



NEW JERSEY

JURY VERDICT

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FEATURED CASES

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A monthly review of New Jersey State and Federal Civil Jury Verdicts.

The New Jersey cases herein are obtained from an ongoing monthly survey of the State and Federal courts in the State of New Jersey.

- \$724,873 VERDICT** – Premises liability – Fall down – Plaintiff trips and falls over materials left on floor at defendant drug store – Back pain – Right hand injury – Right shoulder injury – Surgery required 2
- \$600,000 VERDICT** – Motor vehicle negligence – Rear end collision – Plaintiff’s vehicle struck in rear by defendant’s vehicle while stopped in traffic – Cervical disc herniation – Lumbar disc herniation – Lumbar disc bulge – 1 cervical and 2 lumbar epidural injections – 3-level anterior cervical discectomy and fusion – Micro-lumbar discectomy. 2
- \$290,000 VERDICT** – Motor vehicle negligence – Intersection collision – Plaintiff passenger injured when host vehicle struck by defendant’s vehicle after defendant disregards stop sign – Head injury – Low grade tear of ulnar collateral ligament of right hand – Surgery required 3
- \$300,000 ARBITRATION AWARD** – Motor vehicle negligence – Auto/bicycle collision – Plaintiff bicyclist struck by defendant’s vehicle making right turn – Traumatic brain injury – Concussion – Cervical and lumbar sprain/strain – Right knee sprain/strain – Right hand and thumb sprain/strain – Right hip contusion 4
- \$250,000 SETTLEMENT** – Lead poisoning – Minor plaintiff exposed to lead paint in apartment family rented from defendant property owner – Physical and psychological damages – Lifelong limits to cognitive development; educational limitations – Depression and emotional distress to infant plaintiff and plaintiff mother. 4

VERDICTS BY CATEGORY

<p>Dog Attack 6</p> <p>Motor Vehicle Negligence</p> <ul style="list-style-type: none"> Auto/Bicycle Collision 6 Driveway Exit Collision 7 Head-on Collision 7 Intersection Collision. 8 Lane Change Collision 10 Left Turn Collision 10 Multiple Vehicle Collision 11 	<ul style="list-style-type: none"> Parked Car Collision 13 Rear End Collision 13 Sideswipe Collision 15 Taxi Negligence 16 <p>Premises Liability</p> <ul style="list-style-type: none"> Fall Down 16 <p>Sports & Recreation 18</p> <p>Transit Authority Liability 18</p> <p>Supplemental Verdict Digest 19</p>
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FEATURED CASES

\$724,873 VERDICT – PREMISES LIABILITY – FALL DOWN – PLAINTIFF TRIPS AND FALLS OVER MATERIALS LEFT ON FLOOR AT DEFENDANT DRUG STORE – BACK PAIN – RIGHT HAND INJURY – RIGHT SHOULDER INJURY – SURGERY REQUIRED.

Burlington County, NJ

In this premises liability action, the plaintiff was a lawful visitor and business invitee at the defendant drug store, located on the premises of 217 Sunset Road in Willingboro New Jersey. At this time, the plaintiff was traversing the aisles inside the store. At the time of the incident, the plaintiff encountered a pile of materials left on the floor, including a tablecloth and several pieces of cardboard. The plaintiff did not immediately see these materials on the floor and tripped over them, causing her to fall and become injured. The defendants generally denied all allegations of negligence.

The plaintiff maintained that the defendants were negligent in failing to maintain safe and adequate conditions on the premises, failing to remove a tablecloth and cardboard from the floor, failing to inspect the premises, failing to clean the premises, failing to warn of a tripping hazard, failing to remove or otherwise rectify a tripping hazard on the premises, failing

to prevent hazardous or unsafe conditions on the premises, failing to provide safe passage inside the store, and failing to regard for the health and safety of visitors and business invitees on the premises including the plaintiff. Consequently, the plaintiff sustained injuries, including back pain and back injury, right hand injury, and right shoulder injury. The plaintiff's injuries required surgery to repair, including a carpal tunnel release procedure, as well as surgery on her right shoulder.

The jury found in favor of the plaintiff and awarded \$724,872.82.

REFERENCE

Jones Lavant vs. Rite Aid. Docket no. L001965-18; Judge Aimee R. Belgard, 09-25-23.

Attorney for plaintiff: John Hanahan of Rosenbaum & Associates, P.C. in Cherry Hill, NJ. Attorney for defendant: Daniel S. Jahnsen of Dorf, Nelson, & Zauderer in Red Bank, NJ.

\$600,000 VERDICT – MOTOR VEHICLE NEGLIGENCE – REAR END COLLISION – PLAINTIFF'S VEHICLE STRUCK IN REAR BY DEFENDANT'S VEHICLE WHILE STOPPED IN TRAFFIC – CERVICAL DISC HERNIATION – LUMBAR DISC HERNIATION – LUMBAR DISC BULGE – 1 CERVICAL AND 2 LUMBAR EPIDURAL INJECTIONS – 3-LEVEL ANTERIOR CERVICAL DISCECTOMY AND FUSION – MICRO-LUMBAR DISCECTOMY.

Union County, NJ

In this motor vehicle negligence action, the plaintiff's vehicle was struck in the rear by the defendant's vehicle while stopped in traffic, causing the plaintiff passenger to become injured. The defendant generally denied all allegations of negligence.

On September 16, 2019, the plaintiff's vehicle was traveling westbound on East 7th Street, at or near its intersection with Watchung Avenue in Plainfield, New Jersey. At this time, the defendant was operating a large commercial vehicle on East 7th Street, directly behind the plaintiff's vehicle. At the time of the incident, the plaintiff's vehicle was stopped in heavy traffic. While the plaintiff's vehicle was stopped, it was suddenly struck in the rear by the defendant's commercial vehicle.

The plaintiffs maintained that the defendant was negligent in failing to keep a proper lookout, failing to exercise due care, failing to maintain a safe distance from other vehicles, failing to safely and properly maneuver a commercial vehicle, failing to remain adequately attentive, failing to obey traffic conditions, failing to obey traffic signals, failing to observe the plaintiff's stationary vehicle, failing to operate the vehicle at a reasonable rate of speed, failing to slow or stop, and failing to avoid striking the plaintiff's vehicle. Consequently, the plaintiff passenger sustained injuries, including cervical disc herniations, lumbar disc herniations, and lumbar disc bulge, which required 1 cervical injection and 2 lumbar epidural injections. The plaintiff ultimately underwent a 3-level anterior cervical discectomy and fusion, as well as a micro-lumbar discectomy.

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The jury found in favor of the plaintiff and awarded \$600,000.

REFERENCE

Ortiz Ramiro, Alvarez-Contreras Dora vs. Menjivar-Hernandez Carlos. Docket no. L001481-20; Judge Mark P. Ciarrocca, 09-02-23.

Attorney for plaintiff: Patrick Mangan of Bramnick Rodriguez Grabas Arnold & Mangan, LLC in Scotch Plains, NJ. Attorney for defendant: John Joseph Kapp of State Farm Insurance.

COMMENTARY

Following the accident in this case, the plaintiff passenger received extensive medical and surgical treatment for her back injuries. The plaintiff passenger's neck and back pain did not resolve following the epidural injections she received, requiring her to undergo a 3-level anterior cervical discectomy and fusion, as well as a micro-lumbar discectomy. These procedures seemed to alleviate the plaintiff passenger's neck pain, but her lower back pain still persisted for several months. As a result, the plaintiff was required to undergo yet another surgery, in the form of a full lumbar discectomy. The verdict amount in this case was likely determined by the severity of the plaintiff passenger's injuries, as well as her prolonged need for medical and surgical care.

\$290,000 VERDICT – MOTOR VEHICLE NEGLIGENCE – INTERSECTION COLLISION – PLAINTIFF PASSENGER INJURED WHEN HOST VEHICLE STRUCK BY DEFENDANT'S VEHICLE AFTER DEFENDANT DISREGARDS STOP SIGN – HEAD INJURY – LOW GRADE TEAR OF ULNAR COLLATERAL LIGAMENT OF RIGHT HAND – SURGERY REQUIRED.

Union County, NJ

In this motor vehicle negligence action, the plaintiff passenger was injured when the host vehicle was struck by the defendant's vehicle after the defendant driver disregarded a stop sign. The defendant generally denied all allegations of negligence.

On September 1, 2019, the plaintiff was a restrained, front seat passenger in the host vehicle, which was traveling westbound on Benson Place toward its intersection with Coolidge Street in Westfield, New Jersey. At the same time, the defendant's vehicle was traveling southbound on Coolidge Street toward the same intersection, which was controlled by a 4-way stop sign. After stopping, the host vehicle attempted to proceed straight through the subject intersection on Benson Place. While the host vehicle was proceeding, it was suddenly struck by the defendant's vehicle which did not slow or stop for its own designated stop sign. The plaintiff passenger became injured as a result of the collision.

The plaintiffs maintained that the defendant was negligent in failing to keep a proper lookout, failing to exercise due care, failing to obey a stop sign, failing to obey traffic signals, failing to observe traffic conditions, failing to observe the host vehicle, failing to remain adequately attentive, failing to yield, failing to operate the vehicle at a reasonable rate of speed, failing to apply the brakes in a timely manner, failing to slow or stop, and failing to avoid striking the plaintiff's vehicle. Consequently, the plaintiff passenger sustained injuries, including head injury, as well as a low grade tear of the ulnar collateral ligament of the right hand, which required a ligament repair surgery with the placement of an anchor.

The jury found in favor of the plaintiff and awarded \$290,000.

REFERENCE

Layden Nichole vs. Khedekar Darshan. Docket no. L003109-21; Judge Daniel R. Lindemann, 10-14-23.

Attorney for plaintiff: Kathleen T. Dilts, Esq. of Law Office of Craig M. Rothenberg in Clinton, NJ.
Attorney for defendant: Jeffrey D. Noonan of Pomeroy, Heller & Ley, LLC in New Providence, NJ.

COMMENTARY

Following her surgery, the plaintiff passenger's right hand and wrist pain persisted. While any instability was resolved, the plaintiff still complained of severe discomfort while trying to perform tasks for her employment as a teacher. An expert physician testified that the plain-

tiff's pain was "unusual," and that her right thumb was likely permanently impaired. The expert physician went on to say that "it is reasonable to conclude that she may not regain completely normal function given this injury and surgery may alter normal kinematics of the thumb." Unable to seek further surgical intervention, the plaintiff's right hand remains only partly functional. The settlement amount in this case was likely determined by the severity and permanence of the plaintiff passenger's injuries.

\$300,000 ARBITRATION AWARD – MOTOR VEHICLE NEGLIGENCE – AUTO/BICYCLE COLLISION – PLAINTIFF BICYCLIST STRUCK BY DEFENDANT'S VEHICLE MAKING RIGHT TURN – TRAUMATIC BRAIN INJURY – CONCUSSION – CERVICAL AND LUMBAR SPRAIN/STRAIN – RIGHT KNEE SPRAIN/STRAIN – RIGHT HAND AND THUMB SPRAIN/STRAIN – RIGHT HIP CONTUSION.

Camden County, NJ

In this motor vehicle negligence action, the plaintiff bicyclist was struck by the defendant's vehicle making a right turn into a parking lot, causing the plaintiff to fall and become injured. The defendant generally denied all allegations of negligence.

On March 27, 2021, the plaintiff was riding his bicycle eastbound on the shoulder of North Park Drive in Pennsauken Township, New Jersey. At the same time, the defendant's vehicle was traveling eastbound on North Park Drive, alongside the plaintiff bicyclist. At the time of the incident, the defendant's vehicle attempted to make a right turn into a parking lot at 7050 North Park Drive. As the defendant's vehicle turned into the lot, it struck the plaintiff bicyclist in the shoulder.

The plaintiff maintained that the defendant was negligent in failing to keep a proper lookout, failing to exercise due care, failing to observe the plaintiff bicyclist, failing to wait for clearance before turning, failing to yield, failing to remain adequately attentive, failing to obey traffic conditions, failing to safely and properly execute a right turn, failing to operate the vehicle at a reasonable rate of speed, failing to apply the brakes in a timely manner, failing to slow or

stop, and failing to avoid striking the plaintiff bicyclist. Consequently, the plaintiff sustained injuries, including traumatic brain injury, concussion, cervical and lumbar sprain/strain, right knee sprain/strain, right hand and thumb sprain/strain, and right hip contusion.

The arbitrators found in favor of the plaintiff and reported an award for \$300,000.

REFERENCE

Basewitz Alan vs. Herter Dana. Docket no. L002995-22; Judge Judith S. Charny, 02-10-24.

Attorney for plaintiff: Daniel C. Linn of Aversa & Linn in Philadelphia, PA. **Attorney for defendant:** Jeffrey Czuba of Hoagland, Longo, Moran, Dunst & Doukas, LLP in New Brunswick, NJ.

COMMENTARY

Following the accident in this case, the plaintiff began to display symptoms of cognitive and/or neurological impairment as well as continuous head and neck pain as a result of his concussion. Due to these persistent symptoms, the plaintiff was deemed unfit to return to work by a physician. The plaintiff allegedly left work in 2022 due to injuries from the above accident, and as of January 2, 2024, was still experiencing neurological as well as physiological concussion symptoms severe enough to prevent him from returning to his employment. The award amount in this case was likely determined by the severity and prolonged nature of the plaintiff bicyclist's injuries.

\$250,000 SETTLEMENT – LEAD POISONING – MINOR PLAINTIFF EXPOSED TO LEAD PAINT IN APARTMENT FAMILY RENTED FROM DEFENDANT PROPERTY OWNER – PHYSICAL AND PSYCHOLOGICAL DAMAGES – LIFELONG LIMITS TO COGNITIVE DEVELOPMENT; EDUCATIONAL LIMITATIONS – DEPRESSION AND EMOTIONAL DISTRESS TO INFANT PLAINTIFF AND PLAINTIFF MOTHER.

Essex County, NJ

In this lead poisoning case, the infant plaintiff asserted that the defendant property owner/landlord allowed lead paint to exist where residents could be exposed to it and that the plaintiff was exposed to lead paint on the premises, causing significant, permanent injury. The defendants denied negligence, whether by act

of commission or omission, which was a proximate cause of the alleged accident, and injuries and damages of which the plaintiff complained.

From February 2012 through approximately June 2016, the minor plaintiff and her family were lawful tenants on the defendant's property located at 90 Second Avenue, Apartment 3 in Newark, a multiple-

unit dwelling. The plaintiff contended that the defendant negligently, carelessly and recklessly maintained, owned, operated, controlled, supervised, repaired and inspected the subject premises so as to cause and create a hazardous and dangerous condition to exist such that the infant plaintiff was caused to ingest paint with lead content. The plaintiff alleged that the ingestion of lead resulted in permanent injuries. The plaintiff presented the certification of an expert psychologist who opined that the plaintiff will require special education services throughout her education and will be unable to achieve her cognitive potential due to her low verbal functioning and peoples with speech and attention, caused in large part by lead poisoning.

The plaintiff exhibited a history of clinically significant levels of lead poisoning. As a result of the lead paint exposure, the plaintiff claimed physiological and psychological injury to the infant plaintiff; depression and emotional distress to the infant and plaintiff mother; absence from school; lost wages by the plaintiff mother due to her need to care for the infant plaintiff; medications related to the infant plaintiff's lead paint exposure; infant plaintiff's delayed academic development; and the need for speech therapy for the infant plaintiff.

The defendants argued that they acted reasonably and in accordance with all applicable legal standards and that the defendants' conduct was not the cause in fact or proximate cause of the plaintiff's contended injuries or damages. The defendants also argued that the plaintiff's damages were not related to the presence of lead paint on the property but rather were due to other causes.

The parties settled the matter prior to trial in the amount of \$250,000 broken down as follows: \$56,068 in attorney fees; \$17,793 in costs and disbursements; \$6,793 in medical liens; \$7,936 for services of Guardian Ad Litem; and \$161,411 in net damages to the minor plaintiff.

REFERENCE

Boyd vs. 320 Mt. Prospect Limited Company, et al. Docket no. L-002471-18; Judge Cynthia Santomauro, 02-16-24.

AttorneyS for plaintiff: Paul A. O'Connor, III and Debra D. Tedesco of O'Connor, Parsons, Lane & Noble, LLC in Springfield, NJ. Attorney for defendant: Abbie Eliasberg Fuchs of Harris Beach, PLLC in Newark, NJ. Attorneys for defendant: Joshua L. Milrad and David J. Coppola of Goldberg Segalla, LLP in Hartford, CT.

Verdicts By Category

DOG ATTACK

\$17,500 ARBITRATION AWARD

Dog attack – Plaintiff bitten by dog while visiting defendant real estate company – Injuries to left wrist and left thigh – Left leg pain and numbness.

Atlantic County, NJ

In this action, the plaintiff was bitten by a dog, causing her to become injured, while lawfully visiting the defendant real estate company. The defendants generally denied all allegations of negligence.

On February 11, 2019, the plaintiff was a lawful visitor and business invitee at the defendant real estate company, located on the premises of 58 White Horse Pike in Waterford Works, New Jersey. At this time, the plaintiff was visiting the office to make her monthly rent payment. While the plaintiff was in the defendants' office, she was approached by a large dog, possibly a Rottweiler, which belonged to one of the real estate workers. Unprovoked, the dog suddenly began to attack and bite the plaintiff.

The plaintiff maintained that the defendants were negligent in failing to leash the dog, failing to train the dog, failing to keep the dog away from strangers, failing to warn of the dog's violent tendencies, failing to warn of a dog on the premises, failing to prevent the dog from attacking, in negligently allowing a violent dog to visit and remain on the premises, in failing to muzzle the dog, failing to intervene while the dog was attacking, and failing to regard for the health and safety of visitors on the premises, including the plaintiff. Consequently, the plaintiff sustained injuries, including a dog bite injury to the left wrist, dog bite injuries to the left thigh, left leg pain, and tingling and numbness of the left leg.

The arbitrators found in favor of the plaintiff and reported an award for \$17,500.

REFERENCE

Lucas Monica vs. Mattison Raymond. Docket no. L000442-21; Judge John C. Porto, 03-13-24.

Attorney for plaintiff: Thomas C. Rossell, Esquire of Law Office of Thomas C. Rossell in Northfield, NJ.

MOTOR VEHICLE NEGLIGENCE

Auto/Bicycle Collision

\$185,000 ARBITRATION AWARD

Motor vehicle negligence – Auto/bicycle collision – Plaintiff bicyclist struck while riding on side of highway – Post-traumatic stress disorder – Neck, bilateral shoulder Lower back injury.

Burlington County, NJ

In this motor vehicle negligence action, the plaintiff bicyclist was struck by the defendant's vehicle while riding his bicycle along the side of a highway, causing the plaintiff to become injured. The defendant generally denied all allegations of negligence.

On July 3, 2019, the plaintiff bicyclist was riding his bicycle southbound along the shoulder on n Route 73, at or near the ramp exit for Route 70 in Evesham, New Jersey. At the same time, the defendant's vehicle was traveling southbound on Route 73, also near the exit ramp for Route 70. At the time of the incident, the plaintiff bicyclist signaled his intention to

cross over the ramp exit lane to continue Southbound on Route 73. As he was crossing over the lane, the plaintiff bicyclist was suddenly struck by the defendant's vehicle.

The plaintiff maintained that the defendant was negligent in failing to keep a proper lookout, failing to exercise due care, failing to observe the plaintiff bicyclist, failing to remain adequately attentive, failing to obey traffic conditions, failing to maintain a safe distance from the plaintiff bicyclist, failing to yield, failing to keep out of the shoulder, failing to operate the vehicle at a reasonable rate of speed, failing to apply the brakes in a timely manner, failing to slow or stop, and failing to avoid striking the plaintiff bicyclist. Consequently, the plaintiff sustained injuries, including neck injury, bilateral shoulder injury, and lower back injury.

The arbitrators found in favor of the plaintiff and awarded \$185,000.

REFERENCE

Dawkins Harvey vs. Smith Katherine. Docket no. L001440-21; Judge Eric G. Fikry, 02-23-24.

Attorney for plaintiff: Thomas J. Gosse of Thomas J. Gossé, Esquire in Haddon Heights, NJ.

Driveway Exit Collision

\$30,000 ARBITRATION AWARD

Motor vehicle negligence – Driveway exit collision – Plaintiff’s vehicle struck by defendant backing out of driveway – Disc bulges at C3/4 and C5/6 – Disc bulges at L4/5 – Neck pain – Back pain.

Bergen County, NJ

In this motor vehicle negligence action, the plaintiff’s vehicle was struck by the defendant’s vehicle backing out of a driveway, causing the plaintiff to become injured. The defendant generally denied all allegations of negligence.

On June 5, 2018, the plaintiff’s vehicle was traveling on Route 46 West in Village of Ridgefield Park in Bergen County, New Jersey. At this time, the defendant’s vehicle was attempting to back out of a driveway on Route 46 West and merge into traffic. The defendant’s vehicle attempted to back out of the subject driveway just as the plaintiff’s vehicle was passing by. At the time of the incident, the defendant’s vehicle struck the plaintiff’s vehicle.

The plaintiff maintained that the defendant was negligent in failing to keep a proper lookout, failing to exercise due care, failing to observe the plaintiff’s

vehicle, failing to observe traffic conditions, failing to wait for clearance before backing out of a driveway, failing to yield, failing to remain adequately attentive, failing to operate the vehicle at a reasonable rate of speed, failing to apply the brakes in a timely manner, failing to slow or stop, and failing to avoid causing a collision with the plaintiff’s vehicle. Consequently, the plaintiff sustained injuries, including disc bulges at C3/4 and C5/6, disc bulges at L4/5, neck pain, and back pain.

The arbitrators found in favor of the plaintiff and reported an award for \$30,000.

REFERENCE

Kim Min vs. Grater Kathleen. Docket no. L002921-20; Judge David V. Nasta, 02-15-24.

Attorney for plaintiff: Elise Cece of Jae Lee Law, P.C. in Fort Lee, NJ. Attorney for defendant: Steven Howard Daniels of Schenck Price Smith & King, LLP in Florham Park, NJ.

Head-on Collision

\$150,000 ARBITRATION AWARD

Motor vehicle negligence – Head-on collision – Negligence in driving while under influence of alcohol – Cervical disc herniations and disc bulge – Lumbar disc herniations.

Bergen County, NJ

In this motor vehicle negligence action, the plaintiff’s vehicle was struck head-on by the defendant’s vehicle, which entered the wrong lane of traffic, causing the plaintiff to become injured. The defendants generally denied all allegations of negligence.

On September 6, 2019, the plaintiff’s vehicle was traveling eastbound on Lake Street in Ramsey, New Jersey. At the same time, the defendant’s vehicle was traveling westbound on Lake Street, toward the plaintiff’s location. At this time, the defendant driver had recently left the defendant bar/restaurant, and was operating her vehicle under the influence of alcohol. At the time of the incident, the defendant’s vehicle crossed over the center line on Lake Street and en-

tered the opposite travel lane as the plaintiff’s vehicle was approaching. The defendant’s vehicle then struck the plaintiff’s vehicle head-on.

The plaintiff maintained that the defendant driver was negligent in failing to keep a proper lookout, failing to exercise due care, in negligently operating a vehicle while under the influence of alcohol, in failing to keep the vehicle under proper and adequate control, failing to remain in the correct lane of travel, failing to obey traffic conditions, failing to remain adequately attentive, failing to operate the vehicle at a reasonable rate of speed, failing to apply the brakes in a timely manner, failing to slow or stop, and failing to avoid striking the plaintiff’s vehicle. The plaintiff also maintained that the defendant bar/restaurant was negligent in over serving the visibly intoxicated defendant driver. Consequently, the plaintiff sustained injuries, including cervical disc herniations and disc bulge, as well as lumbar disc herniations.

The arbitrators found in favor of the plaintiff and reported an award for \$150,000.

REFERENCE

Sucharski vs. Lombardi Ann, JKL Corp 5. Docket no. L005397-21; Judge Peter G. Geiger, 02-24-24.

Attorney for plaintiff: Sheri A. Breen of Law Offices Rosemarie Arnold in Fort Lee, NJ. Attorney for defendant: Thomas Anthony Morrone of Chasan Lamparello Mallon & Cappuzzo, PC in Secaucus, NJ.

Intersection Collision

■ \$140,000 VERDICT

Motor vehicle negligence – Intersection collision – Plaintiff’s vehicle struck by defendant’s vehicle when defendant fails to stop at red light – Left carpal tunnel syndrome – Neck pain – Back pain – Surgery required.

Sussex County, NJ

In this motor vehicle negligence action, the plaintiff’s vehicle was struck by the defendant’s vehicle in an intersection, when the defendant failed to stop at a red light, causing the plaintiff to become injured. The defendant generally denied all allegations of negligence.

On November 6, 2019, the plaintiff’s vehicle was traveling on Route 206, at or near its intersection with Greendale Road in Andover, New Jersey. At this time, the plaintiff’s vehicle was stopped at the subject intersection for a red traffic light. At the same time, the defendant’s vehicle was traveling on Greendale Road, toward the same intersection. At the time of the incident, the plaintiff’s light turned green, and she began to proceed forward. As the plaintiff’s vehicle was proceeding through the intersection, the defen-

nant’s vehicle failed to stop at the red light in its favor. The defendant’s vehicle then struck the plaintiff’s vehicle.

The plaintiff maintained that the defendant was negligent in failing to keep a proper lookout, failing to exercise due care, failing to obey traffic signals, failing to obey a red light, failing to observe traffic conditions, failing to observe the plaintiff’s vehicle, failing to remain adequately attentive, failing to operate the vehicle at a reasonable rate of speed, failing to apply the brakes in a timely manner, failing to slow or stop, and failing to avoid striking the plaintiff’s vehicle. Consequently, the plaintiff sustained injuries, including left carpal tunnel syndrome, which required surgery to repair. Additionally, the plaintiff also sustained neck and back pain.

The jury found in favor of the plaintiff and awarded \$140,000.

REFERENCE

Pereira Tiffanie vs. Rossi Eric. Docket no. L000503-19; Judge William J. McGovern, 07-22-23.

Attorney for plaintiff: Paul G. Hunczak of Morris, Downing, & Sherred, LLP in Newton, NJ.

■ \$60,000 VERDICT

Motor vehicle negligence – Intersection collision – Plaintiff’s vehicle struck in rear driver’s side after defendant’s vehicle fails to stop at stop sign – Lumbar radiculopathy – Cervical disc herniations.

Essex County, NJ

In this motor vehicle negligence action, the plaintiff’s vehicle was struck in the rear driver’s side after the defendant’s vehicle failed to stop at a stop sign, causing the plaintiff to become injured. The defendant generally denied all allegations of negligence.

On July 17, 2017, the plaintiff’s vehicle was traveling northbound on Magazine Street, at or near its intersection with George Street in Newark, New Jersey. At this time, the defendant’s vehicle was also traveling toward the same intersection in an eastbound direction on George Street. The subject intersection was controlled by four-way stop signs. At the time of the incident, the plaintiff’s vehicle and the defendant’s vehicle pulled up to the intersection at roughly the same time. The plaintiff briefly stopped for her stop sign and then began to proceed straight through the intersection. The defendant, however, ignored his

designated stop sign and also proceeded into the intersection, striking the plaintiff’s vehicle in the rear driver’s side.

The plaintiff maintained that the defendant was negligent in failing to keep a proper lookout, failing to exercise due care, failing to obey a stop sign, failing to observe traffic conditions, failing to yield, failing to wait, failing to observe the plaintiff’s vehicle, failing to operate the vehicle at a reasonable rate of speed, failing to apply the brakes in a timely manner, failing to slow or stop, and failing to avoid striking the plaintiff’s vehicle. Consequently, the plaintiff sustained injuries, including lumbar disc herniations, lumbar radiculopathy, and cervical disc herniations.

The jury found in favor of the plaintiff and awarded \$60,000.

REFERENCE

Strothers Shara vs. Pereira E. Vantuir Jorge. Docket no. L004167-19; Judge Grace L. Spencer, 05-01-23.

Attorney for plaintiff: Nicholas M. Torres of Nicholas M. Torres, Esq. in West New York, NJ.

\$50,000 VERDICT

Motor vehicle negligence – Intersection collision – Defendant fails to stop at stop sign and enters intersection without right-of-way, colliding with plaintiff's vehicle – Disc herniations at C5-6 and L4-5; disc bulges/protrusions – 2 cervical branch blocks and rhizotomy to cervical spine.

Gloucester County, NJ

In this motor vehicle negligence case, the plaintiff, a 31-year-old, asserted that the defendant driver struck the plaintiff's vehicle in an intersection with such force that it caused significant, permanent injury. The defendant denied negligence and contested the plaintiff's damages.

On October 21, 2018, the plaintiff was at a complete stop at the intersection of Walnut Street and Winslow Road in Monroe before lawfully proceeding eastbound on Winslow Road. The defendant was traveling eastbound on Winslow Road at the intersection with Walnut Street and failed to stop at the stop sign controlling the intersection. The plaintiff contended that the defendant negligently failed to make proper observations, drive at a reasonable rate of speed, and obey traffic controls, causing a collision between the vehicles in the intersection. The plaintiff alleged that the force of the impact resulted in permanent injuries.

As a result of the collision, the plaintiff sustained disc herniations at C5-6 and L4-5; and three disc bulges/protrusions. The plaintiff treated with two cervical

branch blocks and rhizotomy to cervical spine. The plaintiff had also been recommended for branch blocks and rhizotomy of the lumbar spine but had not yet had the procedures at the time of trial.

The defendant maintained that the plaintiff could see the defendant entering the intersection and failed to wait for the defendant to clear the intersection before proceeding. Thus the defendant claimed, the plaintiff was at least contributorily negligent in causation of the collision. The defendant argued that the plaintiff's injuries were not permanent and that IME indicated that the plaintiff's injuries had resolved without clinical limitations.

The parties submitted to non-binding arbitration prior to trial. The arbitrator assigned 90% liability to the defendant and 10% to the plaintiff with net damages of \$103,000. The arbitration was not confirmed and the matter proceeded to trial.

The jury found in favor of the plaintiff and awarded damages in the amount of \$50,000.

REFERENCE

Osafo vs. Byrnes. Docket no. L -000664-20; Judge Timothy W. Chell, 07-18-23.

Attorney for plaintiff: Lisa R. Bowles of Taylor, Taylor, Cohen & Bowles, P.C. in Westmont, NJ. Attorney for plaintiff: Sarah Slachetka of Folkman Law Offices, PC in Cherry Hill, NJ. Attorney for defendant: Alphonso H. Ibrahim of Law Office of Alphonso H. Ibrahim in Marlton, NJ.

\$45,000 VERDICT

Motor vehicle negligence – Intersection collision – Plaintiff's vehicle struck broadside after defendant's vehicle runs stop sign – Cervical disc bulges – Lumbar disc bulges – Left knee meniscal tear – Post-concussion syndrome.

Passaic County, NJ

In this motor vehicle negligence action, the plaintiff's vehicle was struck broadside after the defendant's vehicle ran a stop sign, causing the plaintiff to become injured. The defendant generally denied all allegations of negligence.

On December 20, 2018, the plaintiff's vehicle was traveling on Warburton Avenue, at or near its intersection with Grand Avenue in Hawthorne, New Jersey. At the same time, the defendant's vehicle was traveling on Grand Avenue, toward the same intersection. At the time of the incident, as the plaintiff's vehicle was attempting to cross Grand Avenue, the defendant's vehicle ran the designated stop sign and entered the intersection. The defendant's vehicle then struck the plaintiff's vehicle broadside.

The plaintiff maintained that the defendant's vehicle was negligent in failing to keep a proper lookout, failing to exercise due care, failing to obey a stop sign, failing to obey traffic signals, failing to observe traffic conditions, failing to yield, failing to wait, failing to observe the plaintiff's vehicle, failing to remain adequately attentive, failing to operate the vehicle at a reasonable rate of speed, failing to apply the brakes in a timely manner, failing to slow or stop, and failing to avoid striking the plaintiff's vehicle. Consequently, the plaintiff sustained injuries, including cervical disc bulges, lumbar disc bulges, left knee meniscal tear, and post-concussion syndrome.

The jury found in favor of the plaintiff and awarded \$45,000.

REFERENCE

Dunlap-Miller Linda vs. Style Linda. Docket no. L001344-20; Judge Darren J. Delsardo, 09-06-23.

Attorney for plaintiff: Raymond P. Vivino of Vivino & Vivino in Wayne, NJ. Attorney for defendant: Christopher T. Hughes of Allstate.

Lane Change Collision

■ \$25,000 VERDICT

Motor vehicle negligence – Lane change collision – Rear end collision – Plaintiff’s vehicle struck in rear by defendant’s vehicle changing lanes – Cervical disc herniations – Cervical disc bulges – Lumbar disc herniations – Lumbar disc bulges.

Union County, NJ

In this motor vehicle negligence action, the plaintiff’s vehicle was struck in the back driver’s side by the defendant’s vehicle, which was switching lanes, causing the plaintiff to become injured. The defendant generally denied all allegations of negligence.

On January 20, 2021, the plaintiff’s vehicle was traveling northbound in the right lane on Spring Street near its intersection with Olive Street in Elizabeth, New Jersey. At the same time, the defendant’s commercial vehicle was also traveling northbound on Spring Street, in the left lane and slightly behind the plaintiff’s vehicle. At the time of the incident, the defendant’s vehicle attempted to enter the right lane behind the plaintiff’s vehicle. As the defendant’s vehicle switched lanes, it struck the plaintiff’s vehicle in the rear driver’s side.

The plaintiff maintained that the defendant was negligent in failing to keep a proper lookout, failing to exercise due care, failing to properly and safely switch lanes, failing to remain in the correct lane of travel, failing to maintain a safe distance from other vehicles, failing to remain adequately attentive, failing to observe traffic conditions, failing to operate the vehicle at a reasonable rate of speed, failing to apply the brakes in a timely manner, failing to slow or stop, and failing to avoid striking the plaintiff’s vehicle. Consequently, the plaintiff sustained injuries, including cervical disc herniations, cervical disc bulges, lumbar disc herniations, and lumbar disc bulges.

The jury found in favor of the plaintiff and awarded \$25,000.

REFERENCE

Mendoza Christian vs. Herrera Charles. Docket no. L003799-21; Judge Daniel R. Lindemann, 07-14-23.

Attorney for plaintiff: Herbert F. Lawrence, Esq. of Law Offices of Herbert F. Lawrence, L.L.C. in Elizabeth, NJ.

Left Turn Collision

■ \$182,000 ARBITRATION AWARD

Motor vehicle negligence – Left turn collision – Plaintiff’s vehicle struck by defendant’s vehicle making abrupt left turn at intersection – Lumbar disc bulges – Mild traumatic brain injury – Post-concussion syndrome.

Camden County, NJ

In this motor vehicle negligence action, the plaintiff’s vehicle was struck by the defendant’s vehicle making a sudden left turn at an intersection, causing the plaintiff to sustain serious injuries. The defendant generally denied all allegations of negligence.

On June 13, 2020, the plaintiff’s vehicle was traveling southbound on Church Street, at or near its intersection with West Walnut Avenue, in Moorestown, New Jersey. At this time, the defendant’s vehicle was traveling northbound on Church Street, toward the same intersection. At the time of the incident, the plaintiff’s vehicle attempted to proceed straight through the subject intersection. As the plaintiff’s vehicle was proceeding forward, the defendant’s vehicle made an abrupt left turn onto Walnut Avenue in front of the plaintiff’s vehicle, causing a collision.

The plaintiff maintained that the defendant was negligent in failing to keep a proper lookout, failing to exercise due care, failing to wait for clearance before making a left turn, failing to safely and properly execute a left turn, failing to yield, failing to remain adequately attentive, failing to obey traffic conditions, failing to obey traffic signals, failing to operate the vehicle at a reasonable rate of speed, failing to apply the brakes in a timely manner, failing to slow or stop, and failing to avoid striking the plaintiff’s vehicle. Consequently, the plaintiff sustained injuries, including lumbar disc bulges, as well as mild traumatic brain injury and post-concussion syndrome.

The arbitrators found in favor of the plaintiff and awarded \$182,000.

REFERENCE

Henderson-Cole Nicole vs. Matthew S. Park. Docket no. L001453-22; Judge John S Kennedy, 02-14-24.

Attorney for plaintiff: Brad J. Spiller of Brenner, Spiller & Archer in W. Collingswood, NJ. Attorney for defendant: Jeffrey Czuba of Hoagland, Longo, Moran, Dunst & Doukas, LLP in New Brunswick, NJ.

■ \$75,000 VERDICT

Motor vehicle negligence – Left turn collision – Minor plaintiff passenger injured when defendant driver turns left in front of another vehicle, causing collision – Lumbar disc herniation at L5-S1.

Burlington County, NJ

In this motor vehicle negligence action, the minor plaintiff passenger was injured when the defendant driver turned left in front of another vehicle, causing a collision. The defendant generally denied all allegations of negligence.

On April 14, 2019, the plaintiff was a restrained, front seat passenger in the defendant's vehicle, which was traveling on Bridgeboro Street in Delran Township, New Jersey. At this time, the host vehicle was attempting to make a left turn from Bridgeboro Street onto Creek Road. Without stopping to wait for traffic, the defendant driver proceeded to make a left turn in front of another oncoming vehicle. The host vehicle was then struck by the other vehicle, causing the minor plaintiff passenger to become injured.

The plaintiffs maintained that the defendant was negligent in failing to keep a proper lookout, failing to exercise due care, failing to wait for clearance before making a left turn, failing to remain adequately attentive, failing to observe the other vehicle, failing to obey traffic conditions, failing to obey traffic signals, failing to yield, failing to operate the vehicle at a reasonable rate of speed, failing to apply the brakes in a timely manner, failing to slow or stop, and failing to avoid causing a collision. Consequently, the minor plaintiff sustained injuries, including lumbar disc herniation at L5-S1.

The jury found in favor of the plaintiff and awarded \$75,000.

REFERENCE

Rucker vs. Rovinsky. Docket no. L000774-21; Judge Richard L. Hertzberg, 05-30-23.

Attorney for plaintiff: Daniel K. Snyder of Aronberg, Kouser, Snyder & Lindemann, PA in Cherry Hill, NJ.

Multiple Vehicle Collision

■ \$180,000 ARBITRATION AWARD

Motor vehicle negligence – Multi-vehicle rear end collision – Plaintiff's vehicle struck in rear by defendant's vehicle causing chain-reaction collision – Cervical and lumbar spine injuries – Concussion with post-concussion syndrome – Hip and left shoulder injury – Surgery required.

Camden County, NJ

In this motor vehicle negligence action, the plaintiff was injured when her vehicle was struck in the rear by the defendant's vehicle, which caused a chain-reaction collision with a third vehicle. The defendant generally denied all allegations of negligence.

On August 27, 2018, the plaintiff's vehicle was traveling westbound on Route 70, approaching its intersection with Sayer Avenue in Cherry Hill, New Jersey. At the same time, the defendant, operating a vehicle in the course of his employment, was also traveling westbound on Route 70, directly behind the plaintiff's vehicle. At the time of the incident, the defendant's vehicle suddenly struck the plaintiff's vehicle in the rear. The impact of the collision pushed the plaintiff's vehicle forward, causing it to strike the rear of a third vehicle.

The plaintiff maintained that the defendant was negligent in failing to keep a proper lookout, failing to exercise due care, failing to keep the vehicle under proper and adequate control, failing to obey traffic conditions, failing to maintain a safe distance from other vehicles, failing to remain adequately attentive, failing to operate the vehicle at a reasonable rate of speed, failing to apply the brakes in a timely manner, failing to slow or stop, and failing to avoid striking the plaintiff's vehicle. Consequently, the plaintiff sustained injuries, including cervical and lumbar spine injuries, concussion with post-concussion syndrome, hip injury, and left shoulder injury. The plaintiff was required to undergo a lumbar laminectomy surgery for her lumbar spine injuries.

The arbitrators found in favor of the plaintiff and reported an award for \$180,000.

REFERENCE

Toscani vs. Lutz. Docket no. L002502-20; Judge Anthony M. Pugliese, 03-16-24.

Attorney for plaintiff: Christine Lafferty of Grungo & Colarulo in Cherry Hill, NJ. Attorney for defendant: John Andrew Dougherty of Gerolamo, McNulty, Divis & Lewbart, PC in Haddon Heights, NJ.

■ \$75,000 VERDICT

Motor vehicle negligence – Multi-vehicle rear end collision – Plaintiff’s vehicle struck in rear by defendant’s vehicle while stopped in traffic causing plaintiff’s vehicle to be pushed into rear of vehicle ahead – Cervicalgia – Lumbar disc herniations – Lumbar radiculopathy – Lumbar sprain/strain.

Ocean County, NJ

In this motor vehicle negligence action, the plaintiff sustained injuries when her vehicle was struck in the rear by the defendant’s vehicle while stopped in traffic which caused the plaintiff’s vehicle to impact the vehicle in front of her. The defendant generally denied all allegations of negligence.

On November 24, 2020, the plaintiff’s vehicle was traveling southbound on Route 9 in Toms River, New Jersey. At this time, the defendant’s vehicle was also traveling southbound on Route 9, directly behind the plaintiff’s vehicle. At the time of the incident, the plaintiff’s vehicle was at a complete stop due to heavy traffic on Route 9. While the plaintiff’s vehicle was stopped in traffic, it was suddenly struck in the

rear by the defendant’s vehicle. The impact of the collision caused the plaintiff’s vehicle to be pushed into the rear of another vehicle ahead.

The plaintiff maintained that the defendant was negligent in failing to keep a proper lookout, failing to exercise due care, failing to remain adequately attentive, failing to obey traffic conditions, failing to maintain a safe distance from other vehicles, failing to observe heavy traffic, failing to operate the vehicle at a reasonable rate of speed, failing to apply the brakes in a timely manner, failing to slow or stop, and failing to avoid striking the plaintiff’s vehicle. Consequently, the plaintiff sustained injuries, including cervicalgia, lumbar disc herniations, lumbar radiculopathy, and lumbar sprain/strain.

The jury found in favor of the plaintiff and awarded \$75,000.

REFERENCE

Marchioni Giuliana vs. Scala Anthony. Docket no. L002758-21; Judge Robert E. Brenner, 08-19-23.

Attorney for plaintiff: Robert C. Fericola of Escandon, Fericola, Anderson, Covelli & McPherson in Allenhurst, NJ.

■ \$50,000 ARBITRATION AWARD

Motor vehicle negligence – Multi-vehicle rear end collision – Plaintiff’s vehicle struck in rear by defendant’s vehicle causing collision with third vehicle – Back pain – 3 disc herniations – 3 disc bulges.

Bergen County, NJ

In this motor vehicle negligence action, the plaintiff sustained injuries when her vehicle was struck in the rear by the defendant’s vehicle, causing the plaintiff’s vehicle to be pushed into the rear of a third vehicle. The defendant generally denied all allegations of negligence.

On October 31, 2019, the plaintiff’s vehicle was traveling on Park Avenue, at or near its intersection with 19th Street in Weehawken, New Jersey. At the same time, the defendant’s vehicle was also traveling on Park Avenue, directly behind the plaintiff’s vehicle. At the time of the incident, the plaintiff’s vehicle was stopped in traffic on the Park Avenue Bridge. While stopped, the plaintiff’s vehicle was suddenly struck in the rear by the defendant’s vehicle, causing it to be pushed forward into the rear of a third vehicle.

The plaintiff maintained that the defendant was negligent in failing to keep a proper lookout, failing to exercise due care, failing to maintain a safe distance from other vehicles, failing to obey traffic conditions, failing to remain adequately attentive, in negligently following the plaintiff’s vehicle too closely, in failing to operate the vehicle at a reasonable rate of speed, failing to apply the brakes in a timely manner, failing to slow or stop, and failing to avoid striking the plaintiff’s vehicle. Consequently, the plaintiff sustained injuries, including back pain, 3 disc herniations, and 3 disc bulges.

The arbitrators found in favor of the plaintiff and reported an award for \$50,000.

REFERENCE

Previzi Valbona vs. Caloni Michael. Docket no. L006922-20; Judge David V. Nasta, 03-07-24.

Attorney for plaintiff: Adam B. Lederman of Davis, Saperstein & Salomon, P.C. in Teaneck, NJ.

Parked Car Collision

\$12,500 VERDICT

Motor vehicle negligence – Parked car collision – Minor plaintiff passenger injured when parked host vehicle struck in rear by defendant’s vehicle – Cervical disc herniations – Cervical and lumbar sprain/strain.

Union County, NJ

In this motor vehicle negligence action, the minor plaintiff passenger was injured when the host vehicle was struck in the rear by the defendant’s vehicle. The defendant generally denied all allegations of negligence.

On August 31, 2019, the minor plaintiff was a restrained, front seat passenger in his mother’s vehicle, which was parked on the side of East Linden Avenue in Linden, New Jersey. At this time, the defendant’s vehicle was traveling on East Linden Avenue, toward its intersection with Carteret Street. At the time of the incident, the defendant suddenly fell asleep while driving and lost control of the vehicle. The defendant’s vehicle then struck the parked host vehicle in the rear, causing the minor plaintiff to become injured.

The plaintiffs maintained that the defendant was negligent in failing to keep a proper lookout, failing to exercise due care, failing to remain awake and alert while operating a vehicle, failing to remain adequately attentive, failing to keep the vehicle under proper and adequate control, failing to observe traffic conditions, failing to operate the vehicle at a reasonable rate of speed, failing to apply the brakes in a timely manner, failing to slow or stop, and failing to avoid striking the plaintiff’s vehicle. Consequently, the minor plaintiff sustained injuries, including cervical disc herniations, as well as cervical and lumbar sprain/strain.

The jury found in favor of the plaintiff and awarded \$12,500.

REFERENCE

Moreno-Derodas Ana vs. Martinez-Leon Darcy. Docket no. L000779-21; Judge Daniel R. Lindemann, 11-29-23.

Attorney for plaintiff: Jorge Hernandez of Law Offices of Jorge L. Hernandez, LLC in Elizabeth, NJ. Attorney for defendant: Benedict F. Valliere of Liberty Mutual.

Rear End Collision

\$110,000 ARBITRATION AWARD

Motor vehicle negligence – Rear end collision – Plaintiff driver and plaintiff passenger sustain cervical/lumbar spine injuries with disc herniations.

Bergen County, NJ

In this motor vehicle negligence action, the plaintiff’s vehicle was struck in the rear by the defendant’s vehicle, causing the 2 plaintiffs to become injured. The defendant generally denied all allegations of negligence.

On February 20, 2020, the plaintiff’s vehicle was traveling on West Oakland Avenue in Oakland, New Jersey. At the same time, the defendant’s vehicle was also traveling on West Oakland Avenue, directly behind the plaintiff’s vehicle. At the time of the incident, the defendant’s vehicle suddenly struck the plaintiff’s vehicle in the rear, causing both the plaintiff driver and the plaintiff passenger to become injured.

The plaintiffs maintained that the defendant was negligent in failing to keep a proper lookout, failing to exercise due care, failing to remain adequately

attentive, failing to observe traffic conditions, failing to maintain a safe distance from other vehicles, in negligently following the plaintiff’s vehicle too closely, in failing to operate the vehicle at a reasonable rate of speed, failing to apply the brakes in a timely manner, failing to slow or stop, and failing to avoid striking the plaintiff’s vehicle. Consequently, the plaintiff driver sustained injuries, including cervical/lumbar spine injuries with disc herniations. The plaintiff passenger also sustained injuries, including cervical/lumbar spine injuries with disc herniations.

The arbitrators found in favor of the plaintiffs and reported a reward for \$110,000.

REFERENCE

Bissio-Ramirez, Pierina vs. Dunwald. Docket no. L004056-21; Judge Peter G. Geiger, 02-17-24.

Attorney for plaintiff: Mark McBratney of Seigel Law, LLC in Ridgewood, NJ. Attorney for defendant: Joseph W. Lennon of State Farm.

■ \$75,000 VERDICT

Motor vehicle negligence – Rear end collision – Plaintiff’s vehicle struck in rear by defendant’s vehicle while preparing to make right turn – Neck pain – Back pain – Shoulder pain – Carpal tunnel syndrome.

Union County, NJ

In this motor vehicle negligence action, the plaintiff’s vehicle was struck in the rear by the defendant’s vehicle while the plaintiff was preparing to make a right turn, causing the plaintiff to become injured. The defendant generally denied all allegations of negligence.

On September 25, 2018, the plaintiff’s vehicle was traveling westbound on Morris Avenue in Union, New Jersey. At this time, the defendant’s vehicle was also traveling westbound on Morris Avenue, directly behind the plaintiff’s vehicle. At the time of the incident, the plaintiff slowed down significantly and turned on her right blinker while preparing to make a right turn into a parking lot at 2801 Morris Avenue. As the plaintiff’s vehicle was preparing to turn, it was suddenly struck in the rear by the defendant’s vehicle.

■ \$36,100 VERDICT

Motor vehicle negligence – Rear end collision – Plaintiff’s vehicle struck in rear by defendant’s vehicle as plaintiff prepares to stop for stop sign – Cervical disc herniations – Cervical facet joint syndrome – Lumbar disc herniations – Left shoulder sprain/strain – Left elbow sprain/strain.

Passaic County, NJ

In this motor vehicle negligence action, the plaintiff’s vehicle was struck in the rear by the defendant’s vehicle while the plaintiff was preparing to stop for a stop sign causing her to sustain injury. The defendant generally denied negligence.

On April 28, 2019, the plaintiff’s vehicle was traveling on Lafayette Avenue, at or near its intersection with Grant Street in Passaic, New Jersey. At the same time, the defendant’s vehicle was also traveling on Lafayette Avenue, directly behind the plaintiff’s vehicle. At the time of the incident, the plaintiff was preparing to stop her vehicle at a stop sign at the aforementioned intersection. As the plaintiff’s vehicle was slowing to a stop, it was suddenly struck in the rear by the defendant’s vehicle.

The plaintiff maintained that the defendant was negligent in failing to keep a proper lookout, failing to exercise due care, failing to maintain a safe distance from other vehicles, failing to remain adequately attentive, failing to observe traffic conditions, failing to observe the plaintiff’s right turn signal, failing to operate the vehicle at a reasonable rate of speed, failing to apply the brakes in a timely manner, failing to slow or stop, and failing to avoid striking the plaintiff’s vehicle. Consequently, the plaintiff sustained injuries, including neck pain, back pain, shoulder pain, and carpal tunnel syndrome.

The jury found in favor of the plaintiff and awarded \$75,000.

REFERENCE

Guzman Jill vs. Mccracken James. Docket no. L003117-20; Judge Mark P. Ciarrocca, 07-26-23.

Attorney for plaintiff: Cecelia W. Blau of Cecelia W. Blau, Esq. in Springfield, NJ. Attorney for defendant: Richard B. Smith of Nationwide.

The plaintiff maintained that the defendant was negligent in failing to keep a proper lookout, failing to exercise due care, failing to obey traffic conditions, failing to obey a stop sign, failing to observe the plaintiff’s vehicle slowing down, failing to remain adequately attentive, failing to maintain a safe distance from other vehicles, failing to operate the vehicle at a reasonable rate of speed, failing to apply the brakes in a timely manner, failing to slow or stop, and failing to avoid striking the plaintiff’s vehicle. Consequently, the plaintiff sustained injuries, including cervical disc herniations, cervical facet joint syndrome, lumbar disc herniations, left shoulder sprain/strain, and left elbow sprain/strain.

The jury found in favor of the plaintiff and awarded \$36,100.

REFERENCE

Dempster Norma vs. Reynoso Lizzmarie. Docket no. L000225-20; Judge Vicki A. Citrino, 09-29-23.

Attorney for plaintiff: James E. Humphreys of Goldstein, Ballen, O’Rourke & Wildstein, P.C. in Passaic, NJ.

■ \$25,000 VERDICT

Motor vehicle negligence – Rear end collision – Plaintiff’s vehicle struck in rear by defendant’s vehicle while stopped for red light – Cervical disc herniations – Cervical disc bulges – Lumbar disc herniation with annular tear – Lumbar disc bulges.

Hudson County, NJ

In this motor vehicle negligence action, the plaintiff’s vehicle was struck in the rear by the defendant’s vehicle while the plaintiff was stopped at a red traffic light, causing the plaintiff to become injured. The defendant generally denied all allegations of negligence.

On November 28, 2017, the plaintiff’s vehicle was traveling on 32nd Street, at or near its intersection with Route 400 in Bayonne, New Jersey. At this time, the plaintiff’s vehicle was stopped for a red traffic light at the aforementioned intersection. At the same time, the defendant’s vehicle was also traveling on 32nd Street, toward the same intersection and directly behind the plaintiff’s vehicle. While the plaintiff’s vehicle was stopped at the light, it was suddenly struck in the rear by the defendant’s vehicle.

The plaintiff maintained that the defendant was negligent in failing to keep a proper lookout, failing to exercise due care, failing to obey traffic signals, failing to obey a red light, failing to observe traffic conditions, failing to observe the plaintiff’s vehicle, failing to remain adequately attentive, failing to maintain a safe distance from other vehicles, failing to operate the vehicle at a reasonable rate of speed, failing to apply the brakes in a timely manner, failing to slow or stop, and failing to avoid striking the plaintiff’s vehicle. Consequently, the plaintiff sustained injuries, including cervical disc herniations, cervical disc bulges, lumbar disc herniation with annular tear, and lumbar disc bulges.

The jury found in favor of the plaintiff and awarded \$25,000.

REFERENCE

Dunne Gladys vs. Laude, Jr. James. Docket no. L000559-19; Judge Kimberly Espinales-Maloney, 06-21-23.

Attorney for plaintiff: Brent Bramnick of Bramnick, Rodriguez, Grabas, Arnold & Mangan, LLC in Scotch Plains, NJ. Attorney for defendant: Arthur J. Messineo of Messineo Law in Montvale, NJ.

Sideswipe Collision

■ \$80,000 ARBITRATION AWARD

Motor vehicle negligence – Sideswipe collision – Plaintiff’s vehicle sideswiped by defendant’s vehicle while stopped at intersection – Failure to remain in correct lane of travel – Cervical disc herniations with radiculopathy – Lumbar disc bulge.

Atlantic County, NJ

In this motor vehicle negligence action, the plaintiff’s vehicle was sideswiped by the defendant’s vehicle while stopped at an intersection, causing the plaintiff to become injured. The defendant generally denied all allegations of negligence.

On June 12, 2019, the plaintiff’s vehicle was traveling westbound on Absecon Boulevard in Atlantic City, New Jersey. At this time, the plaintiff’s vehicle was stopped at an intersection. At the same time, the defendant’s vehicle was also traveling westbound on Absecon Boulevard. At the time of the incident, the defendant’s vehicle proceeded forward past the plaintiff’s vehicle, while the plaintiff’s vehicle was stopped. While passing, the defendant’s vehicle sideswiped the plaintiff’s vehicle.

The plaintiff maintained that the defendant was negligent in failing to keep a proper lookout, failing to exercise due care, failing to remain in the correct lane of travel, failing to remain adequately attentive, failing to maintain a safe distance from other vehicles, failing to observe the plaintiff’s vehicle, failing to obey traffic conditions, failing to operate the vehicle at a reasonable rate of speed, failing to apply the brakes in a timely manner, failing to slow or stop, and failing to avoid striking the plaintiff’s vehicle. Consequently, the plaintiff sustained injuries, including cervical disc herniations with radiculopathy, as well as a lumbar disc bulge.

The arbitrators found in favor of the plaintiff and reported an award of \$80,000.

REFERENCE

Thompson Regina vs. Black Brian. Docket no. ATLL001553-21; Judge Stanley Bergman, 02-10-24.

Attorney for plaintiff: Richard J. Albuquerque of D’Arcy Johnson Day in Egg Harbor Township, NJ. Attorney for defendant: Michael Bruce Kelly of Kelly & Miller in Spring Lake, NJ.

Taxi Negligence

\$75,000 VERDICT

Motor vehicle negligence – Taxi negligence – Plaintiff contends defendant cab driver negligently merged into roadway and collided with passenger side of plaintiff’s vehicle – Disc herniations at C2-3, C3-4, and L4-5; disc bulges at C45, C5-6, C6-7, L3-4 and L5-S1 – Epidural steroid injection and pain management.

Middlesex County, NJ

In this motor vehicle negligence case, the plaintiff, a 66-year-old man, asserted that the defendant cab driver struck the passenger side of his vehicle with such force that it caused significant, permanent injury. The co-defendant cab company was dismissed from the suit prior to trial. The defendant driver contested the plaintiff’s damages.

On September 5, 2018, the plaintiff was traveling eastbound on Texas Road in Old Bridge. The defendant driver was operating a cab owned by the co-defendant cab company in the course of her employment. The defendant was merging onto Texas Road from the Route 9 northbound ramp and failed to yield to the plaintiff’s vehicle ultimately colliding with the passenger side of the plaintiff’s vehicle.

The plaintiff contended that the defendant negligently failed to yield and entered the roadway when it was not safe to do so. The plaintiff alleged that the accident occurred with heavy impact and that the force of the impact resulted in permanent injuries. As a result of the collision, the plaintiff, who had no prior injuries, sustained disc herniations at C2-3, C3-4, and L4-5; disc bulges at C45, C5-6, C6-7, L3-4, and L5-S1, confirmed on MRI and through orthopedic testing. The plaintiff treated with one epidural steroid injection,

and pain management. The plaintiff presented a certificate of permanency from his treating chiropractic physician.

The defendant argued that the plaintiff’s injuries were pre-existing, degenerative, and not caused by the subject collision. The defendant’s independent medical expert found degeneration that predated the subject collision. The defendant argued that the plaintiff suffered no permanent injury, only soft tissue injuries that resolved prior to the subject action.

The parties submitted to non-binding arbitration prior to trial. The arbitrator assigned 100% liability to the defendant driver with damages of \$32,500 inclusive of all outstanding medical bills and liens. The arbitration was not confirmed and the matter proceeded. Following the arbitration and prior to trial, the plaintiff made an offer to take judgment in the amount of \$30,000. The offer was not accepted and the matter proceeded to trial.

The jury found in favor of the plaintiff and against the defendant driver, awarding damages in the amount of \$75,000 for pain and suffering, disability, impairment, and loss of the enjoyment of life. In addition, the plaintiff was granted pre-judgment interest in the amount of \$14,710; costs in the amount of \$8,588; attorney’s fees in the amount of \$26,300. The plaintiff’s total recovery was \$124,598.

REFERENCE

Mettias vs. Segelstein, et al. Docket no. L-000442-20; Judge Gary K. Wolinetz, 05-03-23.

Attorney for plaintiff: Christian P. Fleming of Jabin & Fleming, LLC in East Brunswick, NJ. Attorney for defendant: Eric Kuper of Martin Kane Kuper in East Brunswick, NJ.

PREMISES LIABILITY

Fall Down

\$45,847 ARBITRATION AWARD

Premises liability – Fall down – Plaintiff trips and falls over defective step at defendant pizza restaurant – Intra-articular fracture of right distal radius – Tenosynovitis in right middle and ring finger – Right wrist neuropathy – Right wrist carpal tunnel syndrome – Surgery required.

Camden County, NJ

In this premises liability action, the plaintiff tripped and fell over a defective step on the premises of the defendant pizza restaurant, causing her to become injured. The defendants generally denied all allegations of negligence.

On May 8, 2020, the plaintiff was a lawful visitor and business invitee at the defendant pizza restaurant, located on the premises of 6 East Park Avenue in Merchantville, New Jersey. At this time, the plaintiff was traversing inside the restaurant and was preparing to leave. As the plaintiff attempted to leave, she exited the restaurant and began to descend a small set of outdoor stairs attached to the building’s entrance. The plaintiff then tripped over a broken, uneven, or otherwise defective step and fell.

The plaintiff maintained that the defendants were negligent in failing to maintain safe and adequate conditions on the premises, failing to inspect the pre-

mises, failing to ensure the safety of the outdoor staircase, failing to repair or replace a broken, uneven, or otherwise defective step, failing to provide adequate lighting near the outdoor stairs, failing to prevent a tripping hazard, failing to prevent hazardous or unsafe conditions on the premises in general, failing to warn of a tripping hazard, and failing to regard for the health and safety of visitors and business invitees on the premises including the plaintiff. Consequently, the plaintiff sustained injuries, including an intra-articular fracture of the right distal radius which required sur-

gery to repair, as well as tenosynovitis in the right middle and ring finger, right wrist neuropathy, and right wrist carpal tunnel syndrome.

The arbitrators found in favor of the plaintiff and reported an award for \$45,847.

REFERENCE

Penrose vs. Panagiotis. Docket no. L000949-22; Judge Donald J. Stein, 02-03-24.

Attorney for plaintiff: Andrew A. Wenker of Michael J. Glassman & Associates, LLC in Voorhees, NJ. Attorney for defendant: Warren Holland of Goldberg, Miller & Rubin in Fairfield, NJ.

\$35,000 ARBITRATION AWARD

Premises liability – Fall down – Plaintiff slips and falls on wet floor at defendant shopping mall – Right wrist fracture – Neck injury – Back injury.

Bergen County, NJ

In this premises liability action, the plaintiff slipped and fell on a wet floor on the premises of the defendant shopping mall, causing her to become injured. The defendants generally denied all allegations of negligence.

On December 23, 2020, the plaintiff was a lawful visitor and business invitee at the defendant shopping mall, located on the premises of One Garden State Plaza in Paramus, New Jersey. On this day, the premises was owned, operated, and maintained by the defendants. While visiting the premises, the plaintiff was traversing inside the shopping mall. At the time of the incident, the plaintiff encountered a wet area of the floor. The plaintiff then slipped on the wet floor and fell.

The plaintiff maintained that the defendants were negligent in failing to maintain safe and adequate conditions on the premises, failing to properly clean

the premises, failing to inspect the premises, failing to hire adequate maintenance staff, failing to place wet floor signs or otherwise warn of a slipping hazard, failing to prevent a slipping hazard, failing to prevent any unsafe or hazardous conditions on the premises, failing to provide safe passage inside the defendant shopping mall, and failing to regard for the health and safety of visitors and business invitees on the premises including the plaintiff. Consequently, the plaintiff sustained injuries, including a right wrist fracture, as well as neck injury and back injury.

The arbitrators found in favor of the plaintiff and reported an award for \$35,000.

REFERENCE

Gorodetskaya Larisa vs. Westfield Garden State Plaza. Docket no. L003858-21; Judge Peter G. Geiger, 03-14-24.

Attorney for plaintiff: Alex Capozzi of Brach Eichler, LLC in Roseland, NJ. Attorney for defendant: Stephen E. Wellinghorst of Harwood Lloyd, LLC in Hackensack, NJ.

\$10,000 ARBITRATION AWARD

Premises liability – Fall down – Plaintiff trips over pallet container and falls at defendant supermarket – Right wrist TFCC tear – Left wrist TFCC tear – Left knee contusion.

Bergen County, NJ

In this premises liability action, the plaintiff tripped and fell over a pallet container at the defendant supermarket, and became injured as a result. The defendants generally denied all allegations of negligence.

On November 7, 2020, the plaintiff was a lawful visitor and business invitee at the defendant supermarket, located on the premises of 1475 Bergen Boulevard in Fort Lee, New Jersey. At this time, the plaintiff was traversing inside the supermarket, in the produce section. At the time of the incident, the plaintiff suddenly tripped over a pallet container of apples. The plaintiff then fell, landing on her hands and left knee.

The plaintiff maintained that the defendants were negligent in failing to maintain safe and adequate conditions on the premises, in failing to prevent hazardous or unsafe conditions on the premises, failing

to prevent a tripping hazard, failing to repair or remove a tripping hazard, failing to place produce pallet containers so as not to cause a tripping hazard, failing to warn of hazardous or unsafe conditions on the premises, failing to move the subject pallet container, failing to provide safe passage inside the supermarket, and failing to regard for the health and safety of business invitees on the premises including the plaintiff. Consequently, the plaintiff sustained injuries, including a right wrist TFCC tear, a left wrist TFCC tear, and a left knee contusion.

The arbitrators found in favor of the plaintiff and reported an award for \$10,000.

REFERENCE

Hwang Hyun vs. Nj Hannam Chain, Inc. Docket no. L000077-21; Judge Michael N. Beukas, 03-05-24.

Attorney for plaintiff: Andrew Park of Law Offices of Andrew Park, PC in New York, NY. Attorney for defendant: Philip A. Lundell of Golden, Rothschild, Spagnola, Lundell, Boylan, Garubo & Bell, P.C. in Bridgewater, NJ.

SPORTS & RECREATION

DEFENDANT'S ARBITRATION AWARD

Sports & Recreation – Plaintiff injured at indoor ski slope after ski binding fails to disengage during fall – Tibial plateau fracture – ACL partial tear – Surgery required.

Bergen County, NJ

In this personal injury action, the plaintiff was injured at an indoor ski slope after the binding on one of his skis failed to disengage during a fall. The defendants generally denied all allegations of negligence.

On December 8, 2019, the plaintiff was a lawful visitor and business invitee at the defendant indoor ski facility, located on the premises of 1 American Dream Way in East Rutherford, New Jersey. At this time, the plaintiff was preparing to ski on the indoor ski slope, and was fitted with ski boots and skis by employees of the defendant facility. While the plaintiff was being fitted, employees of the facility also adjusted his skis and boots to disengage and separate in the event of a fall. At the time of the incident, the plaintiff was skiing down one of the slopes when he fell. During his fall, the binding on the plaintiff's skis and boots did not disengage, causing his leg to twist and contort, and causing him to become injured.

The plaintiff maintained that the defendants were negligent in failing to maintain safe and adequate conditions on the premises of the ski facility, failing to ensure the safety of ski equipment on the premises, failing to properly adjust ski boots and binding, failing to hire competent employees for fitting and adjusting skis, failing to properly train employees, failing to devise and implement adequate safety procedures on the premises, failing to warn of hazardous or defective conditions of ski equipment, failing to prevent hazardous or unsafe conditions on the premises, and failing to regard for the health and safety of visitors and business invitees on the premises, including the plaintiff. Consequently, the plaintiff sustained injuries, including a tibial plateau fracture and an ACL partial tear, which required surgery to repair.

The arbitrators found in favor of the defendants, reporting no award for the plaintiff.

REFERENCE

Husted Kyle vs. Snow Operating, LLC. Docket no. 005392-21; Judge Anthony R. Suarez, 02-20-24.

Attorney for plaintiff: Robert G. Mangold of Howard A Taylor, LLC in Philadelphia, PA. Attorney for defendant: Samuel J. McNulty of Hueston McNulty, P.C. in Florham Park, NJ.

TRANSIT AUTHORITY LIABILITY

\$60,000 ARBITRATION AWARD

Transit Authority liability – Bus negligence – Defendant bus driver negligently closes bus door onto plaintiff as she exits public bus – Neck and back injuries – Multiple disc herniations.

Bergen County, NJ

In this action, the defendant bus driver negligently closed a bus door onto the plaintiff's person as she was attempting to exit the bus, causing her to fall and sustain injuries. The defendants generally denied all allegations of negligence.

On March 7, 2020, the plaintiff was a passenger on a public bus, which was owned, operated, and maintained by the defendant transportation corporation. At this time, the bus was traveling on Forest Avenue in Teaneck, New Jersey. At the time of the incident, the plaintiff passenger was attempting to exit the bus at her designated bus stop. As the plaintiff was exiting the bus, the bus driver suddenly shut the door. The door then shut onto the plaintiff's person before she could fully exit the bus, causing her leg to become caught and causing her to fall.

The plaintiff maintained that the defendants were negligent in failing to properly operate a public bus, failing to remain adequately attentive, failing to wait for all passengers to exit the bus before closing the door, failing to warn that the door was closing, failing to observe the plaintiff exiting the bus, failing to hire competent bus drivers, failing to properly train bus drivers, failing to ensure safe and adequate conditions on all public buses, failing to prevent hazardous conditions on all public buses, and failing to regard for the health and safety of public bus passengers including the plaintiff. Consequently, the plaintiff sustained injuries, including neck and back injuries with multiple disc herniations.

The arbitrators found in favor of the plaintiff and reported an award for \$60,000.

REFERENCE

Henry Ionie vs. NJ Transit Corp. Docket no. L001758-21; Judge Peter G. Geiger, 02-17-24.

Attorney for plaintiff: Kate Carballo of Davis, Saperstein & Salomon, P.C. in Teaneck, NJ.

The following digest is a composite of additional significant verdicts reported in full detail in our companion Copies of the full summary with analysis can be obtained by contacting our publication office.

Supplemental Verdict Digest

MEDICAL MALPRACTICE

\$16,000,000 RECOVERY – MEDICAL MALPRACTICE – EMERGENCY DEPARTMENT – DEFENDANTS ADMINISTER CONTRAINDICATED MEDICATIONS TO PLAINTIFF CAUSING WORSENING OF LONG QT INTERVAL RESULTING IN CARDIAC ARREST AND CODING – ANOXIC BRAIN INJURY – NEAR VEGETATIVE STATE – TO THIS DAY PLAINTIFF LIVES IN LONG-TERM CARE FACILITY UNABLE TO WALK OR SPEAK.

Montgomery County, PA

The mother of the adult plaintiff brought this medical negligence suit on behalf of her incapacitated daughter alleging the defendants improperly managed her daughter's medical presentation at the defendant E.R. After arriving at the defendants E.R. via ambulance completely neurologically intact, the defendants administered contraindicated medications which cause a cardiac arrest leading to deprivation of oxygen resulting in the plaintiff becoming and remaining in a near vegetative state. The defendants deny providing substandard care.

The plaintiff maintained that the defendants were negligent in failing to adhere to the acceptable standards of care, failing to formulate an appropriate plan of care for the plaintiff, failing to order appropriate medications for the plaintiff, failing to provide adequate and appropriate monitoring of the plaintiff,

failing to properly assess the plaintiff's vitals, failing to properly manage the plaintiff's resuscitation and code and administering contraindicated medications to the plaintiff. The defendants vigorously denied all allegations of negligence and maintained that the plaintiff was treated appropriately in accordance with all medical standards at all times.

The parties settled for \$16,000,000.

REFERENCE

Marilyn Bolden Plenary Guardian of the Estate of Lekenya Robinson vs. Abington Memorial Hospital. Abington Health, Michael Hennelly, DO and Justin Synder, RN. Case no. 2018-14935; Judge Carolyn Carluccio, 11-22-23.

Attorney for plaintiff: Joel J. Feller of Ross Feller Casey, LLP in PA. Attorney for defendant: Benjamin Post of Post & Post, LLC in Philadelphia, PA. Attorney for defendant: Donald Camhi of Post & Schell in Philadelphia, PA.

\$11,050,000 VERDICT – MEDICAL MALPRACTICE – NURSING HOME NEGLIGENCE – PLAINTIFF CONTENDS DEFENDANT NURSING HOME FAILED TO PROVIDE APPROPRIATE CARE FOR ELDERLY, PATIENT RESULTING IN HARM TO PATIENT – DEVELOPMENT OF INFECTIONS AND SEPSIS LEADING TO RESPIRATORY FAILURE.

Miami-Dade County, FL

In this medical malpractice case, the plaintiff, as next friend of the patient, filed this lawsuit alleging that the defendant nursing home violated the resident patient's rights resulting in loss, injury and damage to the defendant's nursing home resident/patient. The defendant filed an answer to the plaintiff's complaint, denying negligence and arguing that the injuries and damages complained of as sustained by the plaintiff's family member were caused in whole or in part by an underlying or pre-existing condition for which the defendant was not responsible, that this underlying medical condition was the sole or

contributing cause of the alleged injuries, and that the plaintiff could not recover or that damages should be reduced accordingly.

The plaintiff contended that during the plaintiff's family member's residency at the defendant nursing home, the staff and employees failed to develop an adequate care plan and properly monitor and supervise the care and treatment provided in order to prevent the patient from suffering the development and deterioration of infections and sepsis and to prevent him from suffering the development and deterioration of respiratory failure.

After the defendant's answer, defense counsel was granted a motion to withdraw from the case. The defendant ceased participation after withdrawal of its counsel and was found in default by the court. The matter proceeded as to damages only.

The jury awarded damages in the amount of \$11,050,000 broken down as follows; \$500,000 in past medical expenses; and \$10,550,000 in past and future pain, suffering, and non-economic damages.

\$4,000,000 VERDICT – MEDICAL MALPRACTICE – PRIMARY CARE NEGLIGENCE – PLAINTIFF CLAIMS PHYSICIAN OVERSEEING PLAINTIFF'S HUSBAND'S TREATMENT AT SURGICAL REHABILITATION FACILITY FAILED TO DIAGNOSE AND TREAT ILEUS/ BOWEL OBSTRUCTION DESPITE DOCUMENTATION OF SYMPTOMS AND PATIENT'S DETERIORATION – PLAINTIFF'S DECEDENT ULTIMATELY DIED FROM ASPIRATION OF GASTRIC CONTENTS INTO LUNGS, CAUSING RESPIRATORY FAILURE.

Broward County, FL

In this medical malpractice/wrongful death matter, the plaintiff brought suit against the defendant physician alleging that the physician was negligent in the care and treatment of her husband and that her husband died as a result of the defendant's negligence. The defendant denied that she was negligent in any respect in her care and treatment of the decedent and alleged that her care and treatment of the patient was at all times consistent with the standards of care among similarly trained healthcare providers in the medical community.

In July 2019, the plaintiff's husband, a 68-year-old, underwent lumbar laminectomy, spinal canal exploration and spinal fusion surgery. The patient was both opiate naive and sensitive as noted by the hospital's records. The patient developed abdominal distention and pain postoperatively and an x-ray revealed a distended colon consistent with a colonic ileus. The medical records indicated ongoing monitoring of the patient's abdomen and resolution of the distention and rigidity of the abdomen. The patient was discharged to a nursing care and rehabilitation facility for continued surgical recovery. The defendant physician was responsible for the patient's care at the rehabilitation facility.

\$936,000 RECOVERY – MEDICAL MALPRACTICE – SURGERY – DEFENDANT SURGEON IMPROPERLY PLACES V-P SHUNT IN DECEDENT'S SMALL BOWEL INSTEAD OF PERITONEUM AND FAILS TO DISCOVER MISPLACED SHUNT IN TIMELY MANNER RESULTING IN SYSTEMIC INFECTION – SEPSIS; CHRONIC KIDNEY DISEASE, ACUTE RESPIRATORY DISTRESS, ALTERED MENTAL STATUS AND MULTI-END ORGAN SYSTEM DISEASE – WRONGFUL DEATH OF 66-YEAR-OLD FEMALE.

Montgomery County, PA

In this action for medical malpractice, the estate of the decedent maintained that the defendant surgeon incorrectly placed a shunt during an elective procedure resulting in a perforated small bowel which caused systemic infection that the

REFERENCE

Oglesby vs. Coral Reef Operating, LLC. Case no. 2020-024646-CA-01; Judge Lourdes Simon, 12-12-22.

Attorney for plaintiff: William A. Dean of Ford, Dean & Rotundo, P.A. in North Miami Beach, FL. Attorney for defendant: David M. Perez of Quintairos, Prieto Wood & Boyer, P.A. in Miami, FL. Attorney for defendant: Pro Se.

The plaintiff argued that, but for the defendant's negligence, the decedent's death was entirely preventable. The plaintiff claimed the loss of her husband's companionship and protection, and her mental pain and suffering as a result of his injury and death. At trial, the plaintiff presented an expert in orthopedic surgery who testified that the defendant deviated from the standard of care by providing inaccurate information as to the proper dosage of the patient's opiate medication.

The jury found in favor of the plaintiff and awarded damages in the amount of \$4 million broken down as follows: \$2 million for past loss of companionship and protection and pain and suffering and \$2 million for future loss of companionship and protection and pain and suffering.

REFERENCE

Hershkowitz vs. Rodriguez, M.D. Case no. CACE21001850; Judge Michael A. Robinson, 04-25-23.

Attorney for plaintiff: Matthew K. Schwencke of Searcy Denney Scarola Barnhart & Shipley in West Palm Beach, FL. Attorneys for defendant: Marci L. Strauss and Jonathan P. Lynn of LaCava Jacobson & Goodis, P.A. in Fort Lauderdale, FL.

defendant doctor and hospital failed to properly address and which ultimately caused her death. The estate originally asserted the defendant hospital staff was also negligent; however all defendants were discharged from the action except the defendant surgeon. The defendant denied all allegations of negligence.

The estate alleged that the defendant was negligent in incorrectly placing the distal end of a VP shunt into the decedent's intestine instead of the peritoneum, failing to ensure proper placement of the VP shunt before closing the procedure failing to appreciate the decedent's post operative signs of enterotomy of the small intestine, failing to order post-operative diagnostic testing, failing to perform proper tests for infection and bowel perforation and deviating from the standards of care. The decedent never returned home following her procedure in June of 2016 until her death in October of 2017. She is survived by her husband and 2 adult children.

The estate settled with the defendant for \$936,000.

REFERENCE

Plaintiff's neurosurgeon expert: Shivanand Lad, M.D., Ph.D. from NC. Plaintiff's nursing expert: Stephen Furman RN, BSN, CCRN, EMT from Cumberland, VA.

The Estate of Joan Marie Murphy by Jerald Murphy vs. Gene Zachary Salkind, M.D., Leena Jospeh, CRNP, Sayed Ausim Azizi M.D. and Holy Redeemer Health System. Case no. 2019-24777; Judge Lois E. Murphy, 11-28-23.

Attorney for plaintiff: John Fenerty, Jr. of Fenerty Law Firm in Huntingdon Valley, PA. Attorney for defendant: Michael McGilvery of McGilvery & Juliana in King of Prussia, PA. Attorney for defendant: Donald Camhi of Post & Schell in Philadelphia, PA.

PRODUCT LIABILITY

\$787,000,000 VERDICT – PRODUCT LIABILITY – DEFECTIVE DESIGN – HAZARDOUS BUNK BEDS – 2-YEAR-OLD CHILD SUFFERS POSITION ASPHYXIATION AFTER GETTING TRAPPED BETWEEN TOP RUN OF LADDER AND BOTTOM OF BUNK-BED FRAME MANUFACTURED, DISTRIBUTED AND SOLD BY DEFENDANTS – WRONGFUL DEATH OF 2-YEAR-OLD TODDLER.

U.S.D.C. - Southern District of Ohio

The plaintiff in the product liability/wrongful death action was the estate of a 2-year-old toddler who died after becoming stuck in bunk bed ladder manufactured, distributed and sold by the defendants. The incident was witnessed by the toddler's 4-year-old brother. In addition, the decedent's mother frantically tried to rescue her son from the ladder but was unable to free him before it was too late. 2 defendants settled with the plaintiff out of court and the case proceeded to trial against the manufacturer who denied negligence. The defendant denied being liable and denied that the product was faulty or not in compliance with federal regulations.

The minor's mother sued the defendants for product liability maintaining design defects and violations of federal safety guidelines. The defendants also failed to provide a sufficient or adequate warning or instruction that a manufacturer, exercising reasonable care, would have provided concerning the risk of children

dying from positional asphyxiation because it knew of the likelihood that the bunk bed design would cause such harm.

Wayfair and Longwood settled with the plaintiffs and the case went to trial against the defendant Moash only. The jury awarded \$175 million in compensatory damages on plaintiff's survival claim, \$90 million in compensatory damages on plaintiff's wrongful death claim and \$522 million in punitive damages on the plaintiff's survival claim for a total of \$787 million dollars.

REFERENCE

Estate of JB by Charles H. Cooper vs. Longwood Forest Products, Inc. Moash Enterprise Co. and Wayfair. Case no. 20cv03332; Judge Michael H. Watson, 08-15-23.

Attorney for plaintiff: Daniel R. Mordarski of Law Offices of Daniel R. Mordarski, LLC in Columbus, OH. Attorney for defendant: Edward G. Hubbard of Weston Hurd, LLP in Columbus, OH.

MOTOR VEHICLE NEGLIGENCE

\$1,750,000 VERDICT – MOTOR VEHICLE NEGLIGENCE – AUTO/MOTORCYCLE COLLISION – DEFENDANT DRIVER OPERATING COMPANY VEHICLE MAKES RIGHT TURN INTO PARKING LOT CLIPPING PLAINTIFF’S MOTORCYCLE CAUSING PLAINTIFF TO BE THROWN FROM MOTORCYCLE – TIBIA/FIBULAR FRACTURE – SURGERIES – FRACTURED CLAVICLE AND RIBS – COLLAPSED LUNG.

Suffolk County, MA

The plaintiff in this vehicular negligence action maintained that he suffered life-altering injuries when his motorcycle was clipped by the defendant who attempted a right turn across multiple lanes of traffic. The force of the collision caused the plaintiff to be thrown many feet into the air landing on his left side on the ground. The defendants denied all allegations of negligence and injury and maintained that it was the actions of the plaintiff that caused the collision.

The plaintiff broke his left tibia and fibula, his left clavicle, 7 ribs on the left side. He suffered a collapsed lung and fractured his back. In addition, he suffered numerous lacerations and bruising all over his body. He required emergency surgery for intubation and open reduction and internal fixation of his significantly

displaced open knee fracture. He required a second surgery 2 1/2 weeks later for further fixation of the knee.

The jury found that the defendant was negligent and that his negligence was a factual cause of harm to the plaintiff. The jury did not find the plaintiff to be comparatively negligent. The jury awarded damages in the amount of \$1,750,000.

REFERENCE

Enrico Domingo vs. David Justice, IV and United Private Car, Inc. Case no. 2284CV01093; Judge Robert B. Gordon, 01-24-24.

Attorney for plaintiff: Chad M. Vacarella of Morgan & Morgan in Boston, MA. Attorneys for defendant: Benjamin L. Bedard and John J. George of Lang & Associates in Lynnfield, MA.

\$651,009 VERDICT – MOTOR VEHICLE NEGLIGENCE – LANE CHANGE COLLISION – PLAINTIFF RIDE-SHARE PASSENGER CLAIMS DEFENDANT UBER DRIVER ILLEGALLY CHANGED LANES, COLLIDING WITH ANOTHER VEHICLE – DISC BULGES AT C4-5 AND C5-6; POSITIVE EMG FOR BILATERAL TIBIAL MOTOR NEUROPATHY – TREATED CONSERVATIVELY WITH CLAIM OF \$1,900 FOR LOST WAGES – DEFENDANT STIPULATES LIABILITY BUT CONTESTS CAUSATION AND PERMANENCY OF PLAINTIFF’S DAMAGES AND AMOUNT OF OUT-OF-POCKET EXPENSES.

Essex County, NJ

In this motor vehicle negligence case, the plaintiff, rideshare passenger, asserted that the defendant Uber driver struck another vehicle while the plaintiff was a passenger, causing the plaintiff significant, permanent injury. The defendant stipulated liability but contested the plaintiff’s damages. The defendant argued that some of the plaintiff’s injuries were not the plaintiff’s injuries were not causally related to the subject accident and that none of her injuries were permanent.

As a result of the collision, the plaintiff went to the emergency room the following day. The plaintiff treated conservatively. An MRI of the plaintiff’s cervical spine showed straightening secondary to spasm with disc bulges at C4-5 and C5-6. Additionally, an EMG was positive for bilateral tibial motor neuropathy but negative for radiculopathy. The plaintiff claimed \$7,600 in out-of-pocket medical expenses and \$1,900 in lost wages.

The parties submitted to non-binding arbitration prior to trial. The arbitrator assigned 100% liability to the defendant with damages of \$42,500. The arbitration was not confirmed. The parties stipulated to past lost wages of \$1,009 and the matter proceeded to trial on damages only.

The jury rendered a verdict in favor of the plaintiff in the amount of \$650,000 for non-economic pain, suffering, impairment, disability and loss of enjoyment of life.

REFERENCE

Nazario vs. Uber, et al. Docket no. L-002401-20; Judge Jeffrey Beacham, 07-14-23.

Attorney for plaintiff: Cecile D. Portilla of Cecile D. Portilla, Attorney at Law, LLC in East Orange, NJ. Attorney for defendant: Michael D. Dankanich of Zarwin Baum in Mt. Laurel, NJ.

\$237,103 VERDICT – MOTOR VEHICLE NEGLIGENCE – OIL-TANKER TRUCK/AUTO COLLISION – PLAINTIFF ASSERTS DEFENDANT DRIVER OF CO-DEFENDANT’S TANKER TRUCK MADE WIDE RIGHT TURN AND STRUCK DRIVER’S SIDE OF PLAINTIFF’S VEHICLE – MULTIPLE CERVICAL DISC HERNIATIONS; CERVICAL RADICULOPATHY; THORACIC AND LUMBAR DISC HERNIATIONS – CERVICAL TRIGGER POINT INJECTIONS; CERVICAL EPIDURAL STEROID INJECTIONS; THORACIC AND LUMBAR TRIGGER POINT INJECTIONS.

Bronx County, NY

In this motor vehicle negligence case, the plaintiff, a retired New York City police officer, asserted that the defendants were negligent when the defendant driver struck the plaintiff’s vehicle with such force that it caused him significant, permanent injury. The plaintiff brought suit against the owner of the vehicle (a leasing company and employer of the defendant driver), and the defendant driver. The defendant owner of the vehicle failed to appear at 2 hearings and was found in default. The co-defendant owner/lessor of the vehicle argued that it could not be held liable for the defendant driver’s actions in the motor vehicle accident that happened during the time that the defendant driver had rented the vehicle from the co-defendant. The defendant driver denied negligent operation of the truck.

As a result of the collision, the plaintiff sustained C3-4, C7-T1, and T2-T7 disc bulges; posterior central C4-5 disc herniation; left paracentral C5-6 disc herniation; Broad based posterior central disc herniation at C6-7; cervical radiculopathy; posterior central T7-8 disc herniation; left-sided central canal encroachment at T8-9; L4-5 disc herniation; L3-L4 right-sided annular

tear; and lumbar radiculopathy. The plaintiff treated with 2 cervical trigger point injections; 4 cervical transforaminal epidural steroid injections; a thoracic trigger point injection; and a lumbar trigger point injection. The plaintiff claimed her injuries cause ongoing limitation of movement and loss of use and function of the injured portions of her body and are likely to cause future traumatic arthritis to the injured areas.

The defendants subsequently failed to appear for 2 compliance conferences and a judgment as to liability was entered against them. The matter was then sent down for inquest on damages.

At the inquest on damages, the court awarded the plaintiff \$237,103 broken down as follows: \$175,000 in damages; \$1,115 in costs and \$60,988 in interest.

REFERENCE

Stewart vs. Petrolite Incorporated, et al. Index no. 36402/2017E; Judge Myrna Socono, 09-15-23.

Attorneys for plaintiff: Jennifer M. Ahlfeld and Michael Licatesi of Rubin & Licatesi, P.C. in Garden City, NY. Attorney for defendant driver and co-defendant employer/lessor of vehicle: Ira Goldman, Esq. in Brooklyn, NY.

PREMISES LIABILITY

\$3,000,000 VERDICT – PREMISES LIABILITY – NEGLIGENT SECURITY – PLAINTIFF ASSAULTED IN DEFENDANT’S CASINO – FAILURE TO PROVIDE PROPER AND ADEQUATE SECURITY – LACERATIONS, CONTUSION AND ABRASIONS – PTSD.

Philadelphia County, PA

In this action for premises liability, the plaintiff and her cousin were out celebrating the plaintiff’s birthday at the defendant’s casino when the plaintiff entered a bathroom and was assaulted by several individuals, causing her to sustain physical and emotional injuries. The plaintiff maintained that the defendant failed to provide adequate security and crowd control at the casino. The defendant denied all allegations of negligence and injury and argued that it was the actions of the assailants that caused the plaintiff injuries.

The plaintiff maintained that she suffered contusions, abrasions and lacerations to her head face and body and significant emotional injuries in the form of PTSD for which she is still treating.

The jury found that the defendant was negligent and awarded the plaintiff \$3,000,000 in damages.

REFERENCE

Shante Jackson vs. Live! Casino & Hotel Philadelphia. Case no. 220502296; Judge Michael Erdos, 12-20-23.

Attorney for plaintiff: Leonard K. Hill of Leonard Hill and Associates in Philadelphia, PA. Attorney for defendant: Andrew Kramer of Kane Pugh Knoell Troy & Kramer in Blue Bell, PA.

ADDITIONAL VERDICTS OF PARTICULAR INTEREST

Dram Shop

\$1,000,000 RECOVERY – DRAM SHOP ACTION – ALLEGED CONTINUED SERVICE OF ALCOHOL TO KNOWN ALCOHOLICS – DECEDENT STRUCK IN HEAD WITH BEER BOTTLES – WRONGFUL DEATH AT AGE 48.

Palm Beach County, FL

The plaintiff in this dram shop action claimed that the decedent was attempting to break up a bar fight in the defendant's Palm Beach facility, when he was struck in the head by beer bottles wielded by drunken patrons. The attack resulted in the plaintiff's decedent's death. It was the plaintiff's contention that the defendant's employees negligently served alcohol to known alcoholics, resulting in the deadly attack.

The plaintiff showed that Fosters Too was a local bar which was open all night and had an inordinate number of regulars. The plaintiff contended that these regulars routinely drank to excess, and some were

prone to start fights and cause problems. The individuals who killed the decedent frequented the bar and were allegedly known troublemakers.

The case was resolved prior to litigation being filed for the defendant's \$1,000,000 liability policy limit.

REFERENCE

Estate of Thomas Lewis vs. Foster's Too Lounge. Case no. n/a; Judge n/a, 08-31-24.

Attorney for plaintiff: Douglas McCarron of the Haggard Law Firm in Coral Gables, FL. Attorney for plaintiff: Eric Romano of Romano Law Firm in West Palm Beach, FL.

Landlord Negligence

\$4,250,000 RECOVERY – LANDLORD NEGLIGENCE – FAILURE OF COMMERCIAL LANDLORD TO MAINTAIN CONCRETE STEPS – PLAINTIFF MACHINIST FALLS 12 STEPS – CERVICAL HERNIATIONS – 2-LEVEL FUSION – INFECTION – LEFT SHOULDER TEAR – SEVERAL SURGERIES AND LOSS OF DEXTERITY IN NON-DOMINANT ARM – ACL TEAR – PLAINTIFF YET TO UNDERGO ACL SURGERY BECAUSE OF COMPLICATIONS – INABILITY TO WORK.

Middlesex County, NJ

This case involved a plaintiff machinist who was approximately 60 years old at the time of the incident. The plaintiff contended that the defendant landlord of the commercial building negligently failed to properly maintain concrete steps, resulting in the tread cover on one of the steps coming loose as the plaintiff was descending and his falling some 12 steps. The plaintiff maintained that he suffered cervical herniations which required a 2-level fusion and which will cause severe radiating pain and prevent him from engaging in the activities of daily living. The defendant landlord maintained that the employer, who was one of the several tenants, had the duty to maintain the area under the lease and named the defendant as an additional insured under its

policy. The defendant named the employer as a third party defendant. This aspect settled prior to trial for an undisclosed sum.

The plaintiff suffered an infection following this surgery which required the extended use of a PICC line, which in turn caused a severe fungal infection that caused painful rashes on various areas of the body. The fungal infection initially lasted for some 8 months and the plaintiff asserted that the pain was particularly severe during this period. The plaintiff further maintained that he suffered an ACL tear.

The case settled after a mediation before retired Judge Jamie Happas for \$4,250,000.

REFERENCE

Plaintiff machinist vs. Defendant landlord.

Attorney for plaintiff: James P. McHugh, III of McHugh & Brancato, LLP in Boonton, NJ.

Police Liability

\$1,700,000 VERDICT – POLICE LIABILITY – MOTOR VEHICLE NEGLIGENCE – AUTO/PEDESTRIAN COLLISION – DEFENDANT POLICE OFFICER STRIKES PLAINTIFF AS SHE LAWFULLY CROSSED STREET IN CROSSWALK – MULTIPLE FRACTURES – SURGERY – CONCUSSION – POST-CONCUSSION SYNDROME.

Essex County, NJ

The plaintiff in this action maintained that she was lawfully in a crosswalk, attempting to cross the street, when she was struck by the defendant police officer who was in the course of his employment with the defendant borough. Consequently, the plaintiff suffered a concussion with post-concussion syndrome, fracture of her right wrist, left displaced mid-shaft clavicle fracture requiring ORIF, left knee tibial plateau fracture, left lateral meniscus tear along with emotional distress. The defendants denied being negligent and argued that it was the actions of the plaintiff that caused the collision.

The plaintiff maintained that the defendant police officer failed to properly operate and control a police cruiser, drove too fast for conditions, failed to keep a proper lookout and failed to yield to the pedestrian. The parties reached an agreement for \$1,700,000.

REFERENCE

Shahrzad Changalvae vs. Officer Robert J. Adams and Caldwell Borough. Docket no. ESXL005843-20; Judge Annette Scoca, 10-13-23.

Attorney for plaintiff: Brent Bramnick of Bramnick Rodriguez Grabas Arnold & Mangan in Scotch Plains, NJ. Attorney for defendant: Joseph Alan Baratz of Weiner Law Group, LLP in Parsippany, NJ.

Sexual Assault

\$335,197 VERDICT – SEXUAL ASSAULT – BATTERY – LABOR LAW VIOLATIONS – ACUPUNCTURE MALPRACTICE – PLAINTIFF, EMPLOYED BY AND HAVING RELATIONSHIP WITH DEFENDANT ACUPUNCTURIST, MAINTAINED DEFENDANT ASSAULTED AND BATTERED HER BY PERFORMING IMPROPER ACUPUNCTURE PROCEDURES; SUBJECTED HER TO UNWANTED SEXUAL ADVANCES IN WORKPLACE AND FAILED TO PAY HER PER APPLICABLE LABOR LAWS.

Westchester County, NY

In this action, the plaintiff sued the defendant principal and his acupuncture business for various causes of action, including sexual assault, battery, professional negligence, and alleged labor law violations. The plaintiff sought to recover damages for the defendant's wage and hour violations and sex discrimination violations which arose out of the defendant's employment of the plaintiff, and to recover damages for physical injuries resulting from acupuncture malpractice. The defendant denied the plaintiff's claims and argued that, in addition to working together, the parties also had a relationship which went sour resulting in the plaintiff leaving the defendant's employ. The defendant maintained that the plaintiff was upset about the break-up and filed suit in retaliation.

The plaintiff contended that, during the employment period, the defendant discriminated against the plaintiff because of her sex in violation of New York Executive Law section 296. The plaintiff claimed the defendant subjected the plaintiff to unwelcome sexual demands and withheld the plaintiff's wages because of sex. As a result of the defendant's actions, the plaintiff sustained physical, psychological, emotional, and financial damages.

The jury found no malpractice, hostile work environment, sexual harassment, or battery, and returned a verdict in favor of the defendant on those claims. However, the jury did find that the defendant intentionally caused the plaintiff emotional distress and on that claim awarded past pain and suffering damages of \$84,420 and future pain and suffering damages of \$168,840. The jury found that the plaintiff was subjected to retaliation by the defendant but awarded no damages for the retaliation.

REFERENCE

Torian vs. DiStefano, et al. Index no. 51569/2019; Judge Alexandra D. Murphy, 03-13-23.

Attorney for plaintiff: Matthew C. Heerde of Heerde Law, PLLC in New York, NY. Attorney for defendant: Jeffrey Randolph of Law Office of Jeffrey Randolph, LLC in Glen Rock, NY.