

NY Man Who Lost Leg in Crucifix Mishap Sues Church

David Jimenez was so elated over his wife's recovery from cancer that he offered to clean the large crucifix outside the Hudson Valley, N.Y., church where he spent many hours **praying** for her to beat the disease. On Memorial Day 2010, he was scrubbing grime off the cross when the 600-pound marble statuary toppled over, crushing his right leg.

The then-43-year-old immigrant from Mexico was flown to Westchester Medical Center, where doctors had to amputate his injured leg. He's suing the Roman Catholic church where he was hurt, and early next year his \$3 million lawsuit is scheduled to go to trial.

"He attributed her recovery to his devotion to the cross and Christ hearing his **prayers**," Jimenez's lawyer, Kevin Kitson of White Plains, told The Associated Press.

Kitson said he filed the lawsuit in March 2011 after the church denied it was liable for the accident that resulted in six-figure medical bills for Jimenez. The bills were paid by charitable foundations, Kitson said.

The lawsuit is scheduled to go to trial in state Supreme Court in Orange County in January, Kitson said.

The attorney described David and Delia Jimenez as devout **Catholics** who immigrated to the United States from Mexico nearly 20 years ago. They have three children, ages 3, 13 and 17, Kitson said.

During delivery jobs for a bakery and a pizzeria, David would pull into the parking lot at St. Patrick's Church in the city of Newburgh, N.Y., to pray before the outdoor crucifix for his wife, who was diagnosed with ovarian cancer in 2008. When she

was deemed cancer-free two years later, the grateful David received permission from church officials to remove trash from the area around the crucifix, and to clean the crucifix itself, Kitson said.

On May 30, 2010, Jimenez was standing on the crucifix's base, using rags and soapy water to clean Christ's face. While holding onto the cross beam for balance, the whole crucifix snapped off at its base, sending Jimenez crashing to the ground, Kitson said. Pieces of the crucifix broke off, but the bulk of it landed on Jimenez's right leg, crushing it.

Kitson said only a single screw was holding the heavy crucifix to its base.

"There was no anchoring system, just that one screw," he said.

The church raised more than \$7,000 for Jimenez and his family, but Kitson said his client has been unable to work since the accident.

Frank Raia of Rikin Radler, the New York law firm representing the church, wouldn't discuss specifics of the case. The church is part of the Archdiocese of New York, which isn't named as a defendant in the lawsuit, Raia said.

"Although the archdiocese and St. Patrick's Church recognize and understand this was a terrible accident and they have empathy for Mr. Jimenez and his family, it's our position that of the diocese and St. Patrick's Church are not liable for the accident."

There was no immediate response Wednesday from Kitson's law firm to a request for an interview with Jimenez.

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