

Pro Golfer Looks To 2nd Circ. For Second Swing At NYC

By **Jonathan Capriel**

Law360 (October 8, 2024, 10:47 PM EDT) -- A PGA Tour golfer who suffered "severe and permanent injuries" is taking his trip-and-fall lawsuit against the city of New York back to the Second Circuit, looking to bypass the finding of a federal judge in Manhattan who found that the city was never put on notice about the dangers of the crosswalk that allegedly caused his fall.

On Monday, Francis Paul Quinn Jr., 59, also known as Frann Quinn, filed a notice of appeal. The pro golfer is looking to reverse a summary judgment order, issued last month by U.S. District Judge Naomi Reice Buchwald, which allowed the city to escape his personal injury claims.

According to the court record, Quinn filed suit claiming that he was crossing a midtown Manhattan street when his foot became stuck in a pothole around a gas cap, causing him to fall, according to the court record. He claimed his injury permanently ended his "lucrative career" as a golfer, according to the court record. Since the filing of the suit, he has since returned to golf, playing once again in PGA Tour Champions events as recently as September.

In a separate and prior lawsuit, Quinn secured a \$2.5 million settlement in February 2020 with Consolidated Edison Inc., the utility company that allegedly had some responsibility for the maintenance of the street surface immediately around the gas cap.

A suit against the city's transportation department followed shortly after. But New York took issue with the multimillion-dollar deal claiming Quinn altered his fall narrative in order to file a separate suit against the city, according to the court record. Judge Buchwald agreed and tossed the suit. The Second Circuit **ultimately revived** Quinn's litigation in June 2023.

Judge Buchwald's most recent summary judgment order, issued Sept. 26, found that New York can't be held liable for Quinn's injuries because he never filed a written notice to the city complaining about the specific part of Sixth Avenue in which he twisted his ankle. Without this, there is no proof that the city was ever put on notice of the particular dangers of this pothole, the suit said.

Over the course of two years, records show the city fixed "defects" in the road around the crosswalk within 24 hours after a complaint was made, the judge said. In the 400 pages of records the city submitted, there is not a single notice by anyone that the pavement in the crosswalk was defective, the judge said.

"Records like those submitted by the City defendants are more than sufficient to satisfy the City's burden to establish that it did not receive prior written notice of the purported defect prior to the accident," the judge wrote in her appeal.

Quinn is represented by Aparna Pujar of Napoli Shkolnik PLLC.

New York City's transportation department is represented by Sylvia O. Hinds-Radix, Richard Dearing, Devin Slack and Chloe K. Moon of New York's Corporate Counsel.

The case is Quinn v. City of New York, case number 1:20-CV-2666, in the U.S. District Court for the Southern District of New York.

--Editing by Andrew Cohen.

