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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.

VERDICTS BY CATEGORY

FEATURED CASES

$20,080,976 VERDICT – CONSTRUCTION SITE NEGLIGENCE– 21-YEAR-OLD FORMER APPRENTICE ELECTRICIAN LEFT PERMANENTLY PARALYZED AFTER 15-FOOT FALL AT NEWARK CONSTRUCTION SITE – SPINAL FRACTURES AT C6-C7 – PARALYSIS FROM CHEST DOWN – LIMITED USE OF HANDS.

Essex County, NJ

This construction site injury action was filed on February 20, 2019, by the plaintiff electrician against the defendants, Phelps Construction Group, LLC, Devils Arena Entertainment d/b/a Prudential Center, et al., for permanent life-altering injuries that he sustained in a fall. The defendant denied negligence and argued the safety responsibilities were not the responsibility of the defendant but rested with the settling defendant instead.

At the time of accident, the plaintiff was installing wiring for a helipad atop the Prudential Center when he fell 15 feet through a drop ceiling sustaining. The plaintiff contended the general contractor failed to enforce its own safety protocols proximately causing the plaintiff's injuries. The plaintiff pled injuries of complete spinal cord injury - C6 level, a C6 burst fracture with retropulsion and C7 superior anterior compression fracture, T4 superior end plate fracture, left sacral wing fracture, left scapular body fracture, posterior ligaments us disruption t C6-7, C6 corpse tomb, decompression, fusion of C5-7, posterior cervical fusion C5-7 with instrumentation, C6 laminectomy, left scapular fracture, rib fractures, left sacral fracture, paralysis from chest down, limited use of hands, great pain and suffering, loss of ability to participate in and enjoy usual employment, recreational activities, social activities and other affairs.

The jury reached a verdict for the plaintiff of $20,080,976. The jury apportioned 8% liability to the plaintiff and 36% liability to the non-settling defendant who remained at trial. Prior to trial, the plaintiff settled with his employer, Mehl Electric, for $21 million (in 2021) who was allocated 56% negligent at trial.

REFERENCE

Nicholas DePhillips vs. Phelps Construction Group, LLC, Devils Arena Entertainment Center d/b/a Prudential Center, et al. Docket no. ESX-L-001371-19; Judge Annette Scoca, 03-14-25.

Attorneys for plaintiff: Bruce H. Nagle and Greg M. Kohn of Nagel Rice in Roseland, NJ. Attorneys for defendant: William H. Mergner and David J. Dering of Leary Bride Mergner & Bongiovanni, P.A. in Cedar Knolls, NJ.

COMMENTARY

On February 28, 2025, the plaintiff's counsel moved for sanctions against defense counsel Mergner for "his repeated improper statements and violations of Court directives." Arguing against the defenses motion for mistrial plaintiff's counsel told the court, "Mr. Mergner's moving brief is replete with statements that were never made and the filing of his brief with multiple misstatements should be sanctioned. Defendant failed to provide a copy of the transcript in support of its application and we firmly believe that "facts" were included in their brief with no supporting the transcript. Clearly the defendant did not provide the transcript because they knew the transcript will confirm the allegations are meritless."

On September 26, 2025, the court entered judgment against General Contractor Phelps and on entry of judgment noted "Despite repeated requests from opposing counsel for Phelps Construction Group, no additional orders were sent to the court representing the correct jury verdict award and interest calculations. The court entered a verdict of $23,297,181.77 representing jury verdict of $20,080,976, stipulated medical lien of $1,103,160.88 and pre-judgment interest in the amount of $2,113,044.89. Phelps will be responsible for an additional $640.24 per day interest as of August 4, 2025.

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$15,650,000 VERDICT – LEGAL MALPRACTICE – CONFLICT OF INTERESTS FOR PECUNIARY GAIN – COUNSEL ADVISED PLAINTIFF TO SURRENDER PERSONAL OWNERSHIP OF PROVISIONAL PATENTS TO DILUTE OWNERSHIP SO HE COULD BE FROZEN OUT OF FUTURE MASSIVE BENEFITS CAUSING HIM TO LOSE CONTROL AND OWNERSHIP OF COMPANY – COMPENSATORY AND PUNITIVE DAMAGES.

Mercer County, NJ

The plaintiff in this legal malpractice case alleged that he formulated, developed and owned the intellectual property rights for a critically important new drug known as Solosec (secnidazole) which will be used to treat gynecological infections and founded and was CEO of Life Qual Pharmaceuticals which later changed its name to Symbiomix Therapeutics, LLC, in order to bring important drugs like Solesec to market. The plaintiff alleged he initially retained defendant Cooley as counsel for the company's subsidiary in connection with a transaction that was totally unrelated and, ultimately, did not proceed.

Later, years after this unrelated, potential transaction ended without consummation, the plaintiff consulted with he defendant on the subject of bringing Solosec and several other related antibiotics to market and defendants knew that the plaintiff was the founder and, initially, the sole shareholder of the subsidiary and the defendant provided transactional legal work with venture capital groups to provide financing. During the time Cooley represented the subsidiary, Cooley also gave the plaintiff legal advice on the same subjects for which it represented the subsidiary, thereby creating an attorney-client relationship between the plaintiff and Cooley and the plaintiff alleged this concurrent representation of the plaintiff and the subsidiary created conflicts of interest which Cooley never informed the plaintiff and to which he never consented.

The plaintiff argued while purporting to represent the subsidiary, Cooley negotiated with venture capital firms (collectively the VCs), on behalf of the plaintiff and subsidiary, concerning myriad topics pertinent to obtaining financing and further as structured, Cooley was to be paid by the VCs, but would only receive such payment if the transaction with the VCs was consummated. The plaintiff argued this resulted in the defendant Cooley placing its pecuniary interests at odds with its fiduciary duties to the plaintiff and the subsidiary and Cooley inserted a provision into certain financing documents that gave the adversarial VCs control of the payment of Cooley's legal fee arguing thereafter Cooley aligned with the VCs in negotiations, adverse to the plaintiff and adverse to the subsidiary Entities.

The plaintiff contended Cooley committed malpractice and breached its fiduciary duties to the plaintiff, when, in connection with attempting to close a financing deal with the VCs so that Cooley could get paid, Cooley advised the plaintiff to surrender his personal ownership of the provisional patents he had obtained for Solosec and other related antibiotics, to dilute his ownership and control of LPL/ Symbiomix such that he could be frozen out of future, massive benefits that would later enrich the VCs and Cooley, all at the expense of the plaintiff, Cooley's client. The plaintiff pled for compensatory and punitive damages, interest and cost of suit damages. The defendant denied legal malpractice and argued the plaintiff knowingly and voluntarily released his claims.

The 8-0 unanimous jury found Cooley liable for legal malpractice and breach of fiduciary duty and awarded the plaintiff $15,650,000.

REFERENCE

John Gregg vs. Cooley, LLP, Christian Plaza, Michael Tusca, Keith Ranta, David Walsh and John Does 1-5. Docket no. MER-L-002332-17; Judge Marcy M. McMann, 02-12-25.

Attorney for plaintiff: John C. Nuzzo of Law Office of John C. Nuzzo in Wayne, NJ. Attorney for defendant: Ragesh K. Tangri of Durie Tangri, LLP in San Francisco, CA. Attorney for defendant: Grant W. McQuire of Tompkins, McGuire, Wachenfeld & Barry, LLP in Roseland, NJ.

COMMENTARY

Founded in 2012, Symbiomix was acquired by Indian drug manufacturer Lupin for roughly $150 million on October 11, 2017, represented by the defendant in the sale. The defendants argued the plaintiff was an exceptionally sophisticated party who had ample time to review the Separation Agreement and that he knowingly and voluntarily agreed to release his claims and their lease was clear and unambiguous to the rights he was giving up.
The defendant argued if the plaintiff did not consult counsel then he chose not to do so after being advised that he had the right and opportunity to do so. The defendant contended the plaintiff received substantial compensation as a result of entering into the Separation agreement to which he would not have otherwise have been entitled and under the totality of the circumstances knowingly and voluntarily released his claims. After the verdict Cooley, through their spokesman, said, "We strongly disagree with the verdict and will be pursuing and appeal. The evidence presented throughout this matter demonstrated that our attorney's acted with professionalism, diligence and integrity. We stand firmly behind their conduct and look forward to a fair and thorough review by the appellate court."

$5,250,000 SETTLEMENT – MEDICAL MALPRACTICE – EMERGENCY DEPARTMENT NEGLIGENCE – WRONGFUL DEATH ACT – SURVIVORSHIP ACT – 41-YEAR-OLD MALE DIES OF CARDIAC ARREST LEAVING WIFE AND 3 CHILDREN UNDER 18 – DEFENDANT'S FAILURE TO DIAGNOSE LEADS TO CARDIAC ARREST RESULTING DEATH – PAIN AND SUFFERING – SEVERE EMOTIONAL AND MENTAL DISTRESS.

Bergen County, NJ

This medical malpractice action was filed on April 15, 2024, by the plaintiff Administrator of the Estate of Nicholas Lewis, deceased, and Megan Lewis, individually, against the defendants, Melissa L. Luu, M.D., Jordan Marks, M.D., Emergency Physicians of Englewood Health, et al., for negligence resulting in death. The defendants all denied negligence and cross-claimed for apportionment of liability and left the plaintiff to their proofs.

The plaintiff, 41years old with a history of gastric banding, psoriasis, arthritis and anemia, presented to the defendants with complaints of weakness, fatigue, leg swelling and facial droop. The emergency department physician ordered lab work, including a pro-BNP and an ultrasound of the legs. The plaintiff alleged the pro-BNP marker is typically ordered to screen for heart failure, but no CXR, EKG or Troponin tests were ordered and further alleged the decedent's lab work was remarkable for a markedly high NT-proBNP, but the decedent was discharged at 7:15 p.m. on February 1, 2024, with the emergency department physician noting the abnormal labs and a diagnoses of "lymph edema, Bell's palsy" and the elevated NT-proBNP was noted as "likely related to "lymphedema".

The plaintiff asserted that on February 3, 2024, at 10:00 a.m., the decedent began to experience chest pains and difficulty breathing and told his wife to call 911 and was transferred by ambulance to a non-party emergency room where he was pronounced dead from cardiac arrest at 11:55 a.m. The plaintiff alleged the defendants failed to properly diagnose decedent leading to his fatal cardiac arrest and that his wife remained present with her husband, at his side during the last moments of his life and observed his deteriorating condition and the negligent treatment of the defendants. The plaintiff pled injuries of, severe injury, great pain and suffering, severe emotional and mental distress and anguish and death on February 3, 2024, and plaintiff wife suffered severe emotional distress, permanent injuries, pain, suffering, impairment, loss of the enjoyment of life and economic damages.

The parties entered in to a settlement in the amount of $5,250,000. The October 29, 2025, order approving settlement was as to defendants Jordan Marks, M.D., Emergency Physicians of Englewood, P.C. and Englewood Health.

REFERENCE

Megan Lewis, Administrator of the Estate of Nicholas Lewis, deceased and Megan Lewis, individually vs. Melissa L. Luu, M.D., Jordan Marks, M.D., Emergency Physicians of Englewood Health, et al. Docket no. BER-L-2209-24, 06-24-25.

Attorneys for plaintiff: Andrew L. O'Connor and Bruce H. Nagel of Nagel Rice, LLP in Roseland, NJ. Attorney for defendant: John R. Scott of Clare in Liberty Corner, NJ.

COMMENTARY

Nicholas Lewis, was from Closter, New Jersey, and a 2000 graduate of Northern Valley Regional High School and went on to attend Boston University and New York Law School, graduating in 2008. Marrying in 2011, Nicholas worked for 3 years in the Bronx District Attorney's office and after leaving the DA's office he worked at a few firms in New York City before moving back to New Jersey and opening his own practice, the Lewis Law Firm, in 2023. The couple had 3 children, the oldest of who was 11 years old, and autistic twins, 8 years old, one non-verbal. The decedent was close to his children and was extremely close to his 11-year-old son, who he spent a lot of time together and who told his mother that he would not go to his father's funeral because it was too upsetting. They enjoyed playing video games together, getting haircuts together and as Mets and Knicks' fans, attending sporting and other events together. Nickolas drove his 11-year-old son to school everyday, took him to all his doctors appointments, went to all his basketball, flag football and soccer games and coached his recreational basketball team.

$2,000,000 SETTLEMENT – MEDICAL MALPRACTICE – ORTHOPEDICS – ORTHOPEDIST SETTLES CASE WHEN PLAINTIFF RENDERED PARAPLEGIC AFTER DOCTOR FAILS TO MAKE TIMELY DIAGNOSES OF GROWTH ON SPINE REVEALED BY MRI – SPINAL CORD INJURY – PARAPLEGIA – PERMANENT DISABILITY – PAIN AND SUFFERING.

Middlesex County, NJ

This medical malpractice action was filed on November 12, 2021, by the plaintiffs, husband and wife, against the defendants, Arik Mizrachi, et al., for failure to diagnose resulting in plaintiff being rendered paraplegic. The defendant admitted to a physician patient relationship and denied all allegations of negligence.

The defendant held himself out to be specialized in the field of pain management and on or about February 12, 2020, the plaintiff was a patient of the defendant, who had a duty to exercise the degree of care and skill in the diagnoses, treatment and care of the plaintiff. The plaintiff alleged the defendants were negligent, grossly negligent, careless and reckless and did deviate from accepted standards of medical practice in their treatment of the plaintiff on February 12th, and for some time thereafter, as well as in the interpretation of important tests and studies by failing to properly and timely treat the plaintiff and diagnose and determine the true nature of the plaintiff's problems.

The plaintiff pled injuries including severe, permanent, life threatening, life limiting and painful injuries, paraplegic, spinal cord injuries, extensive medical treatment and expense, disability, great physical and mental pain and anguish, lost opportunity for cure, lost past and future wages and loss of consortium. The defendant pled he violated no legal duty owing to the plaintiff and was not the proximate cause of the injuries contending he instructed the plaintiff to see an oncologist or a primary care doctor after seeing the MRI results, a claim disputed by the plaintiff. The defendants cross-claimed for contribution and pled the Somberg defense for set off or other entitlements.

The parties entered in to a settlement of $2,000,000.

REFERENCE

John Ulianko and Diane Ulianko, husband and wife vs. Arik Mizrachi, et al. Docket no. MID-L-006551-21; Judge Settled, 05-01-24.

Attorney for plaintiff: Paul M. da Costa of Snyder Sarno D'Aniello Maceri & da Costa, LLC in Roseland, NJ. Attorney for defendant: Gregory J. Giodano of Lenox, Socey, Formidoni, Giordano, Cooley, Lang & Casey, LLC in Lawrenceville, NJ.

COMMENTARY

The defendant, by way of his Answer, certified that he is a specialist in both Physical Medicine and Rehabilitation and a specialist in the subspecialty of Pain Medicine and certified that his treatment of the plaintiff involved the subspecialty of Pain Medicine. The plaintiff's expert, Christopher Gharibo, M.D., former Director of Pain Medicine at NYU, a specialist in Anesthesiology and a specialist in the subspecialty of Pain Medicine, was objected to by the defendant claiming the expert and the defendant Doctor were not similarly qualified.
Plaintiff's counsel argued the defendant certified that he was not practicing within the specialty at the time of treatment of the plaintiff and only the field of Pain Medicine therefore making Dr. Gharibo imminently qualified to render standard care opinions as to the care of the defendant M.D. The plaintiff motioned the court to declare the AOM of Dr. Gharibo sufficient under the Patients First Act, arguing, the Medical Care Access and Responsibility and Patients Act was enacted in 2004 and created the standards for qualifications of expert witnesses in medical malpractice cases both for executing Affidavits of Merit and providing expert testimony. Specifically, the Patients First Act mandates that if a specialist or a sub specialist in a particular area of medicine, and that the treatment of the defendant involves that specialty or subspecialty, the expert must also specialize at the time of the occurrence in the same specialty or subspecialty under N.J.S.A. 2A:53A-41(a). The plaintiff's counsel argued 1) the subspecialty of Pain Management Is a recognized subspecialty by the American Board of Medical Specialties, 2) Although it is a subspecialty of different specialty boards, the description of the practice of Pain Medicine is identical, no matter the other specialties of the Pain Medicine specialist, 3) the American Board of Anesthesiology administers the examination for the suspect alto of Pain Medicine no matter what other specialties a physician may have and this the training and education for Pain Medicine sub-specialist is the same no matter what other specialties they may have.

DEFENDANT'S VERDICT – MEDICAL MALPRACTICE – OB/GYN/SURGERY NEGLIGENCE – 54-YEAR-OLD PLAINTIFF ALLEGES FAILURE TO USE CORRECT INSTRUMENTATION WHEN PERFORMING ENDOMETRIAL ABLATION RESULTS IN PERFORATED COLON – FAILURE TO RESPOND TO MEDICAL CONDITION EXPEDITIOUSLY, ALLOWING IT TO PROGRESS TO FULL SEPTIC SHOCK – SURGERY WITH REMOVAL OF 6 INCHES OF COLON – SIGNIFICANT SCARRING OF LENGTHY VERTICAL INCISION FROM BREAST PLATE TO VAGINA – COLOSTOMY BAG – FUTURE COLON REVERSAL SURGERY.

Morris County, NJ

This medical malpractice action was filed on November 4, 2020, by the plaintiffs, a patient and her husband, against the defendant, Andrei Buna, M.D., et al. for colon perforation during unsuccessful endometrial ablation resulting in life-altering injuries. The defendant answered by denying any impropriety or any liability of any kind and pled no violation or deviation from accepted standards of care.

On or about July 20, 2020, the plaintiff became a patient of the defendant, who presented herself with complaints of menstrual bleeding, for the purpose of undergoing a gynecological examination. On July 27, 2020, upon advice and counsel of the defendant, the plaintiff underwent a recommended endometrial ablation surgery which was unsuccessfully performed and abandoned by the defendant due to the cavity integrity test failing several times. The plaintiff alleged the procedure resulted in a large quantity of bowel contents within the pelvis consistent with hemopertoneum, and argued each and every one of the defendants failed to properly care for and treat the plaintiff and did negligently, carelessly, recklessly and unskillfully care for and treat the plaintiff.

The plaintiff pled injuries of severe, painful, permanent and progressive personal injuries including further surgery which included the removal of 6 inches of her colon, significant scarring, disfigurement of a lengthy vertical incision from below her breast plate to her vagina , colostomy bag, future surgery for reverse colon procedure, future digestive problems and hiatal hernia in stomach, loss of consortium. The defendant argued the plaintiff's condition is the direct and proximate result of the natural degenerative changes of the human body and would have occurred despite any and all intervention, prescription and treatment, or lack thereof, by the defendant.

The jury, returning a verdict of 6-1, found the plaintiff did not prove by preponderance of the evidence that the defendant deviated from accepted standards of care.

REFERENCE

Cheryl Tuttle and Richard Tuttle, her husband vs. Andrei Buna, M.D. Docket no. MRS-L-2241-20; Judge Marcy M. Mcmann, 02-12-25.

Attorney for plaintiff: Christopher L. Musmanno of Einhorn Barbarito Frost & Botwinick, PC in Denville, NJ. Attorney for defendant: E. Burke Giblin of Giblin Combs Cunningham & Masone in Morrristown, NJ. Attorney for defendant: Louis E. Jakub, Jr. of Garson & Jakub, LLP in Red Bank, NJ.

COMMENTARY

Plaintiff's counsel argued the defendant deviated from an acceptable standard of care during a failed endometrial ablation, whereupon his medical tools punctured the plaintiff's uterus and colon resulting in disastrous medical consequences. Dr. Michael Drew, M.D., F.A.C.S., opined that had the perforation been identified at the time of the procedure and exploration of the peritoneal cavity been undertaken, the plaintiff would not have required the subsequent colon resection, colostomy and the need for reconstitution of her colon along with the pain and suffering and deconditioning the additional procedures resulted in.

The defense argued the plaintiff had abnormal uterine bleeding and abnormal uterine growths (myomas) seen on ultrasound and initially had only normal post- operative complaints until 10-days post-operatively when the plaintiff experienced significant abdominal pain and was re-hospitalized. The defense contended the perforations of the uterus and bowel are recognized complications of the procedure which the plaintiff was advised of prior to surgery. Dr. Drew opined, "Most egregious" is defendant's experts "contention that the treatment would have been unchanged EVEN had the perforation been diagnosed on 7/27/20. This is contrary to all surgical principles. An early recognized perforation WOULD have been closed and possibly drained. A colostomy would NOT have been needed."

$4,250,000 VERDICT – MOTOR VEHICLE NEGLIGENCE – REAR END COLLISION – PLAINTIFF'S VEHICLE STOPPED ON GARDEN STATE PARKWAY STRUCK FROM BEHIND BY INATTENTIVE DRIVER OF TRANSIT VAN – DISC BULGES AT C5-6 AND C-7; CEREBRAL CONCUSSION – POST-CONCUSSION VESTIBULAR DYSFUNCTION – PERSISTENT DIZZINESS, SWAYING, PAIN AND HEADACHES – PERMANENT INJURIES.

Bergen County, NJ

This motor vehicle negligence action was filed by the plaintiffs, husband and wife, against the defendants, Regal Restoration USA, LLC, George J. Grob, et al. for severe injuries sustained in a September 21, 2021 accident. The defendant represented an admission of liability in the case and the case went to trial for damages only.

The plaintiffs alleged at the time of the accident the vehicle the husband was in the driver's position, the wife was sleep in the passenger seat with her children in the car and the vehicle was stopped in traffic in the left-hand lane of the Garden State Parkway, South, near Saddle Brook when the defendant violently rear-ended the plaintiff's vehicle. The wife asserted that prior to the collision, she had fallen asleep and at the time of the collision, she had just started to wake up when her head suddenly and abruptly, violently thrust forward, and then backwards, hitting the B-Pillar in the vehicle and although the vehicle sustained significant damage, the plaintiff was able to drive the vehicle home.

The wife contended that following the collision, her primary concern was for the welfare of her children and later that day, after the adrenaline rush had subsided and her children were in bed she was able for the first time to focus on her body and he repercussions that the collision had on her body - stiffness in her bilateral shoulders, upper spine and neck, as well as the base of her skull, with an accompanying headache. The plaintiff pled injuries of disc bulges at C5-6 and C-7, cerebral concussion, post-concussion vestibular dysfunction, persistent dizziness, swaying, pain, headaches, inability to engage in activities previously enjoyed, loss of independence, loss of enjoyment of life, loss of job enjoyment and satisfaction, loss of consortium, loss of services.

The jury reached a verdict after 4-day trial of $4,250,000 consisting of $4,000,000 to Jennifer Kaminski and $250,000 to David Speiser. The husband plaintiff was not injured, but the jury awarded him $250,000 in quod damages.

REFERENCE

Jennifer Kaminski and David Speiser, her spouse vs. Regal Restoration USA, LLC, George J. Grob, et al. Docket no. BER-L-282-22; Judge Peter G. Geiger, 04-11-25.

Attorney for plaintiff: Gayle M. Halevy of Davis Saperstein & Salomon in Teaneck, NJ. Attorney for defendant: Bernadette Irace of Marks O'Neill O'Brien in Cherry Hill, NJ.

COMMENTARY

The defense filed a motion for new trial arguing (1) the plaintiff wife waited 8 days after the accident to seek medical attention, 2) did not submit any evidence of economic loss to the jury having testified that her salary had nearly doubled since the year of the accident to the present day, 3) documentary evidence of 4 photographs, 4) the plaintiff's medical treatment consisted solely of medication, physical therapy and vestibular therapy, 5) at the time of trial, no evidence was submitted that the plaintiff wife had treated with any doctors for symptoms related to the automobile accident in the past 3 years, 6) the plaintiff wife, a nurse anesthetist, missed no time at work as a result of the accident and made no claim for lost wages, 7) the plaintiff's expert Dr. Deluca, opined that she sustained 2 cervical bulges in the accident and a concussion/ traumatic brain injury. Dr. Deluca had no knowledge of the plaintiff's current condition, as he had not seen the plaintiff in approximately 18 months.

Verdicts By Category

MEDICAL MALPRACTICE

Nursing Home

$450,000 VERDICT

Medical malpractice – Nursing home negligence – Wrongful death – Bedside neglect of severely impaired elderly woman cold to touch – Decedent's room alleged to be an "icebox" – Hypothermia – Infection – Extreme pain and suffering – Mental anguish.

Atlantic County, NJ

This medical malpractice action was filed on January 2, 2020, by the plaintiff on behalf of The Estate of Margaret E. Santo, against the defendants, Meadowview Nursing & Rehabilitation Center, et al., for providing inadequate care resulting in death. The defendants denied negligence and denied breaches of standard of care, left the plaintiff to their proofs and cross-claimed for allocation of possible damages and contended immunity from suit.

The defendant operates a nursing home for individuals who are chronically informed, disabled, mentally impaired and the plaintiff alleged the defendants failed to provide and adequately supervise the nursing staff to ensure that the decedent received adequate and proper tracheotomy care, nutrition, fluid, therapeutic diet, sanitary care, treatments, medications and infection prevention in her physical condition. The plaintiff, admitted on January 24, 2013, failed to be appropriately treated and cared for, developed pressure ulcers and was housed by the defendant in an "icebox" causing her to develop hyperthermia due to the cold room.

The plaintiff pled injuries including infection, hypothermia, extreme pain and suffering, mental anguish, severe emotionalism fess and trauma, disability, degradation, loss of quality and enjoyment of life, trauma, deprivation of personal dignity, humiliation, fright, loss of life, medical expenses, funeral expenses, loss of decedents services and companionship. The defendant's motion for new trial argued "the entire case was about whether the plaintiff's decedent's room was cold", arguing there was no evidence to support the jury's speculation that the room was colder than 60 degrees. The defendant's motion for new trial was denied.

The jury reached a verdict of $450,000.

REFERENCE

William Santo, as Administrator of the Estate of Margaret Santo vs. Meadowview Nursing & Rehabilitation Center, et al. Docket no. L-000019-20; Judge Danielle J. Walcoff, 03-26-24.

Attorney for plaintiff: Steven L. Procaccini of Procaccini Law Group in Rockaway, NJ. Attorney for defendant: Timothy B. Crammer of Dughi, Hewit & Domalewski, P.C. in Absecon, NJ.

DOG ATTACK

$65,000 ARBITRATION AWARD

Dog attack – Plaintiff attacked and bitten by defendant's dog while delivering Girl Scout cookies to defendant's home – Failure to keep violent dog away from strangers – Dog bite injuries to left middle and ring fingers – Surgery required.

Monmouth County, NJ

In this dog attack action, the plaintiff suffered injuries she was attacked and bitten by the defendant's dog while delivering Girl Scout cookies to the defendant's home. The defendant generally denied all allegations of negligence.

On March 7, 2022, the plaintiff was delivering Girl Scout cookies to the defendant's home, located on the premises of 53 Apple Tree Road in Howell, New Jersey. At this time, the plaintiff was on the defendant's porch and was dropping off the cookies. While on the porch, there were 2 dogs whose heads emerged from the home's storm door. As the plaintiff was dropping off the cookies, 1 of the dogs attacked and bit her left hand.

The plaintiff maintained that the defendant was negligent in failing to keep the violent dog away from strangers, failing to keep the dogs inside the home, and failing to leash or otherwise restrain the dog to

keep it from biting. Consequently, the plaintiff sustained injuries, including dog bite injuries to the left middle and ring fingers. The dog bite damaged the radial artery and radial digit nerve in the plaintiff's middle finger, which required the plaintiff to undergo surgery.

The arbitrator in this case found the defendant 100% liable for the accident and reported an award for the plaintiff in the amount of $65,000. Following arbitration, the plaintiff's counsel requested a trial de novo. However, the parties entered into a settlement on April 10, 2025.

REFERENCE

Kaylee Piech vs. Tricia Unger. Docket no. MONL003420-23; Judge Owen C. Mccarthy, 04-10-25.

Attorney for plaintiff: Rob Morello of Morello Law Firm, LLC in Manahawkin, NJ. Attorney for defendant: John C. Prindiville of John C. Prindiville in Sea Girt, NJ.

MOTOR VEHICLE NEGLIGENCE

Back-up Collision

$32,500 ARBITRATION AWARD

Motor vehicle negligence – Back-up collision – Defendant's vehicle backs up into the front end of plaintiff's vehicle – Multiple cervical disc herniations at 4 levels – Lumbar disc herniation at L4-5 – Right shoulder tendinosis – Right knee pain – Epidural steroid injections.

Union County, NJ

In this motor vehicle negligence action, the plaintiff suffered injures when the defendant's vehicle backed up into the front end of the plaintiff's vehicle. The defendant generally denied all allegations of negligence.

On July 26, 2021, the plaintiff's vehicle was traveling southbound on Central Avenue, at its intersection with West 7th Street in Plainfield, New Jersey. At this time, the defendant's vehicle was also traveling southbound on Central Avenue, in front of the plaintiff's vehicle. At the time of the incident, the defendant's vehicle began to reverse, and backed into the front of the plaintiff's vehicle.

The plaintiff maintained that the defendant was negligent in failing to observe the plaintiff's vehicle, failing to wait for clearance before backing up, and failing to remain adequately attentive. Consequently, the plaintiff sustained injuries, including multiple cervical disc herniations at 4 levels, lumbar disc herniation at L4-5, right shoulder tendinosis, and right knee pain. The plaintiff's injuries were treated with epidural steroid injections.

The arbitrator in this case found the defendant 100% liable for the accident and reported an award for the plaintiff in the amount of $32,500. Following arbitration, the defendant's counsel requested a trial de novo, which was scheduled to begin on September 9, 2024. However, the parties entered into a settlement on September 6, 2024. A stipulation of dismissal was submitted the same day.

REFERENCE

Rony Ruiz Vidal vs. Chris Leach. Docket no. UNNL002355-22; Judge John M. Deitch, 09-06-24.

Attorney for plaintiff: Jonathan P. Arnold of Bramnick Rodriguez Grabas Arnold & Mangan, LLC in Scotch Plains, NJ. Attorney for defendant: Jeffrey S. Raeski of Voss Nitsberg DeCoursey & Hawley in Iselin, NJ.

Bus Negligence

$150,000 ARBITRATION AWARD

Motor vehicle negligence – Bus negligence – Plaintiff injured when bus accelerates while plaintiff removing luggage from undercarriage – Cervical sprain/strain – Lumbar spine injuries – Cervical epidural steroid injections – L4-5 decompression procedure – Failure to remain stopped while passengers disembarking and removing luggage from bus.

Middlesex County, NJ

In this bus negligence action, the plaintiff was injured when a bus on which he had been a passenger accelerated while he was removing his luggage from the undercarriage. The defendants generally denied all allegations of negligence.

On July 4, 2020, the plaintiff was a passenger on a bus which had stopped at the 109 Park and Ride in Middletown, New Jersey. At this time, the plaintiff disembarked the bus and was attempting to remove his luggage from the bus' undercarriage. While the

plaintiff was retrieving his luggage, the bus suddenly accelerated and drove forward, causing the plaintiff to become injured.

The plaintiff maintained that the defendants were negligent in failing to wait for clearance before accelerating, failing to ensure that the plaintiff was out of the way of the bus before accelerating, and failing to remain stopped while passenger were disembarking and removing luggage from the bus. Consequently, the plaintiff sustained injuries, including cervical sprain/strain as well as lumbar spine injuries, requiring him to receive cervical epidural steroid injections and requiring him to undergo an L4-5 decompression procedure.

The arbitrator in this case found the defendants 100% liable for the accident and reported an award for the plaintiff in the amount of $150,000. Following arbitration, the plaintiffs' counsel requested a trial de novo, which was scheduled to begin on May 5, 2025. However, the parties entered into a settlement on April 21, 2025, before the trial could begin.

REFERENCE

John Salerno vs. Academy Bus, LLC. Docket no. MONL001850-22; Judge Andrea I. Marshall, 04-21-25.

Attorney for plaintiff: Jonathan A. Ellis of Law Offices of Herbert I. Ellis, PC in Freehold, NJ. Attorney for defendant: Benjamin Tartaglia of Mintzer Sarowitz Zeris Ledva & Meyers, LLP in Cherry Hill, NJ.

Intersection Collision

$67,500 ARBITRATION AWARD

Motor vehicle negligence – Intersection collision – Plaintiff's vehicle struck broadside by defendant's vehicle after defendant runs stop sign – Left shoulder tendinopathy – Injections for shoulder injury – L3-4 disc bulge – L5-S1 disc herniation.

Monmouth County, NJ

In this motor vehicle negligence action, the plaintiff suffered injuries when his vehicle was struck broadside by the defendant's vehicle after the defendant ran a stop sign. The defendant generally denied all allegations of negligence.

On December 6, 2022, the plaintiff's vehicle was traveling southbound on Tennent Road, at or near its intersection with Devon Drive in Manalapan, New Jersey. At the same time, the defendant's vehicle was traveling on Devon Drive, toward the same intersection. At the time of the incident, the plaintiff attempted to proceed straight through the intersection, when the defendant ran the stop sign and also entered the intersection. The defendant's vehicle then struck the plaintiff's vehicle broadside.

The plaintiff maintained that the defendant was negligent in failing to obey traffic signals, failing to obey a stop sign, and failing to yield the right-of-way. Consequently, the plaintiff sustained injuries, including left shoulder tendinopathy, L3-4 disc bulge, and L5-S1 disc herniation. The plaintiff received injections for his shoulder injury. The defendant generally denied all allegations of negligence, maintaining that the plaintiff driver had been "sleeping" in his vehicle.

The arbitrator in this case found the defendant 90% liable for the accident and the plaintiff 10% liable. The arbitrator reported an award for the plaintiff in the amount of $67,500. Following arbitration, the plaintiff's counsel requested a trial de novo, which was scheduled to begin on May 12, 2025. However, the parties entered into a settlement on April 23, 2025.

REFERENCE

Timothy Gaggin vs. Elisa Treviso. Docket no. MONL002987-23; Judge Kathleen A. Sheedy, 04-22-25.

Attorneys for plaintiff: Rebenack, Aronow & Mascolo, LLP and Matthew G. Bonanno, Esq. in New Brunswick, NJ. Attorney for defendant: Joseph J. Garvey of Garvey Ballou in Allenwood, NJ.

$50,000 ARBITRATION AWARD

Motor vehicle negligence – Intersection collision – Plaintiff passenger injured when defendant's vehicle runs red light and strikes host vehicle broadside – Aggravation of pre-existing neck and back injuries.

Monmouth County, NJ

In this motor vehicle negligence action, the plaintiff passenger was injured when the defendant's vehicle ran a red light and struck the host vehicle broadside. The defendant generally denied negligence.

On November 12, 2021, the plaintiff was a restrained, front-seat passenger in the host vehicle, which was traveling eastbound on the Garden State Parkway ramp at exit 105, near the intersection with Hope Road in Eatontown, New Jersey. At this time, the defendant's vehicle was traveling northbound on Hope Road, toward the same intersection. At the time of the incident, the host vehicle attempted to proceed straight through the intersection, when the defendant ran a red light and also entered the intersection. The defendant's vehicle then struck the host vehicle broadside, injuring the plaintiff passenger.

The plaintiff maintained that the defendant was negligent in failing to obey traffic signals, failing to obey a red light, and failing to wait for clearance before entering the intersection. Consequently, the plaintiff sustained injuries, including aggravation of pre-existing neck and back injuries.

The arbitrator in this case found the defendant 100% liable for the accident and reported an award for the plaintiff in the amount of $50,000. Following arbitration, the defendant's counsel requested a trial de novo, which was scheduled to begin on April 28, 2025. However, the parties entered into a settlement on April 17, 2025, prior to an initial hearing.

REFERENCE

Doris Adler vs. Faye Sampilo. Docket no. MONL001125-23; Judge Thomas M. Comer, 04-17-25.

Attorney for plaintiff: Brian E. Ansell of Ansell Grimm & Aaron, PC in Ocean, NJ. Attorney for defendant: Patricia Adams of Campbell, Foley, Delano & Adams, L.L.C. in Wall, NJ.

Left Turn Collision

$445,000 ARBITRATION AWARD

Motor vehicle negligence – Left turn collision – Plaintiff and defendant traveling in opposite directions when defendant turns left in front of plaintiff causing a collision – Cervical and lumbar disc injuries – Cervical surgery required – Permanent cervical limitations – Damages only.

Atlantic County, NJ

The plaintiff in this vehicular negligence action maintained she suffered permanent injury to her neck when the defendant made an improper left turn in front of the plaintiff causing a collision. The defendant stipulated liability, but argued the plaintiff's injuries were degenerative in nature.

On June 1, 2022, the female plaintiff was operating a vehicle traveling south on English Creek Avenue in Egg Harbor Township, New Jersey. The defendant was traveling north on the same road in the opposite direction of the plaintiff when suddenly and without warning, the defendant made a left turn in front of the plaintiff causing a collision.

The plaintiff alleged the defendant was negligent in failing to yield the right of way, making an improper left hand turn and failing to keep a proper lookout. The plaintiff alleged she suffered herniated discs in her cervical and lumbar spine. She underwent cervical epidural injections and ultimately required a discectomy and fusion at C5-6. The defendant argued the plaintiff's injuries were degenerative in nature and not related to the accident.

The case was heard before a board of arbitrators who found that the plaintiff was entitled to $445,000 in damages. The case was settled 2 months later for an undisclosed amount.

REFERENCE

Jennifer Zamot vs. Robert B. Ferguson. Docket no. ATL-003210-23; Panel Arbitration, 08-20-25.

Attorney for plaintiff: Patrick T. D'Arcy in Egg Harbor Township, NJ. Attorney for defendant: Donald Bigley of Law Offices of Charles A. Little, Jr. in Moorestown, NJ.

Rear End Collision

$300,000 POLICY LIMIT RECOVERY

Motor vehicle negligence – Rear end collision – Aggravation of cervical pain leading to injections and surgery – Fractured right wrist – Tear of medial meniscus treated with injection

Union County, NJ

In this action for motor vehicle negligence, the plaintiff driver, in his mid-40s, maintained that the defendant driver struck him in the rear when he was stopped for a red light causing him to sustain injuries.

The plaintiff asserted that after the collision, cervical pain became much worse and that despite injections; he ultimately required an anterior cervical discectomy/fusion which will cause permanent pain.

The plaintiff further maintained that he suffered a fracture to the right (dominant) wrist which will also cause permanent pain. The plaintiff contended that the knee injury will cause permanent pain despite an injection.

The plaintiff was governed by the zero-tort threshold by policy selection. The case settled for the $300,000 policy limits

REFERENCE

Smith vs. Devine. Docket no. UNN-L-1010-25, 05-28-25.

Attorney for plaintiff: Christopher Musmanno of Einhorn, Barbarito, Frost, Botwinick, Nunn & Musmanno, PC in Parsippany, NJ.

$150,000 VERDICT

Motor vehicle negligence – Rear end collision – Cervical herniation – Surgery – No income claims.

Middlesex County, NJ

The 28-year-old plaintiff driver in this action for motor vehicle negligence contended that the defendant driver struck her vehicle in the rear while she was stopped at a traffic light. Consequently, the plaintiff sustained serious injuries. Summary judgment on liability was granted. The defendant contended that the injuries were preexisting.

The plaintiff contended that she suffered cervical herniations, a left, non-dominant shoulder tear and a forehead contusion. The plaintiff maintained that the injuries are permanent and that she runs the risk of surgery which could exasperate her situation. The plaintiff contended that she had no prior treatment or symptoms. The plaintiff made no income claims.

The defendant had $300,000 in coverage. The jury awarded $150,000; interest brought the award to $165,475.

REFERENCE

Plaintiff's orthopedic spinal surgeon expert: Pasquale Pucciarelli, M.D. from Linden, NJ. Defendant's orthopedic surgeon expert: Robert J. Bercick, M.D. from Clark, NJ.

Tattoli vs. Zofki, et al. Docket no. MID-L-847-20.

Attorneys for plaintiff: Christine McCarthy and Amanda Clark of Einhorn Barbarito Frost & Botwinick, PC in Denville, NJ.

$33,333 SETTLEMENT

Motor vehicle negligence – Rear end collision – Minor plaintiff injured when host vehicle struck in rear by defendant's vehicle – Bodily injuries – Post-Traumatic Stress Disorder – Generalized Anxiety Disorder – Separation Anxiety Disorder.

Middlesex County, NJ

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

On July 22, 2021, the minor plaintiff was a restrained, backseat passenger in the host vehicle, which was traveling on Brighton Avenue, at its intersection with Patterson Street in Perth Amboy, New Jersey. At this time, the host vehicle had stopped at a stop sign at the subject intersection. At the same time, the defendant's vehicle was also traveling on Brighton Avenue, directly behind the host vehicle. While the host vehicle was stopped for the stop sign, it was suddenly struck in the rear by the defendant's vehicle. The impact of the collision caused the host vehicle to flip several times and come to a stop upside down, with the vehicle's roof making contact with the road surface. The minor plaintiff developed physical as well as psychological injuries as a result.

The plaintiffs maintained that the defendant was negligent failing to maintain a safe distance from other vehicles, failing to remain adequately attentive, and failing to obey a stop sign. Consequently, the minor plaintiff sustained injuries, including bodily injuries as well as Post-Traumatic Stress Disorder, Generalized Anxiety Disorder, and Separation Anxiety Disorder. The defendant generally denied all allegations of negligence.

Prior to arbitration, the parties in this case quickly entered into a friendly conference, which was scheduled to take place on January 25, 2024. The conference was then rescheduled for April 4, 2024, at which time the parties reported that they had arrived at a settlement amount of $33,333.00. On the same day, the Honorable Patrick J. Bradshaw ordered that the plaintiff's settlement amount be entered as a final judgment.

REFERENCE

Jeyser Polanco-Martinez vs. Chri Garcia-Celestino. Docket no. MIDL004015-23; Judge Bruce Kaplan, 04-04-24.

Attorney for plaintiff: Matthew Futerfas of Brandon J. Broderick, LLC in Toms River, NJ.

$12,500 ARBITRATION AWARD

Motor vehicle negligence – Rear end collision – Plaintiff's vehicle struck in rear by defendant's vehicle after plaintiff abruptly enters left lane – Cervical disc bulges at C3-4 through C6-7 – Lumbar sprain/strain.

Hudson County, NJ

In this motor vehicle negligence action, the plaintiff's vehicle was struck in the rear by the defendant's vehicle after the plaintiff abruptly entered the left lane, causing the plaintiff to suffer injuries. The defendant generally denied all allegations of negligence.

On September 10, 2017, the plaintiff's vehicle was traveling southbound in the right travel on Route 1 in North Bergen, New Jersey. At the same time, the defendant's vehicle was also traveling southbound in the left travel lane on Route 1, directly next to the plaintiff's vehicle. At the time of the incident, the plaintiff's vehicle abruptly entered the left lane, "cut-

ting off" the defendant's vehicle. The plaintiff's vehicle then slowed down, and the defendant's vehicle to struck the plaintiff's vehicle in the rear.

The plaintiff maintained that the defendant was negligent in failing to failing to maintain a safe distance from other vehicles, failing to remain adequately attentive, failing to obey traffic conditions, and failing to remain in the correct lane of travel. Consequently, the plaintiff sustained injuries, including cervical disc bulges at C3-4 through C6-7, as well as lumbar sprain/strain. A doctor for the defendant opined that the plaintiff sustained soft tissue injuries only, and that these injuries were not permanent. The defendant denied negligence on the grounds that the plaintiff had cut her off, leaving her no time or space to avoid a collision.

The arbitrator in this case found the plaintiff 50% liable for the accident and the defendant 50% liable. The arbitrator then reported an award for the plaintiff in the amount of $25,000 for gross damages, reduced to $12,500 in net damages following the application of liability. Following arbitration, the defendant's counsel requested a trial de novo. On March 30, 2023, the parties entered into a settlement conference prior to a trial hearing. On April 18, 2023, the Honorable Kimberly Espinales-Maloney ordered that the case be dismissed, as the parties had entered into a settlement for an amount not specified on the docket.

REFERENCE

Yahira Velarde vs. Carmen Vega. Docket no. HUDL003445-19; Judge Kimberly Espinales-Maloney.

Attorney for plaintiff: Daniel R. Bevere of Piro, Zinna, Cifelli, Paris & Genitempo in Nutley, NJ. Attorney for defendant: Rosmarie Bernard of Pomeroy, Heller, Ley, Digasbarro & Noonan, LLC in New Providence, NJ.

Truck/Bicycle Collision

$750,000 SETTLEMENT

Motor vehicle negligence – Truck/bicycle collision – Plaintiff's decedent bicyclist injured and dies due to colliding with back of tractor trailer illegally parked on road – Failure to warn of parked vehicle in bicycle lane – Wrongful death.

Middlesex County, NJ

In this motor vehicle negligence action, the plaintiff's decedent bicyclist was injured and died due to colliding with the back of a tractor trailer illegally parked on the road. The defendants generally denied all allegations of negligence.

On March 8, 2022, the plaintiff bicyclist was riding his bicycle on the side of River Road, near its intersection with Hanson Avenue in Piscataway, New Jersey. At this time, the defendant operator of a tractor trailer had parked his tractor trailer on the side of River Road, in the bike lane/shoulder. Slightly further down the road, there was a sign indicating that parking along the side of the roadway was prohibited. At the time of the incident, the plaintiff bicyclist crashed his bicycle into the back of the parked tractor trailer, causing severe injuries and his eventual death.

The plaintiffs maintained that the defendant tractor trailer operator and trucking company were negligent in failing to obey traffic signs and signals, in negligently and illegally parking on the side of the road, and in failing to warn of a parked vehicle on the road. Consequently, the plaintiff bicyclist sustained injuries, which included his death after eight days of hospital treatment.

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 $750,000. Following arbitration, the parties entered into a settlement for the same amount.

REFERENCE

Catherine Bull, Keith Bull vs. MCR Trucking, LLC. Docket no. MIDL002184-23; Judge Christoph Rafano, 04-15-25.

Attorney for plaintiff: David Silverstein of Lependorf & Silverstein, PC in Princeton, NJ. Attorney for defendant: Richard C. Bryan of Cipriani & Werner, P.C. in Iselin, NJ.

U-Turn Collision

$50,000 ARBITRATION AWARD

Motor vehicle negligence – U-turn collision – Plaintiff's vehicle struck in passenger side by defendant's vehicle making u-turn – 2 cervical disc bulges – 2 cervical disc herniations – Epidural steroid injections.

Bergen County, NJ

In this motor vehicle negligence action, the plaintiff's vehicle was struck in the passenger side by the defendant's vehicle making a u-turn. The defendant generally denied all allegations of negligence.

On September 8, 2020, the plaintiff's vehicle was traveling eastbound on Starke Road in Carlstadt, New Jersey. At this time, the defendant's vehicle was pulled over onto the side of Starke Road, also facing east. However, as the plaintiff's vehicle was going by, the defendant decided to attempt a u-turn from the east facing lane of Starke Road to the westbound lane. The defendant began to make a u-turn and then struck the plaintiff's vehicle in the passenger side as it was passing.

The plaintiff maintained that the defendant was negligent in failing to yield the right-of-way, failing to safely and properly execute a u-turn, and in negligently making an illegal u-turn in traffic. Consequently, the plaintiff sustained injuries, including 2 cervical disc bulges and 2 cervical disc herniations. The plaintiff's injuries were treated with epidural steroid injections.

The arbitrator in this case found the defendant 100% liable for the accident and reported an 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 5, 2025. However, the parties entered into a settlement on April 3, 2025, and the case was dismissed the same day.

REFERENCE

Wael Gawargy vs. Saehee Park. Docket no. BERL001815-22; Judge Lina P. Corriston, 04-03-25.

Attorney for plaintiff: Rajat Bhardwaj of Garces Grabler & LeBrocq, PC in Hackensack, NJ. Attorney for defendant: Nicholas Ciolko of Voss Nitsberg DeCoursey & Hawley in Iselin, NJ.

MUNICIPAL LIABILITY

JUDGMENT FOR DEFENDANT

Municipal liability – Plaintiff trips and falls over protruding screw on boardwalk – Failure to provide safe passage on city premises – Comminuted fracture of right patella – Comminuted fracture of humeral head of left shoulder – Surgery required.

Atlantic County, NJ

In this liability action, the plaintiff tripped and fell over a protruding screw on the boardwalk in the defendant city, causing the plaintiff to suffer injuries. The defendant generally denied all allegations of negligence.

On July 13, 2022, the plaintiff was walking on the boardwalk in the defendant city in the area of 1133 Boardwalk, Atlantic City, New Jersey. At this time, the plaintiff's shoe struck a screw, which was protruding upright form the surface of the boardwalk. The plaintiff then tripped and fell, causing her to become injured.

The plaintiff maintained that the defendant city was negligent in failing to provide safe passage on the boardwalk, failing to inspect and make routine repairs to the boardwalk, and failing to warn of a tripping hazard on the boardwalk. Consequently, the plaintiff sustained injuries, including a comminuted fracture of the right patella, as well as a comminuted fracture of the humeral head of the left shoulder. The plaintiff's injuries required surgery to repair, and required the plaintiff to stay in a nursing home for a time.

The arbitrator in this case found the defendants 0% liable for the accident, but found that the plaintiff's injuries met evidential requirements, and reported an award for the plaintiff in the amount of $150,000. Following arbitration, the plaintiff's counsel requested a trial de novo, which was scheduled to begin on January 26, 2026. However, the defendant motioned for summary judgment on November 3, 2025, which was granted by the judge.

REFERENCE

Ann Matyiku vs. City of Atlantic City. Docket no. ATLL002753-23; Judge Benjamin Podolnick, 11-07-25.

Attorney for plaintiff: Thomas M. Reardon of Reardon Anderson, LLC in Tinton Falls, NJ. Attorney for defendant: Jeffrey J. Berenzen of Ruderman & Roth, LLC in Springfield, NJ.

PREMISES LIABILITY

Fall Down

$540,000 ARBITRATION AWARD

Premises liability – Fall down – Plaintiff slips on exterior tile at defendant casino and falls – Back injuries – Complex Regional Pain Syndrome.

Monmouth County, NJ

In this premises liability action, the plaintiff slipped and fell on an exterior tile at the defendant casino, causing her to become injured. The defendants generally denied all allegations of negligence.

On September 1, 2020, the plaintiff was a lawful visitor and business invitee at the defendant casino, located on the premises of 2831 Broadway, Atlantic City, New Jersey. On this day, the premises was owned, operated, and maintained by the defendants. At the time of the incident, the plaintiff had been attempting to enter the defendant casino, when she slipped on an exterior tile leading into the building from the boardwalk. The plaintiff then fell, causing her to become injured.

The plaintiff maintained that the defendants were negligent in failing to provide safe passage on the premises, failing to warn of wet or slippery conditions on the premises, and failing to prevent a slipping hazard. Consequently, the plaintiff sustained injuries, including back injuries, as well as Complex Regional Pain Syndrome.

The arbitrator in this case found the defendants 60% liable for the accident and the plaintiff 40% liable. The arbitrator reported an award for the plaintiff in the amount of $540,000. Following arbitration, the defendant's counsel requested a trial de novo, which was scheduled to begin on April 28, 2025. Following oral argument, the parties entered into a settlement on April 30, 2025.

REFERENCE

Elsie Brown vs. Tropicana Atlantic City. Docket no. MONL001446-22; Judge Andrea I. Marshall, 04-28-25.

Attorney for plaintiff: Arthur Pavluk of Barrett & Pavluk, LLC in Ocean, NJ. Attorney for defendant: Michelle Cappuccio of Reilly, McDevitt & Henrich, P.C. in Cherry Hill, NJ.

$95,000 SETTLEMENT

Premises liability – Fall down – Plaintiff slips and falls on wet floor at defendant restaurant – Left knee patella fracture – Surgery required.

Middlesex County, NJ

In this premises liability action, the plaintiff suffered injury when he slipped and fell on a wet floor at the defendant restaurant. The defendants generally denied all allegations of negligence.

On November 20, 2021, the plaintiff was a lawful visitor and business invitee at the defendant restaurant, located on the premises of 10 Schalks' Crossing Road in Plainsboro, New Jersey. At this time, the plaintiff was traversing inside the restaurant, when he slipped on a wet part of the floor. The plaintiff then fell, causing him to become injured.

The plaintiff maintained that the defendants were negligent in failing to provide safe passage on the premises, failing to remove fluid or other hazardous material from the floor, and failing to properly clean and maintain the premises. Consequently, the plaintiff sustained injuries, including a left knee patella fracture, which required open reduction and internal fixation surgery to repair.

The arbitrator in this case found the defendants 70% liable for the accident and the plaintiff 30% liable. The arbitrator reported a net award for the plaintiff in the amount of $101,500. Following arbitration, the plaintiffs' counsel requested a trial de novo, which was scheduled to begin on April 14, 2025. However, the parties entered into a settlement for $95,000 on April 8, 2025, before the trial began.

REFERENCE

Gerald Neufeld vs. Romeo's Ristorante Italiano. Docket no. MIDL006394-22; Judge Joseph Rea, 05-14-25.

Attorney for plaintiff: Merric J. Polloway, Esq. of Polloway & Polloway in Red Bank, NJ. Attorney for defendant: Matthew G. Minor of Piasecki & Whitelaw, LLC in Green Brook, NJ.

$20,400 ARBITRATION AWARD

Premises liability – Fall down – Plaintiff slips and falls on water at bottom of stairs at defendant commercial property – Cervical and lumbar disc herniations – Several steroid injections.

Middlesex County, NJ

In this premises liability action, the plaintiff slipped and fell on water at the bottom of a set of stairs at the defendant commercial property, causing her to become injured. The defendants generally denied all allegations of negligence.

On January 17, 2022, the plaintiff was a lawful visitor at the defendant medical group foundation, whose place of business was located on the premises of 890 Mountain Avenue in New Providence, New Jersey. At this time, the plaintiff was exiting the commercial property and was descending a set of stairs on the premises. When she reached the bottom of the stairs, the plaintiff encountered some water on the ground, which had accumulated in a recent snowstorm. The plaintiff then slipped and fell.

The plaintiff maintained that the defendants were negligent in failing to provide safe passage on the premises, failing to remove water from the premises, and failing to prevent or remedy a slipping hazard. Consequently, the plaintiff sustained injuries, including cervical and lumbar disc herniations, for which she received several steroid injections. A doctor for the defendants disputed causation and permanency.

The arbitrator in this case found the defendants 51% liable for the accident and the plaintiff 49% liable. The arbitrator reported a net award for the plaintiff in the amount of $20,400. Following arbitration, the plaintiff's counsel requested a trial de novo, which was scheduled to begin on November 12, 2024. However, the parties entered into a settlement on September 27, 2024. A stipulation of dismissal was submitted on October 15, 2024.

REFERENCE

Lisa Netterwald vs. Summit Medical Group Imaging, 890 Mountain Ave, LLC. Docket no. MIDL006195-22; Judge Patrick Bradshaw, 10-15-24.

Attorney for plaintiff: Laura A. Rabb of Rabb Hamil, PA in Woodbridge, NJ. Attorney for defendant: Julianne K. Cefalu of Law Offices of James H. Rohlfing in Morristown, NJ.

Hazardous Premises

$150,000 VERDICT

Premises liability – Hazardous premises – Plaintiff trips over pallet at defendant liquor store and falls onto broken glass bottles – Severe laceration to right hand with ulnar nerve damage – Surgery required.

Monmouth County, NJ

In this premises liability action, the plaintiff tripped over a pallet at the defendant liquor store and fell onto broken glass bottles, sustaining injury. The defendants generally denied all allegations of negligence.

On August 5, 2020, the plaintiff was a lawful visitor and business invitee at the defendant liquor store, located on the premises of 1950 Route 23 North in Wayne, New Jersey. At this time, the plaintiff was traversing the aisles of the store and was carrying a 6-pack of beer bottles that he intended to purchase. While traversing the aisles, the plaintiff suddenly tripped over a pallet and fell. The bottles that the plaintiff was carrying shattered and the plaintiff fell onto them.

The plaintiff maintained that the defendants were negligent in failing to provide safe passage on the premises, failing to repair or remove a tripping hazard, and failing to warn of a tripping hazard. Consequently, the plaintiff sustained injuries, including a severe laceration to the right hand with ulnar nerve damage. The plaintiff was required to undergo surgery to repair the nerve and close the wound.

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 $360,000. Following arbitration, the case went to trial before a jury from April 21, 2025 to April 24, 2025. At this time, the jury returned a verdict of $150,000.

REFERENCE

Gary Lodder vs. Wayne Bottle King, Inc. Docket no. MRSL000535-22; Judge Vijayant Pawar, 04-24-25.

Attorney for plaintiff: Richard Picini of Caruso Smith Picini, P.C. in Fairfield, NJ. Attorney for defendant: Matthew C. Simon of Matt Simon Law in Hackensack, NJ.

Negligent Maintenance

$225,000 ARBITRATION AWARD

Premises liability – Negligent maintenance – Plaintiff slips and falls on ice in parking lot at condominium community where she resides – Failure to place salt or take other measures to melt ice – Supracondylar fracture of femur – Non-displaced fracture of the distal fibula – Surgery required.

Monmouth County, NJ

In this premises liability action, the plaintiff slipped on ice in the parking lot at the condominium community where she lives causing her to suffer injury. The defendants generally denied all allegations of negligence.

On February 5, 2025, the plaintiff was lawfully traversing the parking lot adjacent to the condominium community where she lived, located on the premises

of Boulevard De Jardin, Morganville, New Jersey. On this day, the premises was owned, operated, and maintained by the defendants. At the time of the incident, the plaintiff suddenly slipped on ice in the subject parking lot and fell, causing her to become injured.

The plaintiff maintained that the defendants were negligent in failing to provide safe passage on the premises, failing to place salt or take other measures to melt ice, and failing to warn of icy conditions on the premises. Consequently, the plaintiff sustained injuries, including a supracondylar fracture of the femur, as well as a non-displaced fracture of the distal fibula. The plaintiff's femur fracture required open reduction and internal fixation surgery to repair.

The arbitrator in this case found the defendants 100% liable for the accident and reported an award for the plaintiff in the amount of $225,000. Following arbitration, the defendant's counsel requested a trial de novo, which was scheduled to begin on April 9, 2025. However, the parties entered into a settlement.

REFERENCE

Rosalind McInerney vs. Point de Jardin Condominiums. Docket no. MONL000207-23; Judge Chad Cagan, 04-11-25.

Attorney for plaintiff: Mark F. Casazza of Rudnick Addonizio Pappa Casazza, PC in Hazlet, NJ. Attorney for defendant: Darren C. Kayal of Rudolph & Kayal in Manasquan, NJ.

$192,484 ARBITRATION AWARD

Premises liability – Negligent maintenance – Plaintiff trips and falls on broken pavement in parking lot at defendant shopping mall – Failure to provide safe passage on premises – Right displaced intertrochanteric hip fracture – Surgery required.

Monmouth County, NJ

In this premises liability action, the plaintiff stripped and fell on broken pavement in a parking lot at the defendant shopping mall, causing her to become injured. The defendants generally denied all allegations of negligence.

On March 20, 2022, the plaintiff was a lawful visitor and business invitee at the defendant shopping mall, located on the premises of 286 Route 206 in Mount Olive, New Jersey. At this time, the plaintiff had parked her car in the parking lot adjacent to the mall. When she stepped out of her vehicle, the plaintiff stepped into a large, uneven area of the parking lot where the pavement was broken. The plaintiff then fell.

The plaintiff maintained that the defendants were negligent in failing to provide safe passage on the premises, failing to repair a defective area of the parking lot, and failing to warn of uneven ground. Consequently, the plaintiff sustained injuries, including a right displaced intertrochanteric hip fracture, which required surgery to repair.

The arbitrator in this case found the defendants 80% liable for the accident and the plaintiff 20% liable. The arbitrator reported an award for the plaintiff in the amount of $192,483.60. Following arbitration, the defendants' counsel requested a trial de novo, which was scheduled to begin on April 7, 2025. However, the parties entered into a settlement on April 3, 2025.

REFERENCE

Kathleen Markovitch vs. Flanders Village Mall. Docket no. MRSL001675-22; Judge Jonathan W. Romankow, 04-21-25.

Attorney for plaintiff: Michael C. Trifiolis, Esq. of Litvak & Trifiolis, P.C. in Florham Park, NJ. Attorney for defendant: Matthew Mueller of Clemente Mueller, P.A. in Morristown, 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

$9,000,000 VERDICT – MEDICAL MALPRACTICE – CARDIOLOGY – FAILURE TO HEED MANUFACTURES WARNING ABOUT WEIGHT-BEARING CAPACITIES OF IMAGING TABLE – 340-POUND PATIENT SUFFERS SERIOUS INJURIES WHEN HEAD OF TABLE FELL TO FLOOR WITH SUDDEN FORCE – INJURES TO BACK AND NECK – SPINE SURGERIES WITH HARDWARE – SEPTIC EMBOLI STROKE – BRAIN ABSCESS – SERIOUS NEUROLOGICAL INJURIES AND SEQUELAE.

New Haven County, CT

This medical malpractice action was filed on September 29, 2016, by the plaintiff, James Griswold, et al., against the defendants, Advanced Cardiovascular Specialists, P.C., et al., for injuries resulting in imaging table failure.

The plaintiff was directed onto the table and shortly thereafter, while the plaintiff was still upon the table, the table made a loud popping noise, and the head of the table fell to the floor with sudden force. The plaintiff sustained neck and back injuries which required medical treatment and surgery to back, neck and spine, surgeries for the placement and removal of orthopedic hardware in and around spine, septic emboli, stroke, brain abscess, serious neurological injuries and sequelae, intracranial abscess aspiration and right-sided hemiplegia.

The plaintiff maintained that the defendants knew or should have known that it was not appropriate for them to have ordered a nuclear stress test for the plaintiff based on his presenting signs and symptoms and that it was incumbent upon the defendant to ensure that information substantiating the weight limits of the table were available to all health care providers in the practice.

The jury reached a verdict for the plaintiff of $9,000,000 consisting of $3,000,000 in economic damages and $4,000,000 in non-economic damages and the plaintiff wife was awarded $2,000,000 for her loss of consortium claim.

REFERENCE

James Griswold, et al. vs. Advanced Cardiovascular Specialists, P.C., et al. Case no. UWY-CV-16-6032204; Judge Kimberly Massicotte, 04-05-24.

Attorneys for plaintiff: Angelo A. Ziotas and Michael P. Roffe of Silver, Golub & Teitell, LLP in Stamford, CT. Attorneys for defendant: Nancy M. Marini and Katherine L. Maucher of Heidell Pittoni Murphy & Bach in Bridgeport, CT.

$5,600,000 VERDICT – MEDICAL MALPRACTICE – OB/GYN – VIOLATIONS OF PATIENTS PRIVACY RIGHTS – PUBLIC DISCLOSURE OF PRIVATE FACTS – PROVIDERS IDENTIFIED FETUS WAS IN BREECH POSITION BUT FAILED TO ORDER ULTRASOUNDS ON FETAL POSITIONING – BABY BORN SEVERELY INJURED AND NURSE TAKES PICTURE AND POSTS ON INSTAGRAM ACCOUNT WITH CAPTION "JELLYBEAN HEAD".

Philadelphia County, PA

This medical malpractice and breach of privacy action was filed August 27, 2020, by the plaintiff, Alexandra Wolfson and Jason Hoffman, individually as Parents and Natural Guardians of Camille Hoffman, a minor, against the defendants, Albert Einstein Healthcare Network, et al., for injuries sustained during the 2018 birth of their child. The defendant denied all allegations of negligence.

The plaintiff maintained that the baby, Camille, was born unresponsive and required resuscitation showing signs of cranial deformity consistent with traumatic birth suffering a second-degree perineal tear. The plaintiff pled injuries including brain damage, epilepsy, speech delays and deficits, hearing difficulties

and non-intractable vomiting. The infant plaintiff required multiple surgical procedures. The plaintiff alleged after delivery the defendant nurse took a photo of the baby's deformed head without parental consent and posted it on her Instagram account, mocking the baby's condition with the caption" Jellybean head" and shared private birth details, violating patient confidentiality.

Gross verdict: $5,600,000. Awards to child: $1,000,000 for past and future physical pain and suffering, $750,000, past and future psychological pain and suffering; $400,000 for past and future loss of ability to enjoy life's pleasures; $300,000 for past and future humiliation and embarrassment; $750,000 for disfigurement. Awards to mother: $750,000 past and future psychological pain and suffering of emotional distress; $100,000 for past and future loss of ability to enjoy life's pleasures; $50,000 for past and future humiliation and embarrassment.

The jury awarded $4,100,000 for negligence and $1,500,000 for breach of confidentiality and invasion of privacy. The defendant, midwife nurse was held 40% liable for breach of privacy and 60% liable for breach of confidentiality.

REFERENCE

Alexandra Wolfson and Jason Hoffman, individually as Parents and Natural Guardians of Camille Hoffman, a minor vs. Albert Einstein Healthcare Network, et al. Case no. 200700471; Judge Craig R. Levin, 06-27-25.

Attorney for plaintiff: Tom Bosworth of Bosworth Law in Philadelphia, PA. Attorneys for defendant: Karyn D. Rienzi and Heather A. Tereshko of Post & Schell, P.C. in Philadelphia, PA.

$3,650,000 SETTLEMENT – MEDICAL MALPRACTICE – SURGEON NEGLIGENCE – DEFENDANT PERFORMS PROCEDURES WITHOUT MRI OR OTHER IMAGING – PLAINTIFF WITH RARE CONGENITAL DEFECT SUFFERS NECROSIS OF RECTAL TISSUE DURING CATHETER EMBOLIZATION – REMOVAL OF COLON – ADDITIONAL SURGERIES – NERVE PAIN – COLOSTOMY – PERMANENT SCARRING – OSTOMY BAG.

Essex County, NJ

This medical malpractice action was filed December 15, 2022, by the plaintiff patient against the defendant doctors for permanent and life-altering injuries as a result of gross medical malpractice. The plaintiff, with a rare congenital defect, suffered necrosis of rectal tissue during catheter embolization resulting in removal of the colon. The plaintiff pled injuries of additional surgeries, nerve pain, colostomy, permanent scarring and an ostomy bag. The defendants denied all the material allegations of negligence and cross-claimed for contribution.

The plaintiff maintained that the defendants deviated from the standards of medical practice by interpretation of important tests and studies and as a result of the deviations, did fail to properly and timely treat the plaintiff, diagnose the plaintiff and determine the true nature of the plaintiff's condition. In addition, these defendants performed 11 surgical procedures that were not medically indicated or necessary.

The parties entered into a $3,650,000 settlement.

REFERENCE

Michelle Argast vs. David A. Greuner, M.D., Adam Tonis, D.C. et al. Docket no. ESX-L-5149-22, 01-23-25.

Attorney for plaintiff: Paul M. da Costa of Snyder Sarno D'Aniello Maceri & da Costa, LLC in Livingston, NJ. Attorney for defendant: James L.A. Pantages of Goetz Schenker Blee & Wiederhorn, LLP in Livingston, NJ. Attorney for defendant: Robert T. Evers of Marshall Dennehey, P.C. in Roseland, NJ.

PRODUCT LIABILITY

$104,590,162 – PRODUCT LIABILITY – DEFECTIVE DESIGN – BREACH OF EXPRESS WARRANTY – PLAINTIFF SITTING IN MUSTANG IN PARKING LOT BADLY BURNED WHEN FIRE IGNITED OUTSIDE ENGINE COMPARTMENT RAPIDLY ENGULFING ENTIRE CAR – CATASTROPHIC THIRD AND FOURTH- DEGREE BURNS TO OVER 74% OF BODY – AMPUTATION OF BOTH HANDS – COMA FOR 6 MONTHS .

Duval County, FL

This product liability action was filed on April 24, 2020 by the plaintiff, Robert Hetsler, et al., against the defendant Ford Motor Company, et al., for life-altering injuries resulting from Roush Mustang car fire. Ford pled affirmative defenses including contributory negligence by the plaintiff.

The plaintiff was seated in the vehicle in a parking lot in Jacksonville, Florida when a fire ignited outside the engine compartment rapidly engulfing the entire vehicle, including the passenger compartment. When fire and rescue arrived at the scene the plaintiff con-

tended they found the vehicle consumed by fire and the plaintiff approximately 100 feet away, disoriented and severely burned.

The plaintiff pled injuries of catastrophic third and fourth-degree burns over 74% of his body, from hairline to belly button, extensive skin damage, coma for 6 months, amputation of both hands, disc impingement in cervical spine, tracheostomy, assistance with daily living activities and numerous surgeries.

Jury verdict: $104,590,162. Awards: $3,390,162 for past medical expenses; $12,000,000 for future medical expenses; $12,000,000 for past damages for pain and suffering, disability, physical impairment, disfigurement, mental anguish, inconvenience, and loss of capacity for the enjoyment of life; $55,000,000 for future damages for pain and suffering, disability, physical impairment, disfigurement, mental anguish, inconvenience, and loss of capacity for the enjoyment of life. Award to V.H: $2,000,000 for past loss of society; $9,100,000 for future loss of society. Award to S.H: $2,000,000 for past loss of society; $9,100,000 for future loss of society.

REFERENCE

Robert Hetsler, et al. vs. Ford Motor Company, et al. Case no. 2020-CA-002410; Judge Waddell A. Wallace, III, 02-20-24.

Attorneys for plaintiff: Andrew F. Knopf and Brian D. Murry of Paul Knopf Bigger, PLLC, in Winter Park, FL. Attorneys for defendant: Francis M. McDonald, Jr. and Jessica M. Kennedy of McDonald Toole Wiggins, P.A. in Orlando, FL.

MOTOR VEHICLE NEGLIGENCE

$11,082,000 VERDICT – MOTOR VEHICLE NEGLIGENCE – GARBAGE TRUCK NEGLIGENCE – 5 MOTORCYCLISTS FROM GEORGIA, CRUISING THROUGH WESTERN KENTUCKY ENCOUNTER SMELLY, SLICK SLUDGE OF HUMAN WASTE LEAKED BY DEFENDANT'S ENVIRONMENTAL GARBAGE TRUCK ON INTERSTATE – ALL 5 MOTORCYCLES LOSE TRACTION AND CRASH – SPINAL INJURIES – ROAD RASH AND RELATED INFECTION FROM TOXIC WASTE.

Lyon County, KY

This motor vehicle negligence action was filed by 5 plaintiffs against the defendant, Freedom Waste, for injuries sustained when the defendant's truck leaked human waste on the interstate causing all 5 motorcycles of the plaintiffs to crash. The plaintiffs pled injuries as follows: Herring: multiple spine injuries and lengthy rehabilitation; McAlpin: broken collar bone, road rash and related infection from toxic waste, surgical repair of fracture and limited range of motion in shoulder; Murdyk: road rash on buttocks, elbows, hands and knees, as well as open wounds exposed to the toxic waste; White, labral tear in shoulder, as well as road rash. The defendant argued the latch on the container's door was properly secured prior to transport and therefore, the spill occurred due to an unforeseeable malfunction rather than negligence.

The plaintiffs maintained that the sludge was dark colored making it difficult to identify and covered the interstate for approximately a half mile and as the plaintiffs drove through gross, smelly and slick sludge they lost traction and then control of their motorcycles resulting in all 5 crashing.

The jury reached a gross verdict for the plaintiffs in the amount of $11,082,000. Awards: McAlpin - $3,561,128, $61,128 for medical damages, $3,500,000 for pain and suffering; White - $2,507,318, $7,318 for medical damages, $2,500,000 for pain and suffering; Murdyk - $2,506,653, $6,653 for medical damages, $2,500,000 for pain and suffering; Hendricks - $2,502,307, $2,307 for medical damages, $2500 for pain and suffering. The fifth plaintiff, Herring, the most seriously injured with medical bills of $474,659, settled prior to trial, with trial proceeding for the remaining 4 plaintiffs.

REFERENCE

McAlpin, et al. vs. Freedom Waste. Case no. 23-33; Judge May, 05-29-25.

Attorneys for plaintiff: Brandon Peak and John Flowers of Peak Wooten McDaniel & Colwell in Columbus, GA. Attorney for defendant: R. Sean Quigley of Casey, Bailey & Maines in Lexington, KY.

$3,372,115 VERDICT – MOTOR VEHICLE NEGLIGENCE – REAR END COLLISION – PLAINTIFF IN INTERSECTION WHEN DEFENDANTS' TRUCK STRIKES REAR OF HIS VEHICLE – CERVICAL AND LUMBAR DISC HERNIATIONS AND BULGES – ANTERIOR CERVICAL DISCECTOMY C5-6-7; ARTHRODESIS C5-6-7; ANTERIOR CERVICAL INSTRUMENTATION; METAL FUSION DEVICE FROM C5-6-7.

Queens County, NY

In this motor vehicle negligence case, the plaintiff, a 52-year-old man, asserted that the defendant driver struck his vehicle from behind with such force that it caused significant, permanent injury. As a result of the incident, the plaintiff claimed C3-4 disc bulge; right paracentral herniation at C5-6 herniation indenting the thecal sac at C6-C7 with an annular tear; bulging disc at L3-4 and L4-5; disc herniation at L5-S1. The plaintiff treated with anterior cervical discectomy C5-6-7, arthrodesis C5-6-7, anterior cervical instrumentation, trabecular metal fusion device from C5-6-7. The defendants denied negligence arguing that the plaintiff stopped abruptly, with no vehicular traffic in front of him.

The plaintiff contended that the defendant driver negligently failed to observe traffic slowed at the intersection and failed to apply his brakes and stop at a safe distance from the plaintiff's vehicle. The plaintiff asserted that the co-defendant employer of the plaintiff and owner of the vehicle was vicariously liable for the actions of its employee. The defendant driver argued that he tried to avoid striking the plaintiff's vehicle, but was unable to do so. The defendants argued that the plaintiff's injuries were pre-existing and not caused by the subject accident.

The jury found in favor of the plaintiff and awarded damages in the amount of $3,372,115 broken down as follows: $1,372,115 for future medical expenses; $500,000 for past pain and suffering and $1.5 million for future pain and suffering.

REFERENCE

Martinez vs. Eastern Electrical Construction, Inc., et al. Index no. 723515/2020; Judge Robert I. Caloras, 08-08-24.

Attorney for plaintiff: Evan M. Lapenna of Lapenna Law, PLLC in Melville, NY. Attorney for defendant: Margot L. Ludlam of Baxter Smith & Shapiro, PC in Hicksville, NY.

PREMISES LIABILITY

$15,000,000 SETTLEMENT – PREMISES LIABILITY – FALL DOWN – 53-YEAR-OLD POOL WORKER INJURED ON JOB WHEN STEPS COLLAPSE SENDING HIM SUDDENLY AND VIOLENTLY TO GROUND – NERVE INJURY TO RIGHT LEG, FOOT AND ANKLE – FOOT AND ANKLE SURGERY – CRPS – PERMANENT DISABILITY.

Hudson County, NJ

This premise liability action was filed December 2, 2019, by the plaintiff pool maintenance worker and his wife against the defendants, Harmon Cove IV Condominium, et al., for injuries from a fall. The plaintiff pled orthopedic injury to his right foot and ankle, foot and ankle surgery, CRPS, nerve injury to right leg, foot and ankle, permanent disability, permanent significant disfigurement, permanent loss of bodily function and medical expenses. The defendant, who owned, controlled, and or maintained the pool houses steps cross claimed for contribution.

The plaintiff was exercising his duties as a pool maintenance worker at the defendant's property when he fell to the ground when the steps suddenly and violently collapsed underneath him as he was servicing the pool. The defendant denied negligence and pled third and fourth separate defenses that the complained occurrence was caused by third parties over whom the defendant had no control and the damages alleged were the result of unforeseeable, intervening or superseding acts of others independent of the defendant.

The parties entered into a settlement for $15,000,000.

REFERENCE

James Visconti and Kathleen Visconti, his wife vs. Harmon Cove IV Condominium, et al. Docket no. HUD-L-4639-19, 02-08-24.

Attorneys for plaintiff: Timothy J. Fonseca and Glenn D. Kohles, Jr. of Corradino & Papa, LLC in Clifton, NJ. Attorney for defendant: Jennifer

$4,000,000 VERDICT – PREMISES LIABILITY – HAZARDOUS PREMISES – 4-YEAR-OLD AUTISTIC CHILD SLIPS INTO DEFENDANT'S RETENTION POND AND DROWNS – FAILURE TO INSTALL FENCE – WRONGFUL DEATH OF 4-YEAR-OLD MALE.

Alachua County, FL

In this action for premises liability, the minor decedent drowned in a retention pond after wandering from the premises where he was residing with his parents. The plaintiffs sued the owner of the residence and the owners of the retention pond alleging negligence. The defendants denied being negligent and argued it was the actions of the parents that caused the tragic incident.

On March 2, 2023, the mother put the minor down for a nap and left to run errands. The minor's father was with minor and was also napping. The minor got up from his bed and exited through the front door, walked around the plaza and then headed for the retention pond. He lost his footing and fell into the pond. After several minutes of struggling, he drowned.

The events were captured on CCTV. The plaintiff parents maintained the defendant Gomes was negligent in removing a security feature which was attached to the locking mechanism on the door. The plaintiffs levied the same allegations against the defendant plaza owner and management company and added that they failed to enforce the installation and maintenance of the door locking system and failed to install a fence around the retention bond.

The jury found in favor of the plaintiff and apportioned liability at 10% against Live Oak Shoppes Group LLC, 37% against American Commercial Realty Corporation, 38% against the decedent's mother and 15% against the decedent's father. The jury awarded the decedent's mother $2,500,000 for mental pain and suffering and the decedent's father $1,250,000 for mental pain and suffering for a total verdict of $3,750,000.

REFERENCE

Taychianna Figueroa As Personal Representative of The Estate of Kash Waylan Hodges and Taychianna Figueroa and Gabriel Hodges Individually vs. Celeste Gomes dba Celeste's Pet Spa and Mobile Grooming, Live Oak Shoppes Group LLC and American Commercial Realty Corp. Case no. 2023CA001916; Judge George M. Wrigt, 08-19-25.

Attorney for plaintiff: Kyle J. Bagen of Steven A. Bagen & Associates in Gainesville, FL. Attorney for plaintiff: Hillary Thornton of Wicker Smith O'Hara McCoy & Ford, P.A. in Tampa, FL. Attorneys for defendant: Jerry Hamilton, Carlos Llorente and Daniel Batista of Hamilton Mil in Miami, FL. Attorney for defendant: Jordan Redavid of Fischer Redavid, PLLC in Atlanta, GA.L. Moran of Wilson Elser Moskowitz Edelman & Dicker, LLP in Florham Park, NJ.

ADDITIONAL VERDICTS OF PARTICULAR INTEREST

Construction Site Negligence

$9,102,415 VERDICT – CONSTRUCTION SITE NEGLIGENCE – LABOR LAW VIOLATIONS – PLAINTIFF WORKING ON SCAFFOLD FALLS TO GROUND – MULTIPLE ELBOW AND WRIST FRACTURES; MENISCUS TEAR; PARTIAL ROTATOR CUFF TEAR – MULTIPLE SURGERIES, ORTHOPEDIC TREATMENT, CHIROPRACTIC TREATMENT AND PHYSICAL THERAPY – DEFENDANT DENIES NEGLIGENCE AND ARGUES PLAINTIFF'S EMPLOYER RESPONSIBLE FOR SAFETY ON JOB SITE.

Bronx County, NY

In this case, while working atop a scaffold along with 2 other employees, applying stucco to the defendant's building, the plaintiff fell off the scaffold to the ground below. The plaintiff asserted that the defendant violated Labor Law and common law negligence and failed to maintain its premises in a safe condition. After the fall, the plaintiff felt pain in his nose, both shoulders, both elbows, both wrists and both knees. An ambulance arrived and transported the plaintiff to North Shore Hospital where he was admitted, given injections, and x-rays were performed. The plaintiff was diagnosed with nasal fracture; right radial head fracture in the elbow which was surgically repaired; a non-displaced radial head fracture in the left elbow with epicondylitis; bilateral ulnar styloid wrist fractures; a torn TFCC in the right and left wrists; a meniscus tear in his left knee. The defendant denied negligence and argued that the plaintiff's employer was responsible for safety and equipment on the job site. A third-party action was brought for indemnification and contribution by the defendant against the plaintiff's contractor/employer.

After several visits to the hospital, the plaintiff underwent multiple surgeries including arthroscopic surgery to the left knee to repair a torn lateral meniscus and arthroscopic surgery to the left wrist to repair a pisiform fracture and a torn TFCC. He was prescribed physical therapy, and also saw a chiropractor. The defendant contested permanency of the plaintiff's injuries.

After a jury trial solely on the issue of damages and proximate causation, the jury rendered a verdict in the plaintiff's favor. The jury awarded the plaintiff $260,000 for past pain and suffering, $6.7 million for future pain and suffering, $222,000 for past medical expenses, and $1,920,415 for future medical expenses. The jury's award for future damages was meant to compensate the plaintiff for a period of 40 years.

REFERENCE

Lemache vs. Elk Manhasset, LLC. Index no. 21827/2019E; Judge Fidel Gomez, 08-07-24.

Attorney for plaintiff: Michael D. Cassell of Hogan & Cassell in Jericho, NY. Attorney for defendant: David R. Santana of Wilson Elser Moskowitz Edelman & Dicker, LLP in New York, NY.

Fraud

$3,922,024 VERDICT – FRAUD – UNLAWFUL CONVERSION OF FUNDS – AIDING AND ABETTING BREACH OF FIDUCIARY DUTY – DEFENDANTS INTENTIONALLY WITHHELD AND MISREPRESENTED MATERIAL FACTS IN EFFORTS TO RAISE NECESSARY CAPITAL FOR MARIJUANA DISPENSARY – PLAINTIFF INVESTORS SEEK RESCISSION OF FULL AMOUNT OF INVESTMENT IN DISPENSARY – DEFENDANT CROSS-CLAIMS ADDING THIRD-PARTY DEFENDANT WHO HAD CHECK WRITING AUTHORITY OVER PLAINTIFF'S BANK ACCOUNT AND DEMANDED MONEY BE TRANSFERRED WITHOUT REQUIRED APPROVAL OF MANAGER.

Suffolk County, MA

This was a fraud action pursuant to the Massachusetts Uniform Securities Act filed on December 29, 2017, by the plaintiff, Leo Bertolino, as Trustee for Leo P. Bertolino Trust, and others, investors in Kettle Black of MA, LLC "Kettle Black", against the defendants, Terence Fracassa and Frederick McDonald of Commonwealth Pain Management Connection, LLC, "CPMC", to rescind and recover Kettle Blacks multi-million-dollar investment.

The plaintiff Kettle Black had invested about $8 million in CPMC and CPMC was formed to fund and provide services to a non-profit Registered Marijuana dispensary, but the plaintiff alleged that the defendants – each of whom received substantial payouts at the closing of Kettle Black's investment- intentionally withheld and misrepresented material facts in their efforts to raise the necessary capital. The plaintiff alleged among other things, the defendants failed to disclose that one of them had established a relationship with the owner of the real property where the dispensary was to operate and had signed a secret side agreement giving the owner of dispensary exclusive rights in, as well as improper de facto control over the dispensary.

The plaintiff pled damages of the full consideration paid, together with statutory interest at 6 percent and reasonable attorney fees and costs. The third-party defendant, McLaughlin, contended there was no evidence that he ever knew that the defendant had breached his fiduciary duty by transferring its funds without approval or authorization.

Jury verdict after set-offs: $3,922,024.13. Awards: $3,336,644.68 in compensatory damages; $585,379.45 in compensation for intentional interference with defendant Fracassa's contractual right to indemnification by CPMC.

REFERENCE

Leo Bertolino, as Trustee for Leo P. Bertolino Trust, and others vs. Terrence Fracassa and Frederick McDonald. Case no. 1784CV04210; Judge Kenneth W. Salinger, 05-13-24.

Attorney for plaintiff: David Lee Evans of Murphy and King in Boston, MA. Attorney for defendant: Christopher Carter of Hinckley Allen & Snyder, LLP in Hartford, CT.

Wage Theft

$9,400,000 SETTLEMENT – WAGE THEFT – WAGE AND HOUR LAW VIOLATIONS – VIOLATION OF CA UNFAIR COMPETITION LAW – FAILURE TO PAY OVERTIME – FAILURE TO PROVIDE MEAL PERIODS OR COMPENSATION IN LIEU THEREOF.

San Bernardino County, CA

The plaintiff in this case, on behalf of the general public as a private attorney general, initiated suit on December 6, 2021, for alleged violations of: (1) failure to pay overtime; (2) failure to provide meal periods or compensation in lieu thereof; (3) failure to provide rest periods or compensation in lieu; (4) failure to pay all wages due upon separation of employment; (5) failing to provide accurate itemized wage statements; (6) failure to reimburse expenses; and (7) unfair competition. The defendant asserted they adhered to all applicable labor laws, including proper payment of overtime and provision of meal and rest breaks and contended that the wage statements issued were accurate and complied with California labor code requirements.

On December 6, 2021, both parties stipulated to stay the action while plaintiff moved for certification in the overlapping and pending federal case in the U.S. District Court for the Central District of California. On January 4, 2022, the case was transferred from Judge John W. Holcomb and Magistrate Judge Kenly Kiya Kato to Judge John A. Kronstadt and Magistrate Judge Sheri Pym for all further proceedings pursuant to General Order. The case was later transferred to Judge T. Ortiz.

On October 24, 2022, the plaintiffs filed Notice of Class Action Settlement. The Final Settlement of $9,400,000 was signed September 23, 2024, with no admissions as to liability.

REFERENCE

Mark Buford vs. Estenson Logistics, LLC, Hub Group Trucking, Inc., Hub Group, Inc., California Hub Group Dedicated, LLC, and Does 1-50. Case no. CIVSB2133332; Judge Joseph T. Ortiz, 09-23-24.

Attorney for plaintiff: James Hawkins, APLC in Irvine, CA. Attorney for plaintiff: Mark Buford of The Nourmand Law Firm in Beverly Hills, CA. Attorney for defendant: Kate S. Gold of Proskauer Rose, LLP in Los Angeles, CA.