

OUR TOWNS

ROSLYN

Widow gets \$550G in storm drain suit

BY CHRISTINE CHUNG

christine.chung@newsday.com

A resident who sued the village of Roslyn for malicious prosecution and violation of constitutional rights has been awarded \$550,000 at a jury trial stemming from a decade-old incident involving storm-water runoff.

In 2005, a storm sewer at the home of Harry and Judith Wilner overflowed after a severe storm. The resulting landslide damaged their property and the neighboring Village Hall, according to legal documents. The sewer was owned, operated and maintained by the village, according to legal documents.

The Wilners filed suit in 2007 after appearing in village justice court for multiple summonses issued by the village, which alleged that the couple did not properly install the storm drain and failed to contain the storm water. The Wilners accused the village of conspiring to place blame and “maliciously prosecuting and abusing criminal process” with “baseless criminal charges,” according to documents. Harry Wilner has since died.

The village believed that the Wilners’ failure to have a proper drainage device led to the inability to contain water on their property, said the



Overflow from a storm sewer damaged Roslyn Village Hall in 2005.

village’s attorney, Brian Sokoloff of Carle Place-based Sokoloff Stern.

After being dismissed by Nassau County Supreme Court Justice Dana Winslow in March 2012, the lawsuit then moved to the Appellate Division Second Department.

A jury trial began on June 5 of this year, concluding with the June 7 award of \$550,000 in damages for the nearly yearlong period that the homeowners were prosecuted in village justice court.

The plaintiff’s attorney, E. Christopher Murray of Uniondale-based Ruskin Moscou Faltischek said that he thought “the jury did right.”

Sokoloff said the verdict was not the “end of the line” for the village and that they were “formulating a strategy.”

“This jury verdict is an aberration and it’s erroneous,” Sokoloff said. “We have available to us the opportunity to make post-trial motions and to appeal.”