



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.

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FEATURED CASES

\$37,548,096 VERDICT – MEDICAL MALPRACTICE – OB/GYN NEGLIGENCE – NURSING NEGLIGENCE – NURSES HELD 80% LIABLE FOR UNSAFE DOSAGE AND EXCESSIVE PRESSURE ON FETAL BRAIN CAUSING STROKE ON RIGHT SIDE OF INFANT’S BRAIN THROUGH UNNECESSARY PUSHING AT TIME OF DELIVERY – HEMIPLEGIC CEREBRAL PALSY – LOSS OF DAILY ACTIVITIES OF LIVING AND ENJOYMENT OF LIFE; DISABILITY.

Atlantic County, NJ

This medical malpractice action was filed on October 8, 2015, by the plaintiff mother on behalf of the plaintiff minor against the defendants, Shore Memorial Hospital and its staff, for negligence resulting in severe birth injuries. The defendants denied negligence and contended compliance with standards of medical care.

The plaintiff alleged plaintiff minor was born on June 10, 2008, at shore Memorial Hospital and further alleged the plaintiff’s mother was given Pitocin, a synthetic medication that was known to increase the frequency, duration and intensity of uterine contractions, during labor and delivery. The plaintiff alleged Pitocin manufacturer’s product warning cautioned medical professionals, such as ob/gyn doctors and labor and 2 delivery nurses of increasing the administration of this drug; and further alleged the on-call obstetrician and nurses monitoring the mother’s labor and delivery did not properly manage the Pitocin use causing excessive uterine activity and excessive pressure on the fetal brain causing a stroke on the right side of the baby’s brain.

The plaintiff alleged the negligence in the dosage, being greater than was safe; and alleged due to defendant nurses’ mismanagement there was harmful and unnecessary pushing at the time of delivery. The plaintiff pled severe and permanent injuries of right sided periventricular leukomalacia, i.e., damage to the white matter of the brain, diagnoses before age 1 of left hemiplegic cerebral palsy, loss of daily activities of living and enjoyment of life, disability, impairment pain and suffering, future loss earnings and future life care expenses. The defendant hospital contended it had no notice of a hazardous condition.

After a 24-day trial, the jury reached a verdict of \$37,548,096, consisting of: \$3,455,923 for future lost earnings; \$5,481,023 for future life care expenses;

\$29,021,150 for disability, impairment, loss of enjoyment of life and pain and suffering. The jury found the defendant doctor 20% liable and the 2 delivery nurses 80% liable.

REFERENCE

Amareda Markert vs. Shore Memorial Hospital. Docket no. ATL-L-2298-15; Judge Danielle J. Walcoff, 07-31-24.

Attorneys for plaintiff: Rudy Westmoreland, Thomas Vesper and Dara A. Quattrone of Westmoreland Vesper & Quattrone, PA in Atlantic City, NJ.
Attorneys for defendant: John Talvacchia and Michael E. McGann of Talvacchia & McGann in Mays Landing, NJ.

COMMENTARY

According to the expert report by Michael D. Katz, M.D., pediatric neurologist, Michael Markert’s birth was unattended by a physician and he was delivered by RN defendant Susan Venesz. “It is my opinion with a reasonable degree of medical certainty that Michael’s brain injury and current and permanent condition related to increased intracranial pressure at or near the time of delivery. Dr. Katz opined that Michael’s normal Apgar scores were “consistent with a scenario in which a child suffers a perinatal brain injury that does not involve his or her brainstem.”

The report, filed December 9, 2021, when the plaintiff minor was in third grade, stated Michael receives Special Education and Related Services, and shows a “Full Scale IQ of 75 on the WISC which placed him in the very low range when compared to other 7-year-olds”. Neuro-developmental follow-up indicated he has ADHD, executive function disorder, left sided-hemiplegic cerebral palsy, and perceptual delays including slow processing, delays in visual processing and some auditory inattention and auditory processing delays. He opined, “Michael clearly carries the diagnosis of left-hemiplegic cerebral palsy.”

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DEFENDANT'S VERDICT – MEDICAL MALPRACTICE – REHABILITATION CENTER NEGLIGENCE – WRONGFUL DEATH AND SURVIVAL ACTION – WIFE, STROKE VICTIM, RELEASED INTO CARE OF HUSBAND PRIOR TO LABS REVEALING POSITIVE RESULTS FOR COVID – PLAINTIFF ALLEGED DECEDENT CONTRACTED COVID FROM WIFE – DEFENDANT ARGUES COVID IMMUNITY STATUTE.

Bergen County, NJ

This medical malpractice action was filed by the plaintiff, Estate of the deceased, through Executor of the Estate, Dwayne Campbell, against the defendant, Woodcliff Health & Rehabilitation, et al., for COVID-19 infection resulting in death. The defendant contended under the COVID Immunity Statute, health care facilities and health care professionals are immune from liability for damages from injury or death resulting from any of their acts or omissions in providing medical services in response to the COVID outbreak during the public health emergency. They further argued immunity from suit and liability under the PREP Act.

The plaintiff alleged that the wife of the deceased, Selva Campbell, was admitted to the defendant's rehab center in Bergen County on March 23, 2020, less than 2 weeks after the World Health Organization declared COVID 19 a global pandemic; and further alleged 3 weeks later on April 13, 2020, a day before Mrs. Campbell was discharged into the care of her husband on April 14, 2020, Mrs. Campbell was tested by defendant doctor for COVID-19. The plaintiff alleged on April 16, 2020, 2 days after her discharge, the lab returned a positive test result to the defendant rehab who notified the plaintiff; and further alleged the plaintiff husband contracted COVID shortly after from his wife and died from complications of the virus on May 28, 2020.

The plaintiff alleged "negligent, grossly negligent, careless and reckless actions and omissions" in failing to ensure Mrs. Campbell was not COVID positive before discharging her and filed a 3-count complaint for medical negligence, wrongful death and a survival claim. The defendants contended as a matter of law they owed no duty to deceased husband as he was a non-patient third party to whom they rendered no care.

After a trial, the jury reached a full defense verdict.

REFERENCE

Estate of Donville Campbell, through Executor of the Estate, Dwayne Campbell vs. Woodcliff Health & Rehabilitation, et al. Docket no. L-7744-21; Judge Robert C. Wilson.

Attorney for plaintiff: Alexandra Loprete of Fredson Statmore Bitterman, LLC in Bloomfield, NJ. Attorneys for defendant: Salvatore Christopher Martino and Malinda Anne Miller of Lewis, Brisbois & Smith in Parsippany, NJ.

COMMENTARY

The COVID immunity statute declared by the Governor in Executive Order 103 of 2020, specifically provides that the "immunity granted "shall not apply to acts or omissions constituting a crime, actual fraud, actual malice, gross negligence, recklessness, or willful misconduct." Agreeing with the trial courts dismissal, on appeal, the court on June 26, 2024, ordered the case dismissed with prejudice stating, "the Legislature's decision to temporarily limit the scope of whatever duty we might recognize defendants owed their patient and, derivatively, the decedent, to one of simply avoiding gross negligence during the height of the COVID-19 pandemic leaves plaintiff unable to state a claim on the facts alleged. It is not possible for a reasonable jury to find defendants were not simply negligent but grossly negligent or reckless in discharging the decedent's wife to his care in April 2020, before knowing the result of her pending PCR test."

\$21,762,000 VERDICT – MUNICIPAL LIABILITY – DANGEROUS CONDITION – ECONOMIC LOSS – PROPERTY DAMAGE – NUISANCE– TRESPASS – 4 PROPERTY OWNERS SUE BOROUGH OF HADDONFIELD FOR DAMAGES WHEN HEAVY RAIN OVERWHELMED DRAINAGE SYSTEM IN COMMON BACKYARD AREA AND SWAMPED HOMES WITH “FECAL MATTER AND WASTEWATER MATERIALS” – STENCH OF HUMAN WASTE REMAINS 5 YEARS AFTER STORM.

Camden County, NJ

This negligent tort and dangerous condition action was filed in 2020, by the plaintiff, Denise Amons, et al., against the defendants, Borough of Haddonfield, et al., for failure of drainage system resulting in significant flooding damage to 4 homes. The defendant’s denied they breached any duties of care and argued flooding was due to an unusually severe storm and the natural low-lying condition of the plaintiff’s properties.

The plaintiffs alleged in June 2019 their 4 homes on Lafayette Avenue and Heritage Road were flooded when heavy rain overwhelmed a drainage system in a common backyard area; and further alleged the borough and the private water utility were negligent in failing to recognize and address problems in its storm management system. The plaintiffs alleged they were forced from their homes for months and had to spend “very large sums of money in an attempt to at least make their houses habitable if not enjoyable and/or marketable.” The plaintiff alleged “certain integral pipes designed to take runoff and floodwaters away from the properties were not connected; and further alleged Haddonfield officials “could find no significant information, records or documents” regarding the drainage system behind their homes.

The plaintiffs alleged claims of inverse condemnation; and further alleged the threat of similar floods in the future has “permanently and substantially” re-

duced their homes’ values. The plaintiffs pled damages for the flood’s emotional and psychological impact. The defendant argued they had not improperly maintained the drainage infrastructure that caused the flooding; and further argued that they received notice of a dangerous condition.

after 10-day trial, the Camden County jury reached a verdict for the plaintiffs and awarded them \$21,762,000.

REFERENCE

Amons vs. Borough of Haddonfield. Docket no. CAM-L-27824; Judge Michael J. Kassel, 03-21-24.

Attorney for plaintiff: Robert D. Sokolove of Weir LLP in Cherry Hill, NJ. Attorney for defendant: Borough of Haddonfield attorney.

COMMENTARY

In March 2020, according to the suit, Haddonfield officials and the borough’s engineer said a solution to the problem “could take years” and told the residents that, “the flooding can happen again and again.”

After the verdict the plaintiff’s attorney, Robert Sokolove, commented that the houses were swamped with “fecal matter and wastewater materials” and the plaintiff’s lives “were decimated and they are still fighting to regain the normalcy they had before the flood”. One of the plaintiffs “died without ever being able to return home.” The “substantial” verdict is a warning that “failing to address flood risks will likely lead to expensive liability for municipalities in the future.”

\$8,745,313 VERDICT – BREACH OF CONTRACT – CIVIL FRAUD AND CONSPIRACY ACTION – PLAINTIFF SUES FOR DEFAULT OF 23 LOANS FOR PURCHASE, REFINANCE, CONSTRUCTION OR REHABILITATION OF SUBJECT PROPERTIES – PLAINTIFF ALLEGES DEFENDANTS FRAUDULENTLY SOLICITED LOANS FROM PLAINTIFF SO THEY COULD POCKET PROCEEDS RATHER THEN USE THEM FOR CONTRACTED PURPOSE.

Union County, NJ

In this was a breach of contract, fraud and civil conspiracy action filed by the plaintiffs, Anchor Loans, L.P., Anchor Fund, LLC, and Anchor Assets V, LLC, against the defendant, Richard Sajous, et al. for economic damages resulting from the default of 23 loans at issue. The defendants denied allegations of fraud and civil conspiracy.

The plaintiff alleged that the defendants executed 23 promissory notes for commercial loans; and further alleged that each loan was accompanied by an executed Certificate of Business Form certifying that the borrower “intends to purchase, refinance, construct, or rehabilitate the subject property.” The plaintiff alleged the commercial mortgage security agreement

for all loans stipulated that any transfers of the subject property without mortgagee’s consent triggers an event of default on the loan and promissory note; and further alleged the executed 23 Certificate of Business Forms for all loans at issue, stipulated a failure to comply with the business purposes results in an event of default on the loan documents.

The plaintiff alleged 18 of the loans defaulted on June 1, 2019 and the other 4 defaulted on August 1, 2019, constituting default; and further alleged the defendant provided the guarantee on all of the loans at issue. The plaintiffs further allege that for 22 of the transactions they were victims of a fraudulent scheme by the Sajous Brothers, LaFortune and Payan defendants, where the transactions were fraudulently

conducted to solicit loan funds from the plaintiff so that the defendants could pocket the proceeds rather than use them to purchase and rehabilitate the subject properties.

The plaintiff pled damages of 15 percent post-default interest, 10 percent late charges, costs paid for maintenance of the properties, and insurance paid towards the 23 subject properties. The defendant disputed the material facts and asserted the plaintiff failed to provide precise allegations to establish a claim. The defendant denied that they breached the Guaranties arguing (1) the obligations were fulfilled, (2) any failures to make payments pursuant to the Guarantees was due to circumstances beyond their control, (3) denied the plaintiff suffered damages as a result of any alleged breach.

Superior Court of New Jersey, Union County bench verdict: \$8,745,313. Awards: \$8,709,120 in Damages Counts III and IV; \$36,193 in Damages Counts I and II.

REFERENCE

Anchor Loans, L.P., Anchor Fund, LLC and Anchor Assets V, LLC vs. Richard Sajous, et al. Docket no. UNN-L-4147-20; Judge Robert J. Mega, 03-26-24.

DEFENDANT'S VERDICT – BREACH OF CONTRACT LITIGATION ARISING OUT OF PURCHASE OF RED ROOF INN – PLAINTIFF GAVE DEFENDANT \$100,000 NON-REFUNDABLE DEPOSIT, THEREAFTER DEFENDANT ATTORNEY, BROUGHT IN TO STRUCTURE AND SETTLE DEAL, ADVISED PLAINTIFF OF ON-GONG LITIGATION AND ITS IMPACT ON VALUE OF PROPERTY – PLAINTIFF BRINGS IN INVESTOR AND DISPUTE ON PAYING COUNSEL FEES RESULTS IN DEFENDANT PULLING OUT OF DEAL – BOTH PARTIES CLAIM OTHER BREACHED.

Camden County, NJ

This breach of contract action was filed by the plaintiff, Amit Shah, Individually and derivatively on behalf of Jai Swaminarayan Mount Laurel, LLC, against the defendants, Vijay Shroff, et al. for business injuries sustained from the terminated purchase agreement for the Red Roof Inn in Mount Laurel, New Jersey. The defendant argued it was the plaintiff that backed out of the deal not the defendant

The plaintiff alleged that in August 2014, the plaintiff made an offer for the purchase of the Red Roof Inn in Mount Laurel, New Jersey; and further alleged the purchase offer was for \$4.5 million and required a \$100,000 non-refundable deposit and the initial deposit was paid by Jai Swaminarayan Mount Laurel, LLC, (JSML) a entity formed for that purpose. The plaintiff alleged settlement attorney defendant, Anthony Foschi, esq. was brought in for structuring and completing the deal; and further alleged Foschi as counsel raised concerns about litigation the Red Roof property was involved in related to a proposed

Attorneys for plaintiff: Jorge Sanchez and Michael O'Donnell of Riker Danzig, LLP in Morristown, NJ. Attorney for defendant: Robert B. Davis of Davis Law Center, LLC in Jersey City, NJ.

COMMENTARY

At trial, the defendant did not offer any objections to the evidence proffered and did not call any witnesses, including any defendants in the case. The plaintiffs elected to recover money damages under the fraud and civil conspiracy claims for 22 of the loans and elected to recover under the breach of notes/guaranties claims for the last of the 23 loans at issue. Final judgment has not been entered as the matter is stayed due to bankruptcy filings. The plaintiff's provided more than 200 loans to the Sajous Brothers and their entities from 2016 through 2019. The plaintiff's asserted that the Sajous Brothers, LaFortune and Payan used a number of limited liability companies to defraud the plaintiffs into providing 22 loans supposedly secured by properties in which they never had title. The court stated the relationship between the individual defendants as "the Sajous Brothers are friends with LaFortune and Payan, with Richard Sajous being Payan's brother-in-law".

The court opined, "Further, if the Court believes any witness deliberately lied, on any fact significant to the Court's decision in this case, the Court has the right to reject all of that witness' testimony. However, in the Court's discretion, the Court may believe other parts of the testimony. This is commonly known as false in one, false in all. See State v. Ernst, 32 N.J.567 (1960)."

Walmart on an adjacent tract of land and its impact on the value and viability of the Red Roof Inn property.

The plaintiff alleged the defendant, Vijay Shroff, expressed an interest in being an investor in the purchase of the Red Roof property; and further alleged in February 2015, the plaintiff and defendant, Hema Shroff, executed an operating agreement for JSML and a separate Power of Attorney Agreement was executed giving Vijay Shroff the power to act on behalf of Hema Shroff, with respect to the Red Roof Inn property and the operation of JSML. The plaintiff alleged in February 2015, the defendant, Vijay Shroff backed out of the deal over a dispute involving a request of the defendant to contribute money towards a counsel fee bill; and further alleged that after the defendant backed out during a brief telephone conversation between the plaintiff and the defendant alone on the call.

The plaintiff alleged the Red Roof Inn was subsequently purchased by a new entity, 603 Fellowship LLC, in which defendant Hema Shroff was a 50 percent participant of 603 fellowship; and further alleged

that plaintiff's nephew and defendant, Khatiwala was also a silent partner in the subsequent purchase as Khatiwala's wife was a 10% owner of the new LLC. The plaintiff alleged that defendant Khatiwala convince Vijay Shroff to terminate the purchase agreement of the hotel with JSML. The plaintiff pled business injuries and damages. The defendant argued it was the plaintiff that backed out of the deal and that the plaintiff requested and obtained the return of the \$100,000 non-refundable purchase deposit made by JSML, without the consent of co-shareholder Shroff. The jury reached a full defense verdict.

REFERENCE

Amit Shah, individually and derivatively on behalf of Jai Swaminarayan Mount Laurel, LLC vs. Vijay Shroff, et al. Docket no. CAM-L-2934-20; Judge Steven J. Polansky, 01-21-25.

Attorney for plaintiff: Natalie B. Molz of White and Williams in Philadelphia, PA. Attorney for defendant: Michael Lauricella of Archer & Greiner, PC in Hackensack, NJ.

COMMENTARY

The jury found the plaintiff did not prove by a preponderance of the evidence that Vijay Shroff backed out of the purchase of the Red Roof Inn through JSML. The court opined the plaintiff's "entire theory" of the case revolved around a short telephone conversation between defendant Vijay Shroff and the plaintiff, in which both claimed the other backed out of the deal during that telephone conversation. The court opined that there was no dispute that the plaintiff was copied on numerous emails subsequent to the deals termination which sought to put the Red Roof deal back in place, and sought the plaintiff's participation in the deal. The court opined the plaintiff "denied reading any of the emails with the exception of an email from nephew defendant Khatiwala regarding the deal, but the plaintiff [Shah] admitted he never responded to Khatiwala."

\$5,313,168 GROSS VERDICT – CONSTRUCTION SITE NEGLIGENCE – NEGLIGENT MAINTENANCE – IRONWORKER STEPS ON LARGE CHUNKS OF KNOWN DEBRIS AT 45-STORY HIGH RISE – ROCK ROLLS OUT FROM UNDER HIM AND HE FALLS SUFFERING SEVERE HERNIATED DISCS – DECOMPRESSION SURGERY; SPINAL FUSION WITH IMPLANTED HARDWARE – PERMANENT SPINAL CORD STIMULATOR.

Hudson County, NJ

This action was filed July 12, 2019 by the plaintiff, an ironworker, against the defendant, AJD Construction Company for severe injuries sustained when he stepped on a large chunk of debris and it rolled out from under him and he fell. The defendant presented testimony from an engineer whose report opined the defendant did nothing wrong and properly managed safety on the project.

The plaintiff alleged he was employed as an iron worker at the construction of a high-rise condominium at 235 Grand Avenue in Jersey City, New Jersey and the defendant was the project's general contractor. The plaintiff alleged in order to maximize profits, the defendant had the prior demolished building used as fill on the site; and further alleged this site left large chunks of concrete, wood and glass strewn about the site, including on the job access road which was used by everyone to walk around the site. The plaintiff alleged the defendant in the weeks prior to the accident, received several complaints about the poor condition of the road from the demolished building material causing workers to trip; and further alleged the defendant ignored the complaints and refused to have the road graded out to save money. The plaintiff alleged on November 2, 2017, the plaintiff was walking on the road to show a driver where to stage a delivery of rebar when he stepped on a large chunk of concrete that was partially embedded in the dirt and sticking up. The plaintiff alleged the rock rolled out from under him, throwing him off balance

causing his body to twist causing a sharp pain in his lower back. The plaintiff alleged his legs gave out from under him and he fell to the ground face-first.

The plaintiff pled injuries of severe herniated discs in his lower back at 2 levels, decompression surgery, multiple surgeries including a spinal fusion with implanted hardware, permanent spinal cord stimulator implantation in his spine for pain relief, severe disability, lost wages, future loss of wages, incapacity to work and medical bills. The defendant contended and the defendant's experts testified that the plaintiff sustained no real injuries, just a minor sprain; and further contended all the plaintiff's conditions were pre-existing.

Jury verdict: \$5,313,168. Awards: \$462,370 in past medical expenses; \$616,139 in future medical expenses; \$180,950 in past lost wages; \$885,709 in future lost wages, \$2,640,000 in past and future pain, suffering, disability, loss of enjoyment of life; spouse, \$528,000 in loss of consortium damages. After 20% comparative negligence, the plaintiff was awarded \$4,250,534.40. The defendant was apportioned 80% liability.

REFERENCE

Donald Hoiland vs. AJD Construction Company. Docket no. HUD-L-2754-19; Judge Christine Vanek.
Attorneys for plaintiff: Gerald H. Clark and Lazaro Berenguer of Clark Law Firm, PC in Belmar, NJ. Attorneys for defendant: Adam Levy and Pauline Tutelo of Marshall Dennehey in Roseland, NJ.

COMMENTARY

Lead counsel Gerald H. Clark issued a statement, "We are pleased with the result obtained, which is rather modest given the trial proofs. The insurance company and the lawyers they hired to represent the defendant fought us tooth and nail during the 5 years of this litigation and through trial where they seemingly objected to everything. This drove up our costs and time commitment in the case, but neither our

firm nor our client would break. Our faith in the system was reaffirmed by a jury that was able to see through the defense trial tactics and render adequate justice."

"I'm glad we were able to obtain a jury verdict to compensate Don for everything he and his family have suffered and will continue to suffer." - Co-counsel Lazaro Berenguer.

Verdicts By Category

DOG ATTACK

DEFENDANT'S JUDGMENT

Dog attack – Plaintiff attacked and bitten by dog while visiting defendant automotive services shop – Dog bite injury – Disc herniations at L4-5 and L5-S1 – Left knee medial meniscus tear.

Union County, NJ

In this dog attack action, the plaintiff sustained injuries when he was attacked and bitten by a dog while visiting the defendant automotive services shop. The defendants generally denied all allegations of negligence, maintaining that the defendant shop did not own the dog that attacked the plaintiff, and therefore, had no liability regarding the dog's actions.

On May 29, 2021, the plaintiff was a visitor and business invitee at the defendant automotive services shop, located in Linden, New Jersey. The plaintiff's vehicle had a flat tire, and the plaintiff was hoping to get it repaired at the defendant shop. At the time of the incident, the plaintiff was walking back to his car, when he was suddenly chased and attacked by a dog. While trying to get away from the dog, the plaintiff slipped and fell in the parking lot.

The plaintiff maintained that the defendants were negligent in failing to leash the dog or otherwise prevent it from attacking, and failing to keep the dog away from visitors. The plaintiff sustained injuries, including a dog bite injury, disc herniations at L4-5 and L5-S1, and left knee medial meniscus tear. The plaintiff received rabies injections, but his injuries were otherwise treated conservatively.

The arbitrator in this case did not report an award due to the plaintiff's inability to establish the defendants' liability in this case. Following arbitration, the defendants' counsel motioned for summary judgment, which was granted in favor of the defendants on August 30, 2024, by the Honorable John Hudak.

REFERENCE

Turobbek Akhmedov vs. Tires R Us, LLC. Docket no. UNNL003288-21; Judge John G. Hudak, 09-09-24.

Attorney for plaintiff: Shakhnevich Law Group, P.C. in Brooklyn, NY. Attorney for defendant: Frank J. Shamy of Law Office of Frank J. Shamy in New Brunswick, NJ.

EMPLOYER LIABILITY

\$106,903 ARBITRATION AWARD

Employer liability – Plaintiff employee trips over flood barrier while working at toll plaza for defendants – Osteochondral defect of left knee – Surgery required.

Camden County, NJ

In this personal injury action, the plaintiff, employee of the defendants, tripped and fell over a floor barrier while working at a toll plaza for the defendants, causing her to become injured. The defendants denied all allegations of negligence.

On July 11, 2021, the plaintiff was operating in the scope of her employment as a toll collector for the defendant port authority at the Ben Franklin Bridge. On this day, the plaintiff was attempting to enter her designated toll booth, on which the port authority had recently installed a floor barrier. The plaintiff attempted to get into the toll booth by stepping over the flood barrier and then tripped over the barrier and fell.

The plaintiff maintained that the defendants were negligent in failing to prevent or repair a tripping hazard failing to warn of a tripping hazard caused by the flood barrier. Consequently, the plaintiff sustained injuries, including an osteochondral defect of the left knee, which required a uni-compartmental left knee replacement to repair.

The arbitrator in this case found the defendants 50% liable for the accident and the plaintiff 50% liable. The arbitrator reported a net award for the plaintiff in the amount of \$106,903.50. Following arbitration, the defendant's counsel requested a trial de novo, which was scheduled to begin on March 31, 2025. However, the parties entered into a settlement and the case was dismissed on May 13, 2025.

REFERENCE

Rasheeda Mitchell vs. Delaware River Port Authority. Docket no. CAML001885-23; Judge Judith S. Charny, 05-14-25.

Attorney for plaintiff: Thomas F. Sacchetta, Esquire of Sacchetta & Baldino in Woodbury, NJ. Attorney for defendant: Roxanne Leander La Roc, Esquire of Delaware River Port Authority in Camden, NJ.

LANDLORD NEGLIGENCE

\$60,000 ARBITRATION AWARD

Landlord negligence – Plaintiff tenant slips and falls on icy stairs at apartment residence – Failure to remove ice/snow from exterior stairs on premises – Displaced fractured scapula – 4 cervical disc bulges.

Bergen County, NJ

In this premises liability action, the plaintiff slipped and fell on icy stairs at his apartment residence, causing him to become injured. The defendants denied all allegations of negligence.

On January 5, 2022, the plaintiff was lawfully traversing a set of exterior stairs adjacent to his apartment residence, located at 201 Claremont Avenue in Jersey City, New Jersey. On this day, the premises was owned, operated, and maintained by the defendants. At the time of the incident, the plaintiff was walking on the exterior stairs when he encountered ice and snow. The plaintiff then slipped and fell down the stairs.

The plaintiff maintained that the defendants were negligent in failing to remove ice and snow from the exterior stairs, failing to place salt or other measures

to melt ice, and failing to warn of a slipping hazard. Consequently, the plaintiff sustained injuries, including a displaced fractured scapula, as well as four cervical disc bulges. The plaintiff's injuries were treated conservatively, with a 7-month course of physical therapy.

The arbitrator in this case found the defendants 60% liable for the accident and the plaintiff 40% liable. The arbitrator reported a net award for the plaintiff in the amount of \$60,000. Following arbitration, the parties entered into a settlement during a conference on April 1, 2025.

REFERENCE

Kevin Castillo vs. 201-203 Claremont Investments. Docket no. BERL005931-22; Judge Anthony Suarez, 04-02-25.

Attorney for plaintiff: Steven Benvenisti, Esq. of Davis, Saperstein & Salomon, P.C. in Teaneck, NJ.
Attorney for defendant: Philip J. Odett of Zarwin, Baum, DeVito, Kaplan, Schaer, Toddy, P.C. in Jersey City, NJ.

MOTOR VEHICLE NEGLIGENCE

Auto/Pedestrian Collision

\$150,000 SETTLEMENT

Motor vehicle negligence – Auto/pedestrian collision – Plaintiff pedestrian struck by defendant's vehicle backing into driveway – Fracture of lateral tibial plateau – Minor meniscus tear – Total knee replacement recommended.

Bergen County, NJ

In this motor vehicle negligence action, the plaintiff pedestrian sustained injuries when she was struck by the defendant's vehicle backing into a driveway. The defendant generally denied all allegations of negligence.

On November 30, 2021, the plaintiff pedestrian was walking on a sidewalk in the area of 1645 Palisade Avenue and the rear of 166 Main Street in Fort Lee, New Jersey. At the same time, the defendant's vehicle was arriving at the same location and was preparing to back into a driveway at the rear of 166 Main Street. As the defendant's vehicle was backing in, it struck the plaintiff pedestrian on her left side.

The plaintiff maintained that the defendant was negligent in failing to observe the plaintiff pedestrian, failing to remain adequately attentive, and failing to check for clearance before backing into the driveway. Consequently, the plaintiff sustained injuries, including a fracture of the lateral tibial plateau as well as a minor meniscus tear. The plaintiff's injuries were treated conservatively, but a total knee replacement was recommended.

The arbitrator in this case found the defendant 100% liable for the accident in this case and reported an award for the plaintiff in the amount of \$150,000. Following arbitration, the parties entered into a settlement for the same amount.

REFERENCE

Lisa Riskin vs. Jay Weiss. Docket no. BERL000181-23; Judge Michael N. Beukas, 04-08-25.

Attorney for plaintiff: Anthony D. Martine of McMahan, Martine & Gallagher, LLP in Trenton, NJ.
Attorney for defendant: Charles F. Holmgren, Esq. of Capehart & Scatchard, PA in Mount Laurel, NJ.

■ \$120,000 SETTLEMENT

Motor vehicle negligence – Auto/pedestrian collision – Plaintiff pedestrian struck by defendant’s vehicle making left turn – Bilateral right and left knee injuries – Knee surgery required.

Bergen County, NJ

In this motor vehicle negligence action, the plaintiff pedestrian sustained injuries when she was struck by the defendant’s vehicle making a left turn. The defendant generally denied all allegations of negligence.

On February 10, 2021, the plaintiff was a pedestrian lawfully walking on Lemoine Avenue, at its intersection with Bridge Plaza North, in Fort Lee, New Jersey. At this time, the plaintiff was attempting to cross Lemoine Avenue in the crosswalk at the subject intersection. At the same time, the defendant’s vehicle was traveling on Bridge Plaza North and was preparing to make a left turn onto Lemoine Avenue. The defendant then attempted to turn left and struck the plaintiff pedestrian in the crosswalk.

The plaintiff maintained that the defendant was negligent in failing to yield to pedestrians, failing to wait for clearance before turning left and failing to observe the plaintiff pedestrian. Consequently, the plaintiff sustained injuries, including bilateral left and right knee injuries. The plaintiff’s right knee was partially replaced, and the plaintiff’s left knee injury was treated with injections. A doctor for the defendant opined that the plaintiff’s injuries were degenerative.

The arbitrator in this case found the defendant 100% liable for the accident and reported an award for the plaintiff in the amount of \$100,000. Following arbitration, the parties entered into a settlement for the same amount.

REFERENCE

Daisy Lopez vs. David Choi. Docket no. BERL000748-23; Judge Thomas A. Sarlo, 04-04-25.

Attorney for plaintiff: Philip J. Murphy of Philip J. Murphy, Esq. in New City, NY. Attorney for defendant: Jason Bonica of Law Offices of William J. Fitzula in Woodbridge, NJ.

Driveway Exit Collision

■ \$167,500 ARBITRATION AWARD

Motor vehicle negligence – Driveway exit collision – Back-up collision – Defendant’s vehicle backs into plaintiff’s mail truck – Failure to wait for clearance before backing out of driveway – Cervical and lumbar disc herniation – Cervical and lumbar radiculopathy – Shoulder tear.

Union County, NJ

In this motor vehicle negligence action, the defendant’s vehicle backed into the plaintiff’s mail truck, injuring the plaintiff. The defendant generally denied all allegations of negligence.

On December 29, 2021, the plaintiff was operating a mail truck in the scope of her employment as a mail carrier. On this day, the plaintiff was inside the mail truck, which was parked on Orchard Place, near its intersection with New Street in Plainfield, New Jersey. At this time, the defendant’s vehicle was backing out of a driveway on Orchard place, in the same location as the plaintiff’s mail truck. As the defendant’s vehicle was backing out, it struck the mail truck, causing the plaintiff to become injured.

The plaintiff maintained that the defendant was negligent in failing to wait for clearance before backing out of the driveway, failing to observe the mail truck,

and failing to keep the vehicle under proper and adequate control. Consequently, the plaintiff sustained injuries, including cervical and lumbar disc herniations, cervical and lumbar radiculopathy, and a shoulder tear. The plaintiff’s injuries were treated with epidural steroid injections. A doctor for the defendant opined that the plaintiff’s injuries were degenerative.

The arbitrator in this case found the defendant 100% liable for the accident and reported an award for the plaintiff in the amount of \$167,500. Following arbitration, the defendant’s counsel requested a trial de novo, which was scheduled to begin on September 16, 2024. However, the parties entered into a settlement and the case was dismissed that same day.

REFERENCE

Elvira Bailey vs. Brayan Monroy. Docket no. UNNL002437-22; Judge Mark P. Ciarocca, 09-16-24.

Attorney for plaintiff: Brian J. Trembly of Bramnick Rodriguez Grabas Arnold & Mangan, LLC in Scotch Plains, NJ. Attorney for defendant: Linda Bailey of Lamb Kretzer, LLC in Secaucus, NJ.

Intersection Collision

■ \$95,000 ARBITRATION AWARD

Motor vehicle negligence – Intersection collision – Plaintiff’s vehicle struck in driver’s side by defendant’s vehicle after defendant runs stop sign – Disc bulges at C3-4 – Right shoulder SLAP tear – Left shoulder rotator cuff tear and torn labrum.

Union County, NJ

In this motor vehicle negligence action, the plaintiff’s vehicle was struck in the driver’s side by the defendant’s vehicle after the defendant ran a stop sign, causing injury to the plaintiff. The defendant denied all allegations of negligence.

On August 29, 2020, the plaintiff’s vehicle was traveling westbound on East Grand Street, toward its intersection with Reid Street in Elizabeth, New Jersey. At this time, the plaintiff was preparing to proceed straight through the intersection after stopping at a stop sign. At the same time, the defendant’s vehicle was traveling northbound on Reid Street, toward the same intersection. At the time of the incident, the defendant ran the stop sign at the intersection and proceeded forward, striking the plaintiff’s vehicle in the driver’s side.

The plaintiff maintained that the defendant was negligent in failing to obey a stop sign, failing to remain adequately attentive, and failing to observe the

plaintiff’s vehicle in the intersection. Consequently, the plaintiff sustained injuries, including disc bulges at C3-4, as well as a right shoulder SLAP tear, and a left shoulder rotator cuff tear and torn labrum. A doctor for the defendant opined that the plaintiff’s injuries were pre-existing, suggesting they may have come from activities from a recent vacation.

The arbitrator in this case found the defendant 100% liable for the accident, and reported an award for the plaintiff in the amount of \$95,000. Following arbitration, the defendant’s counsel requested a trial de novo, which was scheduled to begin on October 28, 2024. However, the matter was amicably adjusted between parties before the trial began. A stipulation of dismissal was submitted on September 5, 2024.

REFERENCE

Jayla Nii Moi vs. Ramiro Bazan. Docket no. UNNL002334-22; Judge Mark P. Ciarrocca, 09-05-24.

Attorney for plaintiff: Nicholas P. Scutari of Nicholas P. Scutari, Esq. in Linden, NJ. Attorney for defendant: Elizabeth McPhillips of Law Offices of Nancy L. Callegher in Mount Laurel, NJ.

■ \$50,000 ARBITRATION AWARD

Motor vehicle negligence – Intersection collision – Plaintiff’s vehicle struck by defendant’s vehicle while making left turn – ACL tears in both knees – 2 cervical disc herniations and bulges with radiculopathy – 4 lumbar herniations and bulges with radiculopathy – Right shoulder nondisplaced fracture.

Bergen County, NJ

In this motor vehicle negligence action, the plaintiff’s vehicle was struck by the defendant’s vehicle while the plaintiff was turning left, causing the plaintiff to sustain injuries. The defendant denied all allegations of negligence, maintaining that the plaintiff made an abrupt left turn in front of the defendant who had the right-of-way, causing the collision.

On December 7, 2021, the plaintiff’s vehicle was traveling on Archer Street, at its intersection with River Road in Edgewater, New Jersey. At this time, the defendant’s vehicle was also traveling on Archer Street, in the opposite direction and toward the same intersection. At the time of the incident, the plaintiff was turning left onto River Road at the subject intersection, and the defendant was preparing to proceed straight through the intersection. As the plaintiff’s vehicle was turning left, it was struck by the defendant’s vehicle.

The plaintiff maintained that the defendant was negligent in failing to wait, failing to observe the plaintiff’s vehicle, and failing to obey traffic conditions. Consequently, the plaintiff sustained injuries, including ACL tears in both knees, 2 cervical disc herniations and bulges with radiculopathy, 4 lumbar disc herniations and bulges with radiculopathy, and a right shoulder nondisplaced fracture. A doctor for the defendant opined that the plaintiff’s injuries were degenerative.

The arbitrator in this case found the defendant 50% liable for the accident and the plaintiff 50% liable. The arbitrator reported a net award for the plaintiff in the amount of \$50,000. Following arbitration, the plaintiff’s counsel requested a trial de novo, which was scheduled to begin on May 19, 2025. However, the parties entered into a settlement on April 7, 2025, prior to the initial hearing. A stipulation of dismissal was submitted on May 1, 2025.

REFERENCE

Hye Shin vs. Madani Diarra. Docket no. BERL002517-23; Judge David V. Nasta, 04-07-25.

Attorney for plaintiff: Pasha Razi of Jae Lee Law, PC in Fort Lee, NJ. Attorney for defendant: Timothy P. Smith, Esq. of Kinney Lisovicz Reilly & Wolff, PC in Parsippany-Troy Hills, NJ.

Lane Change Collision

■ \$85,000 SETTLEMENT

Motor vehicle negligence – Lane change collision – Plaintiff’s vehicle sideswiped by defendant’s vehicle changing lanes – Failure to wait for clearance before changing lanes – 4 cervical disc herniations – 2 lumbar disc herniations – Left shoulder injury – Ninth rib fracture.

Bergen County, NJ

The plaintiff in this motor vehicle negligence action sustained injuries when the plaintiff’s vehicle was sideswiped by the defendant’s vehicle changing lanes. The defendant generally denied all allegations of negligence.

On January 3, 2023, the plaintiff’s vehicle was traveling in a northbound direction on the New Jersey Turnpike, near mile marker 120.4, in Leonia, New Jersey. At this time, the defendant’s vehicle was also traveling in a northbound direction on the New Jersey Turnpike, in the same vicinity as the plaintiff’s vehicle. At the time of the incident, the defendant attempted to change lanes and merge into the plaintiff’s lane of travel. The defendant’s vehicle then sideswiped the plaintiff’s vehicle, causing the plaintiff’s vehicle to spin out.

The plaintiff maintained that the defendant was negligent in failing to wait for clearance before changing lanes, failing to observe the plaintiff’s vehicle, and failing to keep the vehicle under proper and adequate control. Consequently, the plaintiff sustained injuries, including 4 cervical disc herniations, 2 lumbar disc herniations, a left shoulder injury, and a fracture of the ninth rib. The plaintiff’s injuries were treated with epidural steroid injections administered to the cervical and lumbar spine as well as the left shoulder. The arbitrator in this case found the defendant 100% liable for the accident and reported an award for the plaintiff in the amount of \$85,000. Following arbitration, the parties entered into a settlement for the same amount.

REFERENCE

Haydee Otero vs. Melvin Romandeo. Docket no. BERL006202-23; Judge John D. Odwyer, 04-29-25.

Attorney for plaintiff: Daniel Suh of Law Offices Rosemarie Arnold in Fort Lee, NJ. Attorney for defendant: Kenneth Foreman of Lewis Brisbois Bisgaard & Smith, LLP in Newark, NJ.

■ DEFENDANT’S JUDGMENT

Motor vehicle negligence – Lane change collision – Plaintiff’s and defendant’s vehicles collide when plaintiff enters defendant’s lane of travel – Disc herniation at C4-5 – Disc herniation at L4-5 – Right shoulder partial tear of distal tendon.

Essex County, NJ

In this motor vehicle negligence action, the plaintiff’s vehicle collided with the defendant’s vehicle after entering the defendant’s lane, resulting in the plaintiff sustaining injuries. The defendant generally denied negligence.

On July 4, 2022, the plaintiff’s vehicle was traveling westbound on Interstate 80, near mile marker 13.2 in the right lane. At the same time, the defendant’s vehicle was also traveling westbound on Interstate 80, in the left lane and in the same vicinity of the plaintiff’s vehicle. At the time of the incident, the plaintiff attempted to pass the defendant on the right, and then entered the left lane in front of the defendant. The rear driver’s side of the plaintiff’s vehicle then collided with the front passenger side of the defendant’s vehicle.

The plaintiff maintained that the defendant was negligent in failing to yield, failing to maintain a safe distance from the other vehicles, and failing to observe

the plaintiff’s vehicle changing lanes. Consequently, the plaintiff sustained injuries, including disc herniation at C4-5, disc herniation at L4-5, and right shoulder partial tear of the distal tendon. The defendant denied all allegations of negligence, maintaining that the plaintiff caused the accident.

The arbitrator in this case found the defendant 50% liable for the accident and the plaintiff 50% liable. The arbitrator reported a net award for the plaintiff in the amount of \$25,000. Following arbitration, the defendant’s counsel requested a trial de novo, which took place from April 14, 2025, to April 16, 2025. The jury returned a verdict of no cause for action in favor of the defendant, which the Honorable Russell J. Passamano entered as a judgment on June 9, 2025.

REFERENCE

Keene Charles vs. Stanley Michel. Docket no. ESXL006864-22; Judge Richard T. Sules, 04-16-25.

Attorney for plaintiff: Scott Arons of Arons & Arons, LLC in South Orange, NJ. Attorney for defendant: Joanna Inglessis of The Law Office of Alphonso H. Ibrahim in Scranton, PA.

Left Turn Collision

■ \$16,000 SETTLEMENT

Motor vehicle negligence – Left turn collision – Plaintiff’s vehicle struck by defendant’s vehicle while making left turn at intersection – Failure to obey changing traffic light – Soft tissue injuries – Lumbar disc bulges.

Essex County, NJ

In this motor vehicle negligence action, the plaintiff’s vehicle was struck by the defendant’s vehicle while the plaintiff was attempting to make a left turn at an intersection, causing the plaintiff to become injured. The defendant generally denied negligence.

On February 10, 2022, the plaintiff’s vehicle was traveling southbound on River Drive, at its intersection with Monroe Street in Garfield, New Jersey. At this time, the plaintiff was waiting for oncoming traffic to pass so that she could make a left turn onto Monroe Street. As the light at the intersection turned yellow, the plaintiff attempted to execute her left turn. At the same time, the defendant’s vehicle, traveling northbound on River Drive, proceeded straight through the intersection in an attempt to “beat the light.” The defendant’s vehicle then struck the plaintiff’s vehicle turning left.

The plaintiff maintained that the defendant was negligent in failing to obey a changing traffic light, failing to remain adequately attentive, and failing to maintain a safe distance from other vehicles. Consequently, the plaintiff sustained injuries, including soft tissue injuries as well as lumbar disc bulges, all of which were treated conservatively. The defendant denied all allegations of negligence, maintaining that they had the right-of-way.

The arbitrator in this case found the defendant 80% liable for the accident and the plaintiff 20% liable. The arbitrator reported a net award for the plaintiff in the amount of \$16,000. Following arbitration, the parties settled for the same amount. A stipulation of dismissal was submitted on April 8, 2025.

REFERENCE

Danielle Colon vs. Mairusz Zieba. Docket no. ESXL007380-23; Judge Keith E. Lynott, 04-08-25.

Attorney for plaintiff: Yafresie Feliz of Law Offices of Fusco & Macaluso in Passaic, NJ. Attorney for defendant: Kelly Mcdermott of Law Office of Rachel Vicari in Clark, NJ.

Rear End Collision

■ \$180,000 ARBITRATION AWARD

Motor vehicle negligence – Rear end collision – Plaintiff’s vehicle struck in rear by defendant’s vehicle while stopped at intersection – Cervical disc herniations at C3-4, C5-6, and C6-7 – Disc herniations at L2-3 – Disc bulges at L3-4 and L4-5 – Surgery.

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 at an intersection, causing the plaintiff to become injured. The defendant generally denied all allegations of negligence.

On August 1, 2020, the plaintiff’s vehicle was traveling eastbound on East 7th Street, at or near its intersection with Cleveland Avenue in Plainfield, New Jersey. At this time, the defendant’s vehicle was also traveling on East 7th Street, directly behind the plaintiff’s vehicle. At the time of the incident, the plaintiff was stopped at a red traffic signal at the aforementioned intersection. While the plaintiff’s vehicle was stopped, it was suddenly struck in the rear by the defendant’s vehicle.

The plaintiff maintained that the defendant was negligent in failing to obey a red light, failing to remain adequately attentive, and failing to maintain a safe distance from other vehicles. Consequently, the plaintiff sustained injuries, including cervical disc herniations at C3-4, C5-6 and C6-7,

lumbar disc herniations at L2-3, lumbar disc bulges at L3-4 and L4-5. The plaintiff’s injuries required several procedures to repair, including 3 cervical epidural injections, 2 lumbar epidural injections and bilateral nerve blocks, and a lumbar laminectomy surgical procedure with nerve root decompression. A doctor for the defendant opined that the plaintiff’s injuries and consequent surgeries were not related to the accident in this case.

The arbitrator in this case found the defendant 100% liable for the accident and reported an award for the plaintiff in the amount of \$180,000 in net damages. Following arbitration, the defendant’s counsel requested a trial de novo, which was scheduled to take place on July 31, 2023. However, a stipulation of dismissal was submitted, stating that the matter had been amicably adjusted between the parties prior to the trial date, for an amount not specified on the docket.

REFERENCE

Lisa Middleton vs. Nelson Rodriguez-Sifontes. Docket no. UNNL003366-21; Judge Mark P. Ciarrocca.

Attorney for plaintiff: John C. Rodriguez of Bramnick Rodriguez Grabas Arnold & Mangan, LLC in Scotch Plains, NJ. Attorney for defendant: Linda Bailey of Lamb Kretzer, LLC in Secaucus, NJ.

■ \$60,000 ARBITRATION AWARD

Motor vehicle negligence – Rear end collision – Plaintiff’s vehicle struck in rear by defendant’s vehicle while plaintiff slows for yellow traffic light – Cervical disc herniations at C4-6 – Cervical disc bulge at C6-7.

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 slowed for a yellow traffic light, causing the plaintiff to become injured. The defendant generally denied all allegations of negligence.

On July 14, 2017, the plaintiff’s vehicle was traveling northbound on Stuyvesant Avenue, at or near its intersection with Tyler Avenue in Union, New Jersey. At this time, the defendant was also traveling northbound on Stuyvesant Avenue, directly behind the plaintiff’s vehicle. At the time of the incident, the plaintiff’s vehicle was approaching the aforementioned intersection when the traffic light in his favor turned yellow. As such, the plaintiff began to slow his vehicle for the oncoming red light. As the plaintiff’s vehicle slowed for the traffic light, it was suddenly struck in the rear by the defendant’s vehicle.

The plaintiff maintained that the defendant was negligent in failing to obey traffic signals, failing to remain adequately attentive, and failing to maintain a safe distance from other vehicles. Consequently, the plaintiff sustained injuries, including cervical disc herniations at C4-6 and a cervical disc bulge at C6-7. The plaintiff’s injuries were treated conservatively. A doctor for the defendant opined that the plaintiff’s injuries were degenerative.

The arbitrator in this case found the defendant 100% liable for the accident and reported an award for the plaintiff in the amount of \$60,000. Following arbitration, the defendant’s counsel requested a trial de novo, which was scheduled to take place on July 24, 2023. However, on the same day the Honorable Mark P. Ciarrocca ordered that the case be dismissed due to its having been settled prior to a trial hearing. A stipulation of dismissal was submitted on August 26, 2023.

REFERENCE

Christoph Porpora vs. Danes Exantus. Docket no. UNN002503-19; Judge Daniel R. Lindemann.

Attorney for plaintiff: Glen Farrell of Calcagno & Associates in Cranford, NJ. Attorney for defendant: Dina M. Younes of Liberty Mutual.

■ \$37,500 ARBITRATION AWARD

Motor vehicle negligence – Rear end collision – Plaintiff’s vehicle struck in rear by defendant’s vehicle while stopped in traffic – Cervical disc herniations at C3-4, C4-5, C5-6, and C6-7 – Lumbar disc herniations at L1-2, L4-5 and L5-S1 – Lumbar disc bulges at L2-3 and L3-4.

Bergen 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 to become injured. The defendant denied all allegations of negligence.

On April 9, 2019, the plaintiff’s vehicle was traveling westbound on Hendricks Causeway in Ridgefield, New Jersey. The plaintiff’s vehicle had just made a left onto Hendricks Causeway from another roadway. At the same time, the defendant’s vehicle was also traveling on Hendricks Causeway, directly behind the plaintiff’s vehicle. At the time of the incident, the plaintiff’s vehicle came to a complete stop to accommodate heavy traffic ahead. While the plaintiff’s vehicle was stopped, it was suddenly struck in the rear by the defendant’s vehicle.

The plaintiff maintained that the defendant was negligent in failing to maintain a safe distance from other vehicles, failing to remain adequately attentive, and failing to obey traffic conditions. Consequently, the plaintiff sustained injuries, including cervical disc herniations at C3-4, C4-5, C5-6, and C6-7, lumbar disc herniations at L1-2, L4-5 and L5-S1, and lumbar disc bulges at L2-3 and L3-4. The plaintiff’s injuries were treated conservatively, with chiropractic treatment. A doctor for the defendant found no permanent injury.

The arbitrator in this case found the defendant 100% liable for the accident and reported an award for the plaintiff in the amount of \$37,500. Following arbitration, the parties entered into a settlement for an amount which reflected the arbitration award. A stipulation of dismissal was submitted on March 4, 2023.

REFERENCE

Miguel Corporan vs. Sebastine Melendez. Docket no. BERL002101-21; Judge John D. Odwyer.

Attorney for plaintiff: Paul M. da Costa, Esq. of Snyder Sarno D’Aniello Maceri & da Costa. LLC in Roseland, NJ. Attorney for defendant: Thomas A. Morrone of Chasan Lamparello Mallon & Cappuzzo, PC in Secaucus, NJ.

Sideswipe Collision

\$45,500 ARBITRATION AWARD

Motor vehicle negligence – Sideswipe collision – Plaintiff’s vehicle sideswiped by defendant’s vehicle while stopped on shoulder – Neck injury – Left hip injury – Left shoulder rotator cuff tendonosis.

Burlington County, NJ

In this motor vehicle negligence action, the plaintiff’s vehicle was sideswiped by the defendant’s vehicle while stopped in the shoulder, which resulted in the plaintiff sustaining injuries. The defendant generally denied negligence.

On October 10, 2021, the plaintiff’s vehicle was traveling Fountain Avenue, near 414 Fountain Avenue in Burlington, New Jersey. At this time, the plaintiff was preparing to make a left turn near this location, but had put on the hazard lights in his vehicle and had pulled over into the shoulder first. At the same time, the defendant’s vehicle was also traveling on Fountain Avenue, behind the plaintiff’s vehicle. After seeing the plaintiff put on his hazards and pull over into the shoulder, the defendant attempted to pass the plaintiff. The defendant’s vehicle crossed over the double-yellow line and proceeded to pass the plaintiff, but sideswiped the plaintiff’s vehicle as the plaintiff was maneuvering back out of the shoulder in order to make a left turn.

The plaintiff maintained that the defendant was negligent in failing to maintain a safe distance from other vehicles, in negligently attempting to pass the plaintiff on the left in a double= yellow line area, and in failing to keep the vehicle under proper and adequate control. Consequently, the plaintiff sustained injuries, including neck injury, left hip injury, and left shoulder rotator cuff tendonosis. The plaintiff’s injuries were treated with physical therapy and shoulder injections. The defendant maintained that the plaintiff had been completely stopped on the shoulder, and then suddenly made a left turn as the defendant was passing his vehicle.

The arbitrator in this case found the defendant 70% liable for the accident and the plaintiff 30% liable. The arbitrator reported a net award for the plaintiff in the amount of \$45,500. Following arbitration, the defendant’s counsel requested a trial de novo, which was scheduled to begin on May 27, 2025. However, the parties entered into a settlement on April 10, 2025.

REFERENCE

Edilberto Silva-Oliveras vs. Wayne Rue. Docket no. BURL001236-23; Judge Richard L. Hertzberg, 04-10-25.

Attorney for plaintiff: Todd B. Jacobs of Law Office of Todd B. Jacobs, LLC in Philadelphia, PA. Attorney for defendant: Brittany McCloskey of Law Offices of Pamela D. Hargrove in Clark, NJ.

PREMISES LIABILITY

Fall Down

\$69,000 ARBITRATION AWARD

Premises liability – Fall down – Plaintiff injured after tripping and falling on depressed area of defendant’s driveway while performing plumbing work – Failure to warn of uneven ground in driveway – Right shoulder rotator cuff tear requiring arthroscopic surgery – Right ankle sprain – Left knee injury.

Camden County, NJ

In this premises liability action, the plaintiff tripped and fell on a depressed area of the defendant’s driveway while performing plumbing work on the premises, causing him to become injured. The defendants generally denied all allegations of negligence.

On July 24, 2021, the plaintiff was a lawful visitor at the defendant’s property, located on the premises of 218 Ridge Road in Southampton, New Jersey. At this time, the plaintiff was on the premises performing du-

ties in the scope of his employment as a plumber. While working on the premises, the plaintiff returned to his truck to retrieve tools several times. At the time of the incident, the plaintiff was stepping down from the back of his truck when his foot landed on a depressed, uneven part of the driveway; the plaintiff then fell.

The plaintiff maintained that the defendants were negligent in failing to warn of uneven ground in the driveway, failing to repair a hole or otherwise uneven ground, and failing to provide safe passage on the premises. Consequently, the plaintiff sustained injuries, including a right shoulder rotator cuff tear, which was treated with arthroscopic surgery. The plaintiff also sustained a right ankle sprain, as well as left knee injury. A doctor for the defendant opined that the plaintiff’s injuries were pre-existing.

The arbitrator in this case found the defendants 50% liable for the accident and the plaintiff 50% liable. The arbitrator reported a net award for the plaintiff in the amount of \$69,000. Following arbitration, the plaintiff's counsel motioned for the arbitration award to be confirmed by a judge. On April 11, 2025, the Honorable Steven J. Polansky ordered that the arbitration award be confirmed. A stipulation of dismissal was submitted on April 11, 2025.

\$54,000 ARBITRATION AWARD

Premises liability – Fall down – Plaintiff's foot becomes caught in entrance mat at defendant store, causing plaintiff to fall – Failure to provide safe passage on premises – Left humeral head fracture.

Union County, NJ

In this premises liability action, the plaintiff's foot became caught in an entrance mat at the defendant store, causing the plaintiff to fall and become injured. The defendants generally denied negligence.

On December 18, 2021, the plaintiff was a lawful visitor and business invitee at the defendant store, located on the premises of 300 US Highway 202 in Raritan, New Jersey. At this time, the plaintiff was entering the store through the front entrance. While entering the store, the plaintiff's foot became caught in a large mat on the floor. The plaintiff then tripped and fell.

The plaintiff maintained that the defendants were negligent in failing to secure the entrance mat to the floor, failing to provide safe passage on the premises, and failing to warn of a loose or otherwise hazardous

DEFENDANT'S JUDGMENT

Premises liability – Fall down – Plaintiff slips and falls on ice at defendant shopping mall – Failure to remove ice/snow from premises – Disc herniations and bulges in neck and back.

Essex County, NJ

In this premises liability action, the plaintiff slipped and fell on ice in the parking lot at the defendant shopping mall, causing him to become injured. The defendants generally denied negligence.

On February 17, 2021, the plaintiff was a lawful visitor and business invitee at the defendant shopping mall, located on the premises of 701 Route 440S, in Jersey City, New Jersey. At this time, the plaintiff was traversing the parking lot on the premises. While walking in the parking lot, the plaintiff encountered black ice on the ground. The plaintiff then slipped and fell on the ice.

The plaintiff maintained that the defendants were negligent in failing to remove ice and snow from the premises, failing to place salt or other measures to remove ice from the parking lot, and failing to provide safe passage on the premises. Consequently, the

REFERENCE

Joseph Corson vs. Estate of Elizabeth D. Sakach. Docket no. CAML001831-23; Judge Steven J. Polansky, 04-17-25.

Attorney for plaintiff: Brian T. Reagan of Reagan Law Offices, LLC in Haddonfield, NJ. Attorney for defendant: Thomas J. Murphy of Law Offices of Nancy L. Callegher in Oklahoma City, OK.

mat on the floor. Consequently, the plaintiff sustained injuries, including a left humeral head fracture. The defendants denied all allegations of negligence, maintaining that other customers traversed the store entrance without falling and without the subject mat causing issue.

The arbitrator in this case found the defendants 90% liable for the accident and the defendant 10% liable. The arbitrator reported a net award for the plaintiff in the amount of \$54,000. Following arbitration, the plaintiff's counsel requested a trial de novo, which was scheduled to begin on September 9, 2024. However, the parties entered into a settlement prior to the initial hearing. A stipulation of dismissal was submitted on September 9, 2024.

REFERENCE

Filomena Cocchiaro-Popolo vs. Five Below. Docket no. UNNL002809-22; Judge Daniel R. Lindemann, 09-09-24.

Attorney for plaintiff: Brent Bramnick of Bramnick Rodriguez Grabas Arnold & Mangan, LLC in Scotch Plains, NJ. Attorney for defendant: Joanna Piorek of Wilson Elser Moskowitz Edelman & Dicker, LLP in Madison, NJ.

plaintiff sustained injuries, including disc herniations and bulges in the neck and back. A doctor for the defendants disputed causation and permanency. The defendants denied all allegations of negligence, and provided an invoice showing that a de-icing agent had been applied on the premises on the day of the plaintiff's fall.

The arbitrators in this case found the defendants 80% liable for the accident and the plaintiff 20% liable. The arbitrators reported a net award for the plaintiff in the amount of \$100,000. Following arbitration, the defendants motioned for summary judgment. On March 27, 2025, the Honorable Mayra Tarantino ordered that the defendants' motion for summary judgment be granted.

REFERENCE

Joshua Balthazar vs. Urban Edge Properties. Docket no. ESXL000571-23; Judge Jennifer C. Critchley, 03-28-25.

Attorney for plaintiff: Jonathan H. Rosenbluth of Jonathan H. Rosenbluth in South Orange, NJ. Attorney for defendant: Danielle M. DeGeorgio, Esq. of Tyson & Mendes, LLP in Jersey City, NJ.

DEFENDANT'S JUDGMENT

Premises liability – Fall down – Plaintiff slips and falls on ice in defendant hospital parking lot during snowstorm – Failure to remove ice/snow from premises – Cervical disc herniations from C3-6 – Cervical disc bulge at C6-7 – Disc bulge at L5-S1 – Right knee injury – Defendants denied all allegations of negligence, citing ongoing storm doctrine.

Essex County, NJ

In this premises liability action, the plaintiff slipped and fell on ice in the defendant hospital's parking lot during a snowstorm, causing her to become injured. The defendants generally denied negligence.

On January 18, 2020, the plaintiff was a lawful visitor at the defendant hospital, located on the premises of 94 Old Short Hills Road in Livingston, New Jersey, where she intended to visit her mother. On this day, there was an ongoing snowstorm that was affecting the premises. When she arrived at the hospital, the plaintiff attempted to traverse the parking lot to the entrance; however, while traversing the parking lot, she slipped on ice and fell.

The plaintiff maintained that the defendants were negligent in failing to remove ice and snow from the premises, failing to place salt or implement other

measures to melt ice in advance, and failing to provide safe passage on the premises. Consequently, the plaintiff sustained injuries, including cervical disc herniations from C3-6, as well as a cervical disc bulge at C6-7, a disc bulge at L5-S1, and right knee injury. The plaintiff's injuries were treated with bilateral trigger point injections to the neck as well as a lumbar epidural steroid injection. The defendants denied all allegations of negligence, citing the ongoing storm doctrine, which implies that the defendants were not responsible for removing ice and snow from the premises while a storm was in progress.

The arbitrator in this case found the defendants 50% liable for the accident and the plaintiff 50% liable. The arbitrator reported a net award for the plaintiff in the amount of \$25,000. Following arbitration, the defendants' counsel requested a trial de novo and motioned for summary judgment. The Honorable Jeffrey B. Beacham granted summary judgment in favor of the defendants on April 25, 2025.

REFERENCE

Colene Weeklay vs. RWJ Barnabas Health. Docket no. ESXL000224-22; Judge Jeffrey B. Beacham, 04-25-25.

Attorney for plaintiff: Damon A. Vespi of The Vespi Law Firm, LLC in Totowa, NJ. Attorney for defendant: MaryJane Dobbs, Esq. of Bressler, Amery & Ross, P.C. in Florham Park, NJ.

Hazardous Premises

\$62,500 ARBITRATION AWARD

Premises liability – Hazardous premises – Plaintiff falls while sitting on statue at defendant restaurant – Concussion – Facial bruising and lacerations – Tooth avulsion – 2 cervical disc bulges.

Union County, NJ

In this premises liability action, the plaintiff fell while sitting on a statue or structure at the defendant restaurant. The defendants generally denied negligence.

On April 8, 2022, the plaintiff was a lawful visitor and business invitee at the defendant restaurant, located on the premises of 427 Morris Avenue in Elizabeth, New Jersey. At this time, the plaintiff was leaving the restaurant after a meal, during which she had consumed several alcoholic beverages. Before leaving the restaurant, the plaintiff climbed onto a statue or structure on the front landing, which had a horse saddle on it. The plaintiff sat on the saddle and raised an arm for a photo, when the structure moved, causing her to fall.

The plaintiff maintained that the defendants were negligent in failing to secure the structure, failing to ensure safe conditions on the premises, and failing to warn patrons not to sit on the structure. Consequently,

the plaintiff sustained injuries, including concussion, facial bruising and lacerations, tooth avulsion, and 2 cervical disc bulges. The defendants generally denied all allegations of negligence, maintaining that the structure on the landing was not meant to be sat on, and that there was signage in place warning patrons not to sit on it.

The arbitrator in this case found the defendants 50% liable for the accident and the plaintiff 50% liable. The arbitrator reported an award for the plaintiff in the amount of \$62,500. Following arbitration, the defendants' counsel requested a trial de novo, which was scheduled to begin on September 23, 2024. However, the matter was amicably adjusted between the parties on September 3, 2024, and the case was dismissed the same day.

REFERENCE

Denise Gonzalez vs. Donde Mi Ama. Docket no. UNNLO03296-22; Judge Mark P. Ciarrocca, 09-03-24.

Attorney for plaintiff: Howard N. Weiner of Tobin Kessler Greenstein Caruso Wiener & Konray, PC in Clark, NJ. Attorney for defendant: Colin P. Hackett of Lewis Brisbois Besgaard & Smith in Newark, 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

\$44,894,877 VERDICT – MEDICAL MALPRACTICE – HOSPITAL NEGLIGENCE – TEEN SHOT IN NECK DISCHARGED WITH INSTRUCTIONS THAT DID NOT INCLUDE KEY RECOMMENDATIONS – PATIENT CHOKED ON MASH POTATOES AFTER TESTS INDICATED HIGH RISK OF ASPIRATION WHEN EATING AND DRINKING – CARDIAC ARREST AND PERMANENT NEUROLOGICAL DAMAGE.

Philadelphia County, PA

This medical malpractice and negligence action was filed by Jasmine Hernandez, mother of Dylan Hernandez, a minor, against the defendant, Temple University Hospital, Inc., for injuries sustained from choking on mash potatoes causing cardiac arrest and permanent neurological damage. The plaintiff is now wheelchair-bound requiring 24-hour care. The defendants contended that the plaintiff and mother disregarded the care team's instructions on foods that could be safely eaten in his condition and argued comparative negligence.

The plaintiff alleged less than 2 days after discharged while feeding him mashed potatoes, Dylan breathed in the mash potatoes which caused his brain to go

without oxygen. The plaintiff further alleged he was immediately rushed back to Temple University Hospital where he suffered a cardiac arrest.

Gross verdict: \$44,894,877. Awards: \$39,100,000 for past and future medical expenses; \$2,300,000 for loss of earnings; \$3,500,000 for non-economic damages.

REFERENCE

Dylan Hernandez, a minor, and Jasmine Hernandez vs. Temple University Hospital, Inc. Case no. 211001422; Judge Glynnis D. Hill, 08-07-24.

Attorneys for plaintiff: Tom Duffy and Sean Dougherty of The Duffy Law Firm, PLLC in Philadelphia, PA. Attorneys for defendant: Rebecca M. Waddell and Joe H. Tucker of Tucker Law Group in Philadelphia, PA.

\$6,500,000 VERDICT – MEDICAL MALPRACTICE/WRONGFUL DEATH – OB/GYN NEGLIGENCE – STILL BIRTH OF SON DUE TO MEDICAL NEGLIGENCE DURING PREGNANCY – PLAINTIFF ALLEGED CARE PROVIDED BY HOSPITALS FELL BELOW ACCEPTED STANDARDS OF MEDICAL PRACTICE.

New Haven County, CT

This medical malpractice/wrongful death action was filed April 12, 2018 by the plaintiff, Jomayra Rodriguez, Administratrix of the Estate of Adrian Freeman, Jr., et al. against the defendant, Yale New-Haven Health Services Corporation. The plaintiff alleged negligence against defendants for the loss of their child caused by medical negligence during pregnancy and care. The defendants collectively denied allegations of wrongful death, medical malpractice, and failure to inform or lack of informed consent in the death; however, the defendant, Dr. Ronan, acknowledged not discussing stillbirth risks with the plaintiffs.

The plaintiff alleged injuries of physical and emotional trauma experienced during the pregnancy and delivery process, profound grief by both parents, signifi-

cant psychological distress due to loss of child, medical expenses, loss of companionship and the joy of raising their son, as well as the loss of life's pleasures they would have shared with him.

The jury reached a verdict for the plaintiffs in the amount of \$6,500,000.

REFERENCE

Jomayra Rodriguez Administratrix of the Estate of Adrian Freeman, Jr., et al. vs. Yale New-Haven Health Services Corporation. Case no. CV18-6079678; Judge Robert Young.

Attorney for plaintiff: Jeffrey M. Cooper of Cooper Sevillano, LLC in Bridgeport, CT. Attorney for defendant: Erika L. Amarante of Wiggin & Dana, LLP in New Haven, CT.

\$1,700,000 VERDICT – MEDICAL MALPRACTICE – SURGEON NEGLIGENCE – PLAINTIFF CLAIMS DEFENDANT DISSECTED BLADDER DURING BLADDER REPAIR SURGERY – COMPLETE PERMANENT BLADDER INCONTINENCE.

Bronx County, NY

This medical malpractice case arose from a laparoscopic bladder repair surgery that the plaintiff, a 65-year-old man, claimed was negligently performed by the defendant surgeon. As a result, the plaintiff's bladder was cut and he sustained permanent injury. The defendant denied negligence and argued that the cut to the bladder was a known risk of the surgery and that it was identified immediately and repaired without consequence.

The plaintiff claimed that the bladder's detrusor muscle was so damaged during the surgery that he is unable to control his bladder and has, as a result, complete and permanent urinary incontinence. As a

consequence of his urinary incontinence, the plaintiff wears an adult diaper and uses wee-wee pads in his bed at night.

The jury found in favor of the plaintiff and awarded \$1,000,000 for past and \$700,000 for 17 years of future pain and suffering for a total award of \$1.7 million.

REFERENCE

Ramirez vs. Smith, M.D., et al. Index no. 21064/2018E; Judge Naita A. Semaj, 10-22-24.

Attorney for plaintiff: Giovanna Mabile of Merson Law, PLLC in New York, NY. Attorney for defendant: Christopher W. Hofmann of Wilson Elser Moskowitz Edelman & Dicker, LLP in White Plains, NY.

PRODUCT LIABILITY

\$38,500,000 SETTLEMENT – PRODUCT LIABILITY– DEFECTIVE DESIGN – HOVERBOARD CHRISTMAS GIFT PURCHASED FOR 2 DAUGHTERS, AGES 15 AND 10, CAUSES DEADLY HOUSE FIRE – FIRE-RELATED INJURIES RESULTING IN DEATH OF BOTH CHILDREN.

Allentown County, PA

This product liability was action filed September 21, 2022, by plaintiff, parents, against the defendant, Jetson Electric Bikes, LLC, et al., for injuries sustained when the hoverboard caught on fire. The plaintiff alleged that the girls, after being trapped on the second floor inside a bedroom, were retrieved by the Dewey Fire Department and transported to St. Luke's Hospital; and further alleged that daughter Briana was pronounced dead at 6:37 a.m. and Abigail at 8:25 a.m., both deaths caused by smoke inhalation and fire-related injuries. The defendant denied negligence claims and contended the Jetson Rogue hoverboard was not defective or dangerous.

Gross settlement: \$38,500,000. Awards: Estate of Abigail Kaufman - \$11,451,886.46; (\$9,161,509.17 for Wrongful Death and \$2,290,377.29 for Survival

Claim); Estate of Brianna Kaufman - \$11,451,886.46 (Wrongful Death \$9,161,509.17 and \$2,290,377.29 Survival Claim). The court approved a settlement agreement on February 16, 2024 with \$15,571,709.49 to the plaintiff's attorney Kline & Sector, PC representing 40% contingency fees.

REFERENCE

Kaufman, et al. vs. Jetson Electric Bikes, LLC, et al. Case no. 5:22cv3765; Judge Joseph F. Leeson, Jr., 02-16-24.

Attorneys for plaintiff: Thomas R. Kline, Aaron L. Dunbar of Kline and Specter in Philadelphia, PA. Attorneys for defendant: Eugene M. LaFlamme, Jared B. Giroux of McCoy, Leavitt Laskey, LLC in Philadelphia, PA.

MOTOR VEHICLE NEGLIGENCE

\$5,700,000 – MOTOR VEHICLE NEGLIGENCE – REAR END COLLISION – SEVERE STENOSIS REQUIRING 2 FUSION SURGERIES AT L3-L4 AND L4-L4.

Escambia County, FL

This motor vehicle negligence action was filed by the plaintiff, Nathan Gross, against the defendant, Andrew Coley, et al. for injuries sustained May 19, 2020, when the plaintiff, a 39-year-old maintenance electrician, was stopped on Pace Boulevard in Pensacola. The plaintiff alleged the defendant truck driver rear-ended him

resulting in severe stenosis at the L5-S1 segment, among other injuries. The defendant contended the accident did not involve the force required to cause the alleged injuries.

The plaintiff alleged the injury to his lower back required lumbar fusion surgery, a second fusion surgery to treat severe stenosis at the L4-L5 segment, multiple rounds of injections and physical therapy.

Gross Verdict: \$5,700,766.22. Awards: \$593,702.86 for past medical costs; \$642,724.36 for future medical costs; \$427,089 for past lost earnings; \$2,037,250 for future lost earnings; \$1,600,000 for future pain and suffering and \$400,000 for past pain and suffering.

REFERENCE

Nathan Gross vs. Andrew Coley, et al. Case no. 2022CA000192; Judge Jan Shackelford, 01-26-24.

Attorneys for plaintiff: Keith W. Weidner, J. Phillip Warren and Shelby Savage of Taylor Warren Weidner Hancock & Barnes in Pensacola, FL.

\$594,000 SETTLEMENT – MOTOR VEHICLE NEGLIGENCE – AUTO/PEDESTRIAN COLLISION – PLAINTIFF JOGGER STRUCK BY DEFENDANT’S VEHICLE TURNING LEFT AT INTERSECTION – PULMONARY CONTUSION – LEFT CLAVICLE FRACTURE – RIB FRACTURES – NONDISPLACED HIGH PARIETAL CALVARIAL FRACTURE WITH OVERLYING SCALP SWELLING AND HEMATOMA – TRAUMATIC BRAIN INJURY.

Camden County, NJ

In this motor vehicle negligence action, the plaintiff pedestrian was struck by the defendant’s vehicle making a left turn at an intersection. Consequently, the plaintiff sustained injuries, including pulmonary contusion, left clavicle fracture, rib fractures, nondisplaced high parietal calvarial fracture with overlying scalp swelling and hematoma, as well as a traumatic brain injury. The defendant generally denied all allegations of negligence.

On February 8, 2022, the plaintiff was a pedestrian jogging on Haddon Avenue at its intersection with Collings Avenue in Collingswood, New Jersey. At this time, the plaintiff was crossing Collings Avenue at the intersection, in the crosswalk and in a straight direction on Haddon Avenue. At the same time, the defendant’s vehicle was traveling northbound on Haddon Avenue, and was preparing to make a left turn onto Collings Avenue. As the defendant turned left, the vehicle struck the plaintiff jogger.

The arbitrator in this case found the defendant 90% liable for the accident and the plaintiff 10% liable. The arbitrator reported a net award for the plaintiff in the amount of \$540,000, as well as an award for \$54,000 to the plaintiff’s spouse, resulting in an overall net award of \$594,000. Following arbitration, the plaintiff’s counsel requested a trial de novo, which was scheduled to begin on May 19, 2025. However, the parties settled on April 11.

REFERENCE

Jonathan Davis, Maryanne Davis vs. Christopher Dezutti. Docket no. CAML001275-23; Judge Daniel A. Bernardin, 04-11-25.

Attorney for plaintiff: Karl Friedrichs of Dansky Katz Ringold in Marlton, NJ. Attorney for defendant: Christopher J. Marcucci of Margolis Edelstein in Mount Laurel, NJ.

PREMISES LIABILITY

\$32,125,672 VERDICT INCLUDING \$30,000,000 PUNITIVE DAMAGES – PREMISES LIABILITY – FALLING OBJECT – SLIDING DOORS FALL ON HOTEL GUEST AFTER NUMEROUS COMPLAINTS FOR REPAIR – SEVERE INJURIES REQUIRING RADIOFREQUENCY ABLATIONS, WHICH INVOLVE INSERTION OF PROBE INTO SPINE TO KILL NERVE TISSUE, INJECTIONS CAUSING PLAINTIFF TO PASS OUT FROM PAIN – FUTURE SPINAL IMPLANT SURGERY, POTENTIAL FOLLOW-UP SURGERIES; MULTIPLE KNEE SURGERIES AND FUTURE KNEE REPLACEMENT SURGERY.

New York County, NY

This premises liability action was filed April 6, 2018 by the plaintiff hotel guest against the defendant, Hilton Worldwide Holdings, Inc, et al., for injuries sustained when bathroom sliding doors collapsed on the plaintiff at the Hilton Garden Inn in New York City. The plaintiff alleged severe injuries requiring radiofrequency ablations, injections, future spinal implant surgery, potential follow-up surgeries, multiple

knee surgeries and future knee replacement surgery. The defendant denied having any maintenance or incident reports related to issues with the doors.

The plaintiff alleged these sliding glass doors, installed in numerous guest rooms, were known by hotel management to be faulty, with reports of broken handles

and wheels that could cause them to detach from their tracks. The plaintiff alleged negligent and reckless operation, maintenance and construction.

Gross verdict: \$32,125,672. The jury found the hotel acted wantonly and recklessly and awarded punitive damages in the amount of \$30,000,000, which was later reduced to \$10,000,000.

REFERENCE

Curtis vs. Hilton Worldwide Holdings, Inc., et al. Index no. 1:18-cv3068; Judge Edgardo Ramos, 05-06-24.

Attorney for plaintiff: Shannon M. Pennock of Pennock Law Firm in New York, NY. Attorney for plaintiff: Jonathan D. Sneed of Abraham, Watkins, Sorrels, Agosto & Aziz & Stogner in Houston, TX. Attorneys for defendant: Traci L. Lovitt, Leon F. DeJulius, Jr. and Aaron M. Healy of Jones Day in New York, NY.

\$1,328,659 VERDICT – PREMISES LIABILITY – SLIP AND FALL IN INCLEMENT WEATHER OF SLEET, SNOW AND RAIN – PLAINTIFF FELL IN “VERY SLUSHY” PARKING LOT – DISC HERNIATIONS IN LUMBAR SPINE – MICRODISCECTOMY; FUTURE SURGERIES REQUIRING LUMBAR FUSION – PAIN AND SUFFERING.

Union County, NJ

This premises liability action was filed by the plaintiff against the defendant, Walmart Stores East, L.P., for injuries sustained when the plaintiff slipped and fell at the defendant’s store. The plaintiff alleged injuries of disc herniations in her lumbar spine, microdiscectomy, future surgeries requiring lumbar fusion, pain and suffering for the rest of life, emotional distress. The defendant contended they took all reasonable precautions of acceptable industry standards.

Walmart contended the New Jersey’s ongoing storm doctrine, i.e., a property owner or business does not have to remove snow or ice from the property until a reasonable amount of time after a storm ends and the plaintiff slipped during an ongoing snowstorm.

Gross verdict: \$1,328,658.59. Awards: \$1,127,941 including \$500 for pain and suffering, \$213,941 for past medical expenses and \$414,000 for future medical expenses.

REFERENCE

Haydee Gallardo vs. Walmart, et al. Docket no. L-3524-16; Judge John D. Hudak.

Attorney for plaintiff: Paul K. Caliendo of Gill & Chamas, LLC in Woodbridge, NJ. Attorney for defendant: Matthew Vodak of Fowler Hirtzel McNulty & Spaulding, LLC in Philadelphia, PA.

ADDITIONAL VERDICTS OF PARTICULAR INTEREST

Church Retreat Negligence

\$15,048,526 VERDICT – CHURCH RETREAT NEGLIGENCE – WRONGFUL DEATH CAUSED BY CONSUMPTION OF UNSAFE SUBSTANCES DURING WEEKEND RETREAT ORGANIZED BY CHURCH – DECEASED CONSUMED AYAHUASCA WITHOUT MEDICAL SUPERVISION AND EXPERIENCED NAUSEA, VOMITING AND DIARRHEA – SEVERE PAIN AND ALTERED MENTAL STATE EXACERBATED BY DEHYDRATION – RESPIRATORY FAILURE LEADING TO DEATH FROM HYPOXIC ENCEPHALOPATHY.

Orange County, FL

This negligence action for the wrongful death of Brandon Kyle Begley was filed by the plaintiff father, John Paul Begley, against the defendant Soul Quest Church of Mother Earth, Inc., et al. The plaintiff alleged that the deceased consumed ayahuasca without medical supervision and experienced nausea, vomiting and diarrhea before his death. The defendant denied all negligence claims and causation and contended the decedent caused his own death by continuing to drink water after being warned to stop.

The plaintiff further alleged that the deceased paid \$150 for a Kambo session and the defendant burned holes into the decedent’s upper left arm and administered the toxin. The plaintiff contended the decedent experienced severe pain and an altered mental state, exacerbated by dehydration. The plaintiff alleged injuries of hyponatremia, brain injury, respiratory failure leading to the cause of death as hypoxic encephalopathy, hyponatremia, and primary polydipsia. The defendant contended the decedent had a pre-existing medical condition with seizures and took seizure medications which might have contributed to his death.

The jury found the defendants 100% negligent and awarded the decedent's parents a gross verdict of \$15,048,526.25.

REFERENCE

John Paul Begley vs. Soul Quest Church of Mother Earth, Inc. Case no. 2020-CA-003387-O; Judge Eric J. Netcher, 05-15-24.

Attorney for plaintiff: William Chapman of Hogan & Chapman in West Palm Beach, FL. Attorney for defendant: A. Brian Phillips of A. Brian Phillips, PA in Orlando, FL.

FELA

\$1,000,000 VERDICT – FELA – LOCOMOTIVE/TRACTOR-TRAILER COLLISION – DEFENDANT TRACTOR-TRAILER OPERATOR GETS HUNG UP ON DEFENDANT RAILROAD'S TRACK CAUSING PLAINTIFF'S LOCOMOTIVE TO CRASH INTO TRACTOR TRAILER – CONCUSSION; TENSION-TYPE HEADACHE; CERVICALGIA; CERVICAL/THORACIC/LUMBAR SPINAL SPRAINS; CERVICAL DISC DISORDER WITH RADICULOPATHY; RIB SPRAINS – 2 CERVICAL DISC FRACTURES – ABLATION SURGERY; INJECTIONS; PHYSICAL THERAPY.

Harris County, TX

The plaintiff in this case was a train engineer on a train that struck the defendant tractor trailer when the tractor trailer was carrying a large and heavy haul over railroad tracks and the rig got stuck on the tracks. Consequently, the plaintiff sustained serious injuries. He was diagnosed with a concussion, tension-type headache, cervicalgia, cervical/thoracic/lumbar spinal sprains, cervical disc disorder with radiculopathy, and rib sprains. The plaintiff required injections and physical therapy along with ablation surgery. The defendants denied all allegations of negligence and injury.

The plaintiff maintained the transportation company was vicariously liable for the acts of their driver. In addition, the plaintiff maintained the defendant railroad failed to provide a reasonably safe railroad crossing,

failed to provide the plaintiff with a safe place to work and failed to safely inspect repair and maintain the railroad crossing.

The jury found the defendant driver to be 20% negligent and his transportation company to be 80% negligent. The jury awarded the plaintiff past damages in the amount of \$481,010 and future damages in the amount of \$518,990.00 for a total verdict of \$1,000,000.

REFERENCE

Tommie L. Addison vs. Weiker Transportation, LLC, Joe Weiker and Union Pacific Railroad Company. Case no. 202337058; Judge Nathan J. Milliron, 04-01-25.

Attorney for plaintiff: Corey Kronzer of Rome Arata & Baxley in Pearland, TX. Attorneys for defendant: Daniel Gibson and Terria Hutchinson of Union Pacific Railroad in Spring, TX. Attorneys for defendant: Patrick Smith and Gordon Wittick of Smith Parker Elliot in Houston, TX.

Invasion of Privacy

\$3,300,000 SETTLEMENT

Invasion of Privacy – Class Action – Allstate's recording of telephone calls without proper consent – Injunctive relief – Equitable remedies – Violation of California penal code sections 630 & 632.

U.S.D.C. - Central District of California

In the class action lawsuit, filed February 1, 2023, Tobajian, et al. v. Allstate Insurance Company, the plaintiff (for the cell phone class), alleged a violation of California's Invasion of Privacy Act by Allstate's recording of telephone calls without proper consent.

In December 2022, plaintiff received a phone call on her cell phone from defendant's agent pertaining to an accident. Plaintiff disclosing the details of the accident to defendant's agent was never told that she was on a recorded line. "Based on the recordings between defendant and plaintiff, and between defendant and defendant's insured, it [was] abundantly clear that defendant on a regular basis, recorded conversations without disclosing the calls were recorded. The defendant placed calls to California residents regarding insurance services while knowingly, and/or willfully employing and/or causing to be employed certain recording equipment in order to record their conversations without knowledge or consent.

"Californians have a constitutional right to privacy. Moreover, the California Supreme Court has definitively linked the constitutionally protected right to privacy within the purpose, intent and specific protections of the Privacy Act, including specifically Penal Code Section 632; Order granting Preliminary Approval of Class Action Settlement, June 21, 2024.

The parties reached a \$3,300,000 Class Action Settlement.

REFERENCE

Maria Tobajian, et al. vs. Allstate Insurance Company. Case no. CV23-00753-DMG (PDx); Judge Dolly M. Gee, 01-14-25.

Attorney for plaintiff: Ryan L. McBride of Kazerounian Law Group. Attorney for defendant: Peggy Dayton of Winston & Strawn, LLP.

Labor Law

\$53,500,000 VERDICT – LABOR LAW – PLAINTIFF 43-YEAR-OLD CONSTRUCTION WORKER INSTALLING LARGE AC UNITS ON TOP OF BULKHEAD LOCATED ON BUILDING’S ROOF FELL 10 TO 12 FEET BELOW LANDING ON AND FRACTURING BACK – PLAINTIFF TAKEN BY AMBULANCE TO HOSPITAL – THORACIC INJURIES; SEVERAL FRACTURED RIBS; EMERGENCY SURGERY – PLAINTIFF RENDERED PARAPLEGIC.

Kings County, NY

This action was filed by the plaintiff against the defendants, Warwick Realty, LLC and Mecca Contracting, Inc. and alleged negligence and violation of section 240 (1) of the New York State Labor Law for an elevation-related hazard. As a result of the defendants’ negligence in failing to supply the plaintiff with proper safety equipment, the plaintiff fell, sustaining life-altering injuries. The plaintiff alleged he was unable to move his lower extremities after the accident and had no sensation below the waist. The defendants, owner of the premises where the accident occurred and the general contractor for the project, impleaded the plaintiff’s employer, RK Cooling & Heating, seeking indemnification.

The plaintiff has been rendered paraplegic and is wheelchair bound requiring daily nursing care, physical therapy and occupational therapy. He is incontinent of bowel and bladder and is required to self-catheterize.

Trial proceeded to trial against Mecca Contracting on the issue of damages only with the 656 Warwick being dismissed from the case. The defendant contended the plaintiff was contributorily negligent and they argued the responsibility for safe installation rested with the subcontractor employing the plaintiff and they were not directly responsible for the safety protocols of the subcontractor’s employees.

The New York jury reached a verdict after 45 minutes of deliberation. Gross verdict: \$53,500,000. Awards: \$1 million in past medical costs; \$7.5 million in future medical costs; \$30 million in future pain and suffering; \$15 million in past pain and suffering; \$15 million in past pain and suffering.

REFERENCE

Alan Moonsammy vs. 656 Warwick Realty, LLC and Mecca Contracting, Inc. Index no. 521183/2017; Judge Reginal A. Boddie.

Attorneys for plaintiff: Jeffrey A. Block and S. Joseph Donahue of Block O’Toole & Murphy, LLP in New York, NY. Attorney for defendant: Robert Schnapp of Law Office of Robert Schnapp in New York, NY.