliminary examination conducted by the Comptroller's Office, at two examinations before trial, and at trial in Bronx Supreme Court, where his case was ultimately dismissed on procedural grounds.

CUEVAS, 33, of 2818 Heath Avenue, the Bronx, was charged with Attempted Grand Larceny in the Second Degree and Perjury in the First Degree. He faces up to 7 years in prison.

In the second case, Commissioner Kuriansky said, SYLVESTER RUSSELL had sued the City for \$2,000,000, claiming that he had suffered severe injury when he tripped and fell down a broken staircase inside a City-owned building at 134 West 139<sup>th</sup> Street in Manhattan on March 3, 1996. During the course of the litigation, the Law Department had located a witness who gave a signed statement that RUSSELL actually fell down stairs in a nearby building at 132 West 139<sup>th</sup> Street during an altercation with his girlfriend. After a

jury was empaneled, RUSSELL could not be located, and the case was dismissed before any testimony was taken. After its initial investigation, the Law Department referred the case to DOI.

DOI's investigation determined that RUSSELL lied in his notice of claim filed with the City, and also in sworn testimony at a preliminary examination conducted by the Comptroller's Office.

RUSSELL, 66, of 775 Jennings Street, the Bronx, was charged with Attempted Grand Larceny in the First Degree, Perjury in the First Degree, two counts of Perjury in the Second Degree, two counts of Making An Apparently False Sworn Statement in the First Degree, and two counts of Offering a False Instrument for Filing in the First Degree. He faces up to 15 years in prison.

In a similar case uncovered last year, a Brooklyn man, Michael Alma, 21, was charged with lying in a \$5 million lawsuit against the City by fraudulently claiming he had broken his hand and wrist in a sidewalk fall when, in fact, he had accidentally hit a door while trying to punch his 14-year-old cousin during a fight. Alma pled guilty and was sentenced to 6 months in jail.

Commissioner Kuriansky expressed his sincere appreciation to the staffs of the Tort Division of the Law Department and of the Bureau of Law and Adjustment of the Comptroller's Office for their cooperation and assistance in today's cases and in the ongoing tort fraud initiative.

The investigations were conducted by Julia Davis, DOI's Inspector General for the Law Department and the Comptroller's Office. Special Investigators Robert Medaglia, Michael Corrigan, and John Reatz participated in the RUSSELL investigation; NYPD Detectives Ismael Ruiz and Evelyn Delgado of the DOI Investigative Squad participated in the CUEVAS investigation.

The Office of Manhattan District Attorney Robert M. Morgenthau is prosecuting both cases. Assistant District Attorney Stephen Kline, of the Special Prosecutions Bureau, is assigned to handle the matters.