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Top real estate firms charged in wrongful-death lawsuit after accident at Midtown church

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St. Peter's Church

Developer BXP, commercial broker CBRE and Otis Elevator have been charged with negligence after an elevator accident outside a church cost a senior citizen her life, according to a lawsuit filed this week in New York State Supreme Court.

Last December, Antoinette “Toni” Cohen was riding the platform lift so she could bypass the stairs to St. Peter’s Church at the corner of Lexington Avenue and East 54th Street. [The suit](#) says she fell backwards when the elevator’s latch failed and the door opened. Cohen died of her injuries the same day. She was 88 years old, according to her obituary.

This week Cohen’s daughter Victoria accused the church and its contractors of failing to correct “recurrent” problems with the elevator. She sued BXP and CBRE, which manage the church property, as well as Otis Worldwide Corp. and the church itself.

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Otis said “it would not be appropriate for us to comment.” Emails and calls to BXP and CBRE public relations staff weren’t returned by press time. Calls to St. Peter’s Church and Cohen’s attorney, Marc Bengualid, weren’t returned.

BXP is a nationwide developer poised to start construction of a \$2 billion office tower next to Grand Central Terminal at 343 Madison Ave. CBRE is a global real estate advisor with a \$40 billion stock market capitalization. Connecticut-based Otis had \$14 billion in revenue last year.

Victoria Cohen wants the defendants to cover her mother’s funeral expenses and pay “any and all other damages” permitted under the state’s wrongful-death law. She also seeks compensation for mental and emotional anguish, even though under state law she’s not eligible for such damages. That could soon change, though.

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At the moment, in New York damages in wrongful death cases are limited to “the economic or pecuniary losses of the survivors resulting from the death, the medical and funeral costs related to the final injury or illness, and the value of parental guidance, nurturing, and care for surviving children,” said Eric Andrew, a partner at law firm Hurwitz Fine and expert on the state statute.

New York’s law is one of the most restrictive in the nation, Andrew said. He added family members can seek damages if the deceased suffered sustained conscious pain and suffering prior to passing.



Elevator at St. Peter's Church

Buck Ennis

Victoria Cohen’s lawsuit hints that her mother’s death wasn’t instant. The suit reads that Toni Cohen “sustained severe and permanent injuries, which injuries progressed in their nature until her death on December 13, 2024.”

In each of the past three years the state Legislature has passed a bill, the New York Grieving Families Act, that would grant families the right to seek damages for emotional suffering in wrongful death cases. Gov. Kathy Hochul has vetoed the bill every time. Hochul called the legislation “well-intentioned” but said it “may risk the financial well-being of our healthcare system” by driving up insurance costs.

Another version of the bill was approved by the state Assembly and state Senate recently and awaits the governor’s signature, or another veto. A spokeswoman said Hochul will review the legislation.

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