



Elderly man's \$60M Citi Bike suit allowed to move forward

By [Julia Marsh](#)

An elderly man who rode his Citi Bike without a helmet and then crashed and landed on his head can sue the city — because it didn't force him to wear the protective gear, an appeals court ruled Thursday. A lower court had tossed Ronald Corwin's claim as nonsense last year, but in a decision that could have national ramifications — and open the door to a deluge of lawsuits against the city — three of five appeals court jurists reinstated the case.

The Manhattan appellate-court judges agreed with Corwin's argument that the city "can't have it both ways. They can't say, '[He] didn't have a helmet,' thus blaming him for his injuries, but at the same time say, 'We don't provide helmets because we know our city bike-share program is not going to work if we have a helmet law.'" Corwin, 75, says he lost his sense of taste and smell in the 2013 crash when he hit a concrete wheel stop on the East Side and landed on his head without a helmet. He is suing for \$60 million. Helmets are only required on riders under age 12, although Citi Bike does offer them for rental out of a few locations. When the issue was being argued under the Bloomberg administration, one of his spokesmen, John McCarthy, said enforcing helmet use would be impractical.

Attorney **Daniel Flanzig**, who specializes in lawsuits involving cyclists, said the ruling could have widespread ramifications. *"Any [company that] rents a bike in New York is going to have to make sure that they make helmets available to the riders or they could be sued on that theory alone," Flanzig said.*

The ruling *"solidifies any claim against any bike rental company that does not make helmets available to rider,"* he explained. *"It's always a good idea both legally and practically to make helmets available to riders," Flanzig said.*