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In the Matter of the Claim of  
REBECCA WICHES, as Administrator of  
the Estate of DAVID WICHES, deceased,

**NOTICE OF CLAIM**

Claimant,

- against -


THE CITY OF NEW YORK,

Respondent.  
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TO: THE CITY OF NEW YORK  
Corporation Counsel  
100 Church Street  
New York, New York, 10007

**1. Name and post office address for each claimant and claimant's attorneys:**

REBECCA WICHES,  
as Administrator of the Estate of  
DAVID WICHES, deceased  


GAIR, GAIR, CONASON, RUBINOWITZ,  
BLOOM, HERSHENHORN, STEIGMAN &  
MACKAUF  
Attorneys for Claimant  
80 Pine Street  
New York, New York 10005

**2. The Nature of the Claim:**

This claim is for wrongful death of the claimant's decedent, DAVID WICHES, conscious pain and suffering, fear of impending doom and death, and mental anguish, and all other damages allowed by statute and case law as a result of the negligence of the respondent, THE CITY OF NEW YORK.

**3. The time when, the place where and the manner in which the claim arose:**

The claim arose on and prior to February 5, 2016 at or about 8:00 a.m. on Worth Street in the area of 60 Hudson Street, in the City, County, and State of New York, when the claimant's decedent, DAVID WICHES, was a pedestrian, lawfully walking on Worth Street, more particularly, in front of 41 Worth Street, when a Liebherr Crawler Crane (herein after "the subject crane"), which had been used for the construction project located at 60 Hudson Street, New York, New York, toppled over, plummeted down onto Worth Street struck and killed the claimant's decedent. As a result, the claimant's decedent, DAVID WICHES, was caused to suffer conscious pain and suffering, fear of impending doom and



death, mental anguish and severe personal injuries, which, upon information and belief, resulted in his death on February 5, 2016.

The aforesaid occurrence was due to the negligence of the respondent, THE CITY OF NEW YORK, their agents, servants, employees, contractors, and subcontractors in: ownership, operation, management, control, inspection, and maintenance of the construction site, located at or near 60 Hudson Street and the adjacent streets, including Worth Street, in the County, City, and State of New York; failing to properly and appropriately supervise the safety of the construction, demolition, renovation, rehabilitation and/or alteration work performed at the aforesaid premises; failing to properly and appropriately oversee and ensure the safety of the use and operation of the subject crane; failing to know, realize, and consider the weather conditions, including heavy wet snow and high wind, which were forecasted on and prior to February 4, 2016 for the morning of February 5, 2016; failing to warn, instruct, order, and request that the subject crane be secured, lowered, put in rest position, or taken down on February 4, 2016, when the respondents knew or should have known that high wind conditions and heavy wet snow were forecasted for the morning of February 5, 2016; failing to ensure that the subject crane was secured, lowered, put in a rest position, or taken down on February 4, 2016; causing, permitting, and allowing the crane owners and operators to add substantial length to the boom of the crane when the respondents knew or should have known that high winds and heavy wet snow were forecasted for the morning of February 5, 2016; causing, permitting, and allowing a dangerous, hazardous, and unsafe condition to exist at the aforesaid location; certifying that the operation of the subject crane in the weather conditions then and there existing was safe; granting a permit to operate the subject crane in the weather conditions then and there existing; failing to communicate with the general contractor and project manager regarding appropriate operation of the subject crane in light of the anticipated and existing weather conditions; failing to timely, properly, and appropriately instruct those who maintained and operated the subject crane with regard to its operation in the weather conditions then and there existing; causing, permitting, and allowing the unsafe, hazardous, and dangerous operation of the subject crane; failing to timely, properly, and appropriately warn the public; failing to shut down Worth Street in the County, City, and State of New York; failing to timely, properly, and appropriately close any and all pedestrian and motor vehicle traffic on Worth Street; causing, permitting, and allowing pedestrian and motor vehicle traffic on Worth Street, when the respondents knew or should have known that the subject crane would cause an imminent danger in the high wind and heavy wet snow conditions then and there existing; failing to consider



public safety in the circumstances then and there existing; failing to protect those lawfully upon Worth Street, including the claimant's decedent; failing to properly and appropriately train and instruct their personnel; failing to provide the proper and necessary permits; failing to exercise due care; failing to heed complaints, which placed the respondents on actual and constructive notice of the danger presented by their misconduct; failing to resuscitate the claimant's decedent; in failing to provide adequate emergency medical care at the scene of the incident; and in failing to properly and appropriately follow and comply with the applicable codes, rules, regulations, and statutes.

**4. The items of damage or injuries claimed are:**

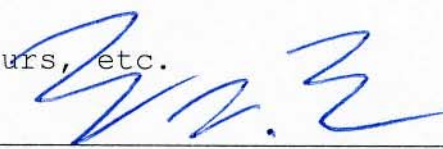
Claimant's decedent, DAVID WICHS, sustained severe personal injuries which resulted in his death on February 5, 2016. The claim is for conscious pain and suffering, wrongful death, economic damages, and all other damages to which claimant is entitled to by case law and statute.

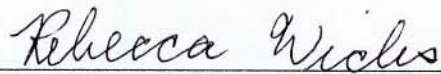
The undersigned claimant therefore presents this claim for adjustment and payment. You are hereby notified that unless it is adjusted and paid within the time provided by law from the date of presentation to you, the claimant intends to commence an action on this claim.

That by reason of all of the foregoing, claims are made for the total sum of \$600,000,000, comprising of the sum of \$550,000,000 for the wrongful death cause of action, \$25,000,000 for the conscious pain and suffering cause of action, and \$25,000,000 for the loss of services cause of action, together with interests, costs, and disbursements.

Dated: New York, New York  
April 27, 2016

Yours, etc.

  
HOWARD S. HERSHENHORN, ESQ.  
GAIR, GAIR, CONASON,  
RUBINOWITZ, BLOOM,  
HERSHENHORN, STEIGMAN &  
MACKAUF  
80 Pine Street  
New York, New York 10005

  
REBECCA WICHS, as Administrator of  
the Estate of DAVID WICHS, dec'd

