NEW JERSEY
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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

$14,000,000 VERDICT – 3 PLAINTIFF'S FILE SEXUAL ASSAULT LAWSUIT AGAINST INTERNIST AND MEDICAL GROUP FOR REPEATED SEXUAL ASSAULTS FOR YEARS – BATTERY AND INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS – PLAINTIFFS ALLEGE MULTIPLE REASONS FOR ONGOING VISITS DESPITE SEXUAL ASSAULTS INCLUDING NEEDING PAIN MEDICATION AND COMPLEX MEDICAL ISSUES.

Bergen County, NJ

This action was filed by the plaintiffs Suzanne Brown, Jessica Szmitkowski and Rosemarie Safarian against the defendant, Dr. Carl Renner, internist, of Osler Medical Group of Hasbrouck Heights, New Jersey for repeated sexual assaults during office visits. The plaintiff's alleged Dr. Renner rubbed his crotch against them during examinations, touched their breasts and genitals and kissed them. The defendant, Osler Medical Group, contended it was not liable because it had no knowledge of Dr. Renner's improper behavior; however, the plaintiffs' counsel, by way of a former employees filed police report alleging sexual advances refuted the defendant's no knowledge defense, showing they had notice of Dr. Renner's proclivities.

The plaintiff's alleged the assaults to the 3 women came to an end when Suzanne Brown finally reported Dr. Renner to the police, after he again assaulted her during a medical exam. The plaintiff's alleged injuries of emotional distress. As to the defendant, Carl Renner, he did not present any defenses.

The plaintiff motioned and was granted a directed verdict against him for battery and intentional infliction of emotional distress.

The jury verdict, after deliberation and 8-day trial was $14,000,000 including $4,500,000 for pain and suffering and loss of enjoyment in life and future medical expenses, $1,500,000 to Jessica Szmitkowski, and $3,000,000 to Suzanne Brown for pain and suffering and loss of enjoyment in life and $1,000,000 for future medical expenses and $3,500,000 to Rosemarie Safarian for pain and suffering and loss of enjoyment in life and $500,000 to Jack Safarian for loss-of-consortium.

For the 3 women, the jury apportioned 60% of liability to Renner, 40% to Osler Medical Group for Szmitkowski and Brown verdicts and 55% to Renner and 45% to Osler for Safarian. Carl Renner was ordered to pay $8.9 million and Osler Medical Group apportioned liability is $6.3 million after prejudgment interest. Jessica Szmitkowski's damages were reduced by 15% for failure to mitigate damages.

REFERENCE

Jessica Szmitkowski vs. Osler Medical Group. Docket no. L2492-21; Judge Kevin Kelly, 03-17-25.

Attorneys for plaintiff: Kate Carballo and Barry Kantrowitz of Kantrowitz, Goldhamer, Graifman in Montvale, NJ. Attorney for defendant: David J. Altieri of Galantucci & Patuto in Hackensack, NJ. Attorney for defendant: Thomas Heavey of Grossman & Heavey in Brick Township, NJ.

COMMENTARY

The defendant contended the allegations lacked credibility because of the plaintiff's repeated ongoing visits to Dr. Renner despite the plaintiff's allegations of sexual assaults for years. The plaintiff's argued multiple reasons including, (1) drug dependency issues, (2) complex medical problems for which they needed the pain medication he prescribed, (3) financial costs (several dollars per page) of moving several hundred pages of medical records to another doctor and (4) family advice to ignore the sexual abuse, of "Don't start trouble. This is a very prominent practice, and it's a staple in the community for many, many years."

In 2021, Carl Renner had his medical license revoked permanently, pleaded guilty to a criminal sexual contact charge involving 6 women during medical exams and was sentenced to 5 years' probation. After the verdict, and 5-year arduous journey with her clients, the plaintiffs' attorney commented, "This was the most challenging thing I've ever done in my life next to raising my 3 kids, because I felt so much personal responsibility hanging on me." "For these women, I felt like I was their last voice, and I needed to do a good job explaining their stories, but also, explaining it in a way that makes sense, because some of the stuff didn't make sense- because life is not perfect."- Kate Carballo, Kantrowitz, Goldhamer & Graifman

Editor's Note: "When the whole world is silent, even one voice becomes powerful" - Malala Yousafzai, Nobel Peace Prize.

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$1,454,115 VERDICT – FRAUD, BREACH OF CONTRACT AND UNJUST ENRICHMENT – FAILURE TO REMOVE ASBESTOS-CONTAMINATED DEMOLITION DEBRIS FROM GENERATING STATION.

U.S.D.C. - District of New Jersey

This action was filed, by the plaintiff, Werner Deconstruction against the defendant, Siteworks Services NY, Inc. et al., and alleged fraud, breach of contract, and unjust enrichment. The complaint alleged the plaintiff and defendant signed a Debris Removal Services Agreement for the defendant to remove a demolition debris pile at the plaintiffs, Werner Generating Station in South Amboy.

The plaintiff alleged the defendant's subcontractors, Minerva Enterprise, LLC and Ani & Joe Abatement Demolition, LLC, were hired to transport and provide other asbestos abatement services related to the removal of approximate 20,000 tons of debris to a landfill accepting asbestos-contaminated debris. The plaintiff alleged the terms of the contract called for the defendant to use its "best efforts" to complete the work in 10 weeks from effective date of the contract and in consideration, the plaintiff agreed to specific payment rates for the transport and disposal of the material, some contaminated with asbestos.

The plaintiff alleged per the contract and on the effective date of contract, the plaintiff wired $100,000 payment to the defendant's account intended solely for prepayment to the landfill and other stipulated contractual services outlined in the agreement. The plaintiff alleged per the contract the defendant agreed to weekly invoices and that the invoice would estimate the upcoming week's debris removal costs and state actual costs incurred; they further alleged the defendant agreed to submit weekly statements itemizing expenses with an accounting balance from subcontractors.

A United States District Court, Trenton, New Jersey jury reached a verdict after deliberation of $1,454,115, including$1,154,115 in Compensatory damages and $300,000 in punitive damages. The jury found the defendant breached the contract, fraudulently misrepresented facts to induce the plaintiff to make payments and determined the defendant acted negligently.

REFERENCE

Werner Deconstruction, LLC vs. Siteworks Services NY, Inc. et al. Docket no. 3:15-cv7682; Judge Tonianne J. Bongiovanni, 03-11-24.

Attorney for plaintiff: Thomas Joseph O'Leary of Walsh Pizzi O'Reilly Falanga in Newark, NJ. Attorney for defendant: Saul Roffe of Law Office of Saul Roffe in Marlboro, NJ.

COMMENTARY

In May 2015, plaintiff alleged they found out the defendant had not paid either subcontractor and alleged that between February 13, 2015 and May 26, 2015, the plaintiff paid the defendant a total of $2,414,904.96 in accordance with the terms in the contract. The plaintiff alleged significant damages from having to hire another contractor "Completion Contractor" to complete the defendant's contractual obligation and at the filing of the complaint the plaintiff alleged $525,122.94 additional expenses incurred to finish the work the defendant abandoned on June 29, 2015.

The plaintiff brought claims and pled for damages resulting from the defendant's incomplete performance under the contact, the defendant's failure to make payments to the subcontractors, failure to defend or indemnify the plaintiff against the construction liens filed by the subcontractors, failure of the defendant to refund the balance of $175,001.89 remaining in the Pre-Payment Account, failure of the defendant to remove contaminated tracking pads which lead to additional costs for soil sampling and project delays.

The plaintiffs brought counts under New Jersey Consumer Fraud Act, breach of fiduciary duty and unjust enrichment. The plaintiff sued for specific performance and the defendant contended the Debris Removal Agreement did not require them contractually to perform the specific actions and contended it was not a party to the Debris Removal Agreement and therefore had no liability for any claims arising from the agreement.

$1,200,000 – VERDICT – PREMISES LIABILITY – MUNICIPAL LIABILITY – FALL DOWN – PLAINTIFF JOGGING PAST COMMERCIAL BUILDING TRIPPED AND FELL ON UNEVEN SIDEWALK SUSTAINING INJURIES – RIGHT WRIST FRACTURE REQUIRING OPEN REDUCTION AND INTERNAL FIXATION SURGERY AND SECOND OPERATION TO REMOVE HARDWARE – POST-TRAUMATIC ARTHRITIS CAUSED BY FRACTURE – FROZEN RIGHT SHOULDER AND LEFT THUMB TRIGGER FINGER.

Union County, NJ

This premises liability action was filed by the plaintiff against the defendants, The Lince Group and the Township of Scotch Plains, New Jersey, for injuries sustained from an uneven public sidewalk that abuts the Lince property while jogging on July 22, 2019. The defendants contended the plaintiff was comparatively negligent, having jogged through the area on prior occasions.

The plaintiff alleged negligence and asserted the raised area of sidewalk existed for several years prior to the accident. The plaintiff alleged injuries of a right wrist fracture that required open reduction and internal fixation surgery, a second operation to remove the hardware, post-traumatic arthritis caused by the fracture, frozen right shoulder and left thumb trigger finger.

At trial, the defendant's property manager, testified the sidewalk was regularly inspected but not repaired as it was assumed to be the responsibility of the township to make said repairs. It was stipulated between the parties that the plaintiff had no intention to enter any commercial facility on that day.

The jury verdict, after deliberation and 5-day trial, awarded $1,200,000.

REFERENCE

Ellen English vs. The Lince Group, et al. Docket no. LCV20212840468; Judge John G. Hudak, 02-05-24.

Attorney for plaintiff: Patrick Flinn of Levinson Axelrod in Edison, NJ. Attorney for defendant: Robert Gunning of Morrison & Mahoney, LLP in Parsippany, NJ.

COMMENTARY

The jury apportioned 60% liability to the defendant Lince Group, 30% to Scotch Plains and 10% to the plaintiff. On motion from Scotch Plains the Court reapportioned liability at 90 % to The Lince Group and 10 % to the plaintiff, holding the Township of Scotch Plains is not liable for fixing the sidewalk and reasoning they do not inspect public sidewalks except when there is a report of defect and reduced the net recovery to $1.08 million. The Lince Group contended the township "was obligated to repair the sidewalk because the defect lies outside the property line and because alongside the commercial building is a public alleyway that allows drivers to reach a public parking lot. The appeal has been filed and will be heard on whether a commercial property owner or a municipality is obligated to make sidewalk repairs.

DEFENDANT'S VERDICT – $24,300,000 VERDICT VACATED – CONTRACT – SUPREME COURT OF NEW JERSEY REMANDS FOR DETERMINATION ON VIABILITY OF PLAINTIFF'S CLAIM FOR BREACH OF IMPLIED COVENANT OF GOOD FAITH AND FAIR DEALING – PLAINTIFFS, NEUROSURGEONS AND PRACTICE, SUE FOR DAMAGES ARISING FROM UNFAIR DEALINGS AND BAD FAITH CLAIMS AGAINST DEFENDANT, VALLEY HOSPITAL, WHEN IT GRANTED ANOTHER GROUP OF NEUROSURGEONS EXCLUSIVE PRIVILEGES IN AREAS PLAINTIFF'S HELD PRIVILEGES.

Mercer County, NJ

The plaintiffs/respondents, Comprehensive Neurosurgical, P.C. et al. filed complaint against the defendants/appellants, The Valley Hospital, et al. for breach of contract claims and for breach of the implied covenant of good faith and fair dealing claim.

The long-term business relationship is alleged by the plaintiff as beginning in 2003, when the plaintiff's, a group of 11 neurosurgeons and their practice joined the defendant hospitals medical staff, expanded and helped to grow the defendant's neurological programs and facilities. The plaintiff's alleged that in addition to holding core hospital and admitting privileges, they were given the right to "cover" the Emergency Room by treating "unassigned" E.R. patients not already an established patient of any other neurosurgeon and the plaintiff alleged that their practice at Valley primarily derived from treating those unassigned E.R. patients.

The plaintiffs further alleged that they also received "specialized privileges" that authorized them to use "Biplane" and Gamma Knife" equipment they helped implement and that 10 years later, in 2013, a new hospital opened 6 miles away where they also obtained privileges. The plaintiff's alleged 2-years later, in 2015, the defendant, Valley, revoked plaintiff's privileges in those areas and granted a different group of neurosurgeon's exclusive rights to use the "Biplane" and "Gamma Knife" equipment and to treat "unassigned" E.R. patient.

The plaintiff plead for damages to their neurosurgical practice and alleged that the grant of exclusive rights was not a valid administrative healthcare decision,

but rather a form of retaliation for their perceived disloyalty in joining the new hospital. The plaintiff further sought damages for breach of the implied covenant of good faith and fair dealing; and for breach of contract, and alleged that Valley had breached its Medical Staff Bylaws by failing to provide the plaintiffs with a hearing. At trial, the court determined the plaintiffs' challenge to the defendant's grant of exclusive privileges as an invalid administrative determination was "subsumed" within the implied covenant claim because the "same arguments" could be used for both as the defendant contended (1) they made a legitimate healthcare policy decision that " genuinely serves a legitimate public-health objective"; and (2) their decision was valid in part because the plaintiffs were diverting Valley Hospital patients to the new hospital.

The Court reversed the appellate court's judgment, vacated the part of the verdict on the implied covenant claim, and remanded for further proceedings consistent with the Courts opinion.

REFERENCE

Comprehensive Neurosurgical, P.C. et al. vs. The Valley Hospital, et al. Docket no. 087469; Judge Opined by Justice Fasciale, joined by Chief Justice, 04-16-24.

Attorney for plaintiff: Peter G. Verniero of Sills Cummis & Gross in Newark, NJ. Attorney for defendant: Christopher S. Porrino of Lowenstein, Sandler, Wollmuth, Maher & Deutsch in Roseland, NJ.

COMMENTARY

At trial, the plaintiff's counsel stressed in summation that the defendant presented little evidence that plaintiff's diverted patients from Valley to the new hospital despite knowing that plaintiff materials turned over in discovery showed 60 cases of patient transfers that were excluded from admission because the defendant learned of them only after granting exclusive rights to the other neurosurgery group.

On appeal the court held the plaintiff's good faith and fair dealing claim properly survived summary judgment, but the jury was not correctly charge or asked to rule on that claim. And that the trial judge failed to instruct the jury that the only underlying contract to which the implied covenant could attach to had to be beyond rights afforded by the Bylaws. Adding to the significant uncertainty created by the jury charge and verdict sheet are the improper admission into evidence of the privileged emails and improper remarks by plaintiff's attorney culminated in errors, cumulatively, that had the capacity to lead the jury to reach a verdict it would not have otherwise reached and the thus deprived the defendant of a fair trial.

The New Jersey Supreme court vacated the verdict on the implied covenant claim and remanded the matter for further proceedings holding, "The summation remarks implied, however, that there was evidence of only 2 cases of patient transfers, and that inaccurate statement impacted Valley's contention that it made a valid healthcare decision.

Verdicts By Category

DOG ATTACK

$125,000 JUDGMENT

Dog attack – Minor plaintiff attacked and bitten by dog on defendants' property – Failure to leash dog – Lip laceration from bite – Abrasions to chest and arms from dog scratches – Scarring.

Camden County, NJ

In this dog attack action, the minor plaintiff was attacked and bitten by the defendants' dog at the defendants' home. The defendants generally denied all allegations of negligence.

On January 10, 2020, the minor plaintiff was a lawful and welcome visitor on the premises of the defendants' home, located at 131 Woodland Avenue in Barrington, New Jersey. At this time, the minor plaintiff was approached by the defendants' dog, shortly after arriving at the home. The minor plaintiff kneeled down to greet and play with the dog, at which time the dog began to attack him. The dog bit the minor plaintiff's face and clawed his chest and arms.

The plaintiffs maintained that the defendants were negligent in failing to leash the dog, failing to keep the dog away from visitors, and failing to prevent the dog from attacking. Consequently, the minor plaintiff sustained injuries, including a lip laceration, abrasions to the chest and arms, and permanent scarring of the lip.

The parties entered into a friendly conference on November 18, 2024, while awaiting arbitration. Here, the parties agreed on a settlement amount. On the same day, the Honorable Donald J. Stein ordered that the settlement amount of $125,000 be entered as a judgment in favor of the minor plaintiff. A warrant of satisfaction was submitted on December 3, 2024.

REFERENCE

Sara Minor, JM vs. Ian Simmons. Docket no. CAML002606-22; Judge Donald J. Stein, 09-09-24.

Attorney for plaintiff: Adam J. Pantano of Saltz Mongeluzzi Bendesky in Marlton, NJ. Attorney for defendant: Jeffrey A. Savage of Law Offices of Pamela D. Hargrove in Clark, NJ.

LANDLORD NEGLIGENCE

$245,000 ARBITRATION AWARD

Landlord negligence – Plaintiff tenant slips and falls on wet floor due to leaking roof in apartment residence – Failure to repair leak on premises – Traumatic brain injury – 3 cervical disc bulges – Cervical disc herniation – Left shoulder rotator cuff SLAP tear – Surgery required.

Hudson County, NJ

In this action, the plaintiff tenant slipped and fell on a wet floor due to a leaking roof in her apartment residence causing her to become injured. The defendants generally denied negligence.

On May 4, 2021, the plaintiff was lawfully traversing inside her apartment residence, located on the premises of 122 Linden Avenue in Jersey City, New Jersey. At this time, the property was owned, operated, and maintained by the defendants. On this day, the plaintiff's apartment had a leaky roof, from which water was entering the apartment due to a storm. While the plaintiff was traversing inside the residence, she encountered an accumulation of water on the floor, which had collected underneath the leaky part of the roof. The plaintiff slipped on the water and fell.

The plaintiff maintained that the defendants were negligent in failing to repair a leak on the premises, failing to prevent hazardous or unsafe conditions inside the apartment, and failing to ensure the safety of the subject apartment for the plaintiff tenant. Consequently, the plaintiff sustained injuries, including a traumatic brain injury, one cervical disc herniation, 3 cervical disc bulges, and a left shoulder rotator cuff SLAP tear, which required arthroscopic surgery as well as injections to repair. A doctor for the defendant opined that the plaintiff's injuries were not permanent and were degenerative in nature. The defendants generally denied all allegations of negligence, maintaining that any injuries or damages sustained by the plaintiff were the result of the actions of other parties not under the control of the defendants.

The arbitrator in this case found the defendants 100% liable for the accident, and reported an award for the plaintiff in the amount of $245,000. Following arbitration, the defendants' counsel requested a trial de novo, which was scheduled to take place on July 8, 2024. However, the trial was converted to an in person settlement conference, and on July 22, 2024, the parties entered into a settlement for an amount not specified on the docket. On July 23, 2024, the Honorable Jane L Weiner ordered that the case be dismissed.

REFERENCE

April Bell vs. Nandanie Rabinath. Docket no. HUDL002917-22; Judge Anthony V. Delia, 07-27-24.

Attorney for plaintiff: Brian Freeman of Freeman Hughes Freeman, LLC in Jersey City, NJ. Attorney for defendant: Charles B. Carey of Carey & Grossi Attorneys at Law in Livingston, NJ.

MOTOR VEHICLE NEGLIGENCE

Auto/Bicycle Collision

$15,000 ARBITRATION AWARD

Motor vehicle negligence – Auto/bicycle collision – Plaintiff bicyclist struck by defendant's vehicle turning left – Back injury – Head injury – Injuries to left shoulder, elbow, wrist and knee.

Essex County, NJ

In this motor vehicle negligence action, the plaintiff bicyclist was struck by the defendant's vehicle turning left at an intersection, causing her to become injured. The defendant generally denied all allegations of negligence.

On October 30, 2021, the plaintiff was a bicyclist traveling southbound on Anderson Avenue, at or near its intersection with Brinkerhoff Avenue in Fort Lee, New Jersey. At this time, the plaintiff bicyclist was traveling straight through the subject intersection. At the same time, the defendant's vehicle was traveling northbound on Anderson Avenue, and was preparing to turn left onto Brinkerhoff Avenue at the same intersection. At the time of the incident, the defendant turned left as the plaintiff was passing through the intersection. The defendant's vehicle struck the plaintiff bicyclist.

The plaintiff maintained that the defendant was negligent in failing to safely and properly execute a left turn, in failing to remain adequately attentive and in failing to yield to the plaintiff bicyclist. Consequently, the plaintiff sustained injuries, including back injury, head injury, and injuries to the left shoulder, elbow, wrist, and knee.

The arbitrator in this case found the defendant 100% liable for the accident and reported an award for the plaintiff in the amount of $15,000. Following arbitration, the defendant's counsel requested a trial de novo, which was scheduled to begin on September 16, 2024. However, the parties entered into a settlement prior to the initial hearing. A stipulation of dismissal was submitted on September 26, 2024.

REFERENCE

Criselia Rodriguez vs. Rashid Jan. Docket no. ESXL005682-22; Judge Robert H. Gardner, 09-28-24.

Attorney for plaintiff: Patrick F. Kelly of Ginarte Gallardo Gonzalez & Winograd, L.L.P. in Newark, NJ. Attorney for defendant: Douglas M. Alba of Kennedy Vuernick, LLC in Rutherford, NJ.

Auto/Scooter Collision

$250,000 SETTLEMENT

Motor vehicle negligence – Auto/scooter collision – Minor plaintiff struck by defendant's vehicle while riding scooter in neighborhood – Fractured tibia and fibula.

Camden County, NJ

In this motor vehicle negligence action, the minor plaintiff was struck by the defendant's vehicle while riding a scooter in his neighborhood, causing him to become injured. The defendant generally denied all allegations of negligence.

On May 25, 2023, the minor plaintiff was riding a scooter on Charlan Circle, at its intersection with Mona Court in Cherry Hill, New Jersey. At the same time, the defendant's vehicle was traveling on Mona Court, near the same intersection. On this day, the intersection was not controlled by a stop sign in any direction. As such, the defendant's vehicle attempted to turn onto Charlan Circle without stopping. As the defendant's vehicle turned onto Charlan Circle, it struck the minor plaintiff on his scooter.

The plaintiffs maintained that the defendant was negligent in failing to observe the minor plaintiff pedestrian, failing to yield, and failing to stop the vehicle in a timely manner so as to avoid striking the minor plaintiff. Consequently, the minor plaintiff sustained injuries, including a fractured tibia and fibula.

Prior to arbitration, the parties entered into a friendly conference, which took place on July 12, 2024. At this time, the parties entered into a settlement for $250,000. On July 15, 2024, the Honorable Judith S. Charny ordered that the settlement amount be entered as a judgment in favor of the plaintiffs. A warrant of satisfaction was submitted on behalf of the defendants on August 8, 2024.

REFERENCE

Moshe Serebrowski vs. Shokouh Badaksh. Docket no. CAML001089-24; Judge Judith S. Charny, 08-08-24.

Attorney for plaintiff: The Rothenberg Law Firm, LLP in Cherry Hill, NJ. Attorney for defendant: Anthony Paul Chillari of State Farm Insurance.

Broadside Collision

$45,000 ARBITRATION AWARD

Motor vehicle negligence – Broadside collision – Plaintiff's vehicle struck in driver's side by defendant's vehicle after defendant runs stop sign in parking lot – Cervical disc herniation at C4-5 – Lumbar disc herniation at L4-5 – Cervical and lumbar radiculopathy – Supraspinatus tear in right shoulder – Left shoulder tendinosis.

Essex County, NJ

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

On October 19, 2019, the plaintiff's vehicle was lawfully traveling in a parking lot, at the location of 41 Willowbrook Lot, at near its intersection with Chatham Court in Wayne, New Jersey. At this time, the plaintiff was attempting to proceed straight through the intersection in a northerly direction. At the same time, the defendant's vehicle was traveling westbound on Chatham Court, toward the same intersection in the same parking lot. The defendant then disregarded the stop sign at the intersection and struck the plaintiff's vehicle broadside.

The plaintiff maintained that the defendant was negligent in failing to obey a stop sign, failing to remain adequately attentive, and failing to yield. Consequently, the plaintiff sustained injuries, including cervical disc herniation at C4-5, lumbar disc herniation at L4-5, cervical and lumbar radiculopathy, supraspinatus tear in the right shoulder, and left shoulder tendinosis. A doctor for the defendant maintained that the plaintiff's injuries were pre-existing and/or degenerative.

The arbitrator in this case found the defendant 100% liable for the accident and reported an award for the plaintiff in the amount of $45,000. Following arbitration, the defendant's counsel requested a trial de novo, which was scheduled to begin on September 3, 2024. However, the parties instead entered into a settlement, prior to the initial hearing. A stipulation of dismissal was submitted on September 24, 2024.

REFERENCE

Carmen Depadua vs. Connor Cunniff. Docket no. ESXL005162-21; Judge Richard T. Sules, 09-28-24.

Attorney for plaintiff: Paul DeGrado of DeGrado & Halkovich, LLC in Moonachie, NJ. Attorney for defendant: Tracey Alfano of Gregory P. Helfrich & Associates in Summit, NJ.

Intersection Collision

$55,000 ARBITRATION AWARD

Motor vehicle negligence – Intersection collision – Plaintiff's vehicle struck by defendant's vehicle in intersection after defendant runs red light – Cervical disc herniations and radiculopathy – Lumbar disc herniations, bulges and radiculopathy.

Camden County, NJ

In this motor vehicle negligence action, the plaintiff's vehicle was struck by the defendant's vehicle in an intersection after the defendant ran a red light, causing the plaintiff to become injured. The defendant generally denied all allegations of negligence.

On June 6, 2022, the plaintiff's vehicle was traveling north on East Lincoln Drive, near its intersection with Green Tree Road, in Evesham, New Jersey. At this time, the plaintiff was preparing to proceed straight through the subject intersection with a green light in her favor. At the same time, the defendant's vehicle was traveling east on Green Tree Road, toward the same intersection. At the time of the incident, the defendant's vehicle disregarded a red light and entered the intersection as the plaintiff was proceeding through. The defendant's vehicle struck the plaintiff's vehicle.

The plaintiff maintained that the defendant was negligent in failing to obey traffic signals, failing to obey a red light, and failing to remain adequately attentive. Consequently, the plaintiff sustained injuries, including cervical disc herniations and radiculopathy, as well as lumbar disc herniations, bulges, and radiculopathy. The plaintiff's injuries were treated with epidural steroid injections. A doctor for the defendant disputed the causation and permanency of the plaintiff's injuries.

The arbitrators in this case found the defendant 100% liable for the accident and reported an award for the plaintiff in the amount of $55,000. 2 days after arbitration, the parties entered into a settlement for the same amount. A stipulation of dismissal was submitted on February 5, 2025.

REFERENCE

Tammi Pace vs. Nisha Choudhary. Docket no. CAML003404-22; Judge Donald J. Stein, 02-05-25.

Attorney for plaintiff: Terence G. Van Dzura in East Brunswick, NJ. Attorney for defendant: Robert M. Kaplan of Margolis Edelstein in Mount Laurel, NJ.

$37,500 ARBITRATION AWARD

Motor vehicle negligence – Intersection collision – Plaintiff's vehicle struck by defendant's vehicle after defendant runs stop sign – Cervical disc bulges at C4-5 and C5-6 – Disc herniation at C6-7 – Bilateral shoulder sprain with left rotator cuff injury – Lumbar disc bulges.

Essex County, NJ

In this motor vehicle negligence action, the plaintiff's vehicle was struck by the defendant's vehicle after the defendant ran a stop sign. As a result, the plaintiff sustained multiple injuries. The defendant generally denied all allegations of negligence.

On October 1, 2019, the plaintiff's vehicle was traveling 68th Street, at or near its intersection with Adams Street in Guttenberg, New Jersey. At this time, the plaintiff had stopped at the stop sign and was proceeding straight through the subject intersection. At the same time, the defendant's vehicle was traveling on Adams Street, toward the same intersection. The defendant then disregarded his own stop sign and proceeded into the intersection, striking the plaintiff's vehicle.

The plaintiff maintained that the defendant was negligent in failing to obey a stop sign, failing to remain adequately attentive, and failing to yield. Consequently, the plaintiff sustained injuries, including cervical disc bulges at C4-5 and C5-6, disc herniation at C6-7, bilateral shoulder sprains with left rotator cuff injury, and lumbar disc bulges.

The arbitrator in this case found the defendant 100% liable for the accident and reported an award for the plaintiff in the amount of $37,500. This amount was amicably adjusted between the parties shortly after arbitration according to the stipulation of dismissal, which was submitted on September 19, 2024.

REFERENCE

Terrence Holmes vs. SMC Distributors, LLC, Jose Pipzon. Docket no. ESXL007060-21; Judge Richard T. Sules, 09-19-24.

Attorney for plaintiff: Andrew F. Garruto of Garruto & Calabria in Nutley, NJ. Attorney for defendant: Anthony Coppola of Gregory P. Helfrich & Associates in Summit, NJ.

$5,000 ARBITRATION AWARD

Motor vehicle negligence – Intersection collision – Plaintiff's vehicle struck by defendant's vehicle after defendant disregards stop sign – Headaches – Cervical and lumbar disc bulges.

Essex County, NJ

In this motor vehicle negligence action, the plaintiff's vehicle was struck by the defendant's vehicle after the defendant disregarded a stop sign causing the plaintiff to sustain injuries. The defendant generally denied all allegations of negligence.

On June 23, 2021, the plaintiff's vehicle was traveling westbound on Greylock Parkway, at or near the intersection of Bremond Street in Belleville, New Jersey. At this time, the plaintiff was preparing to proceed straight through the subject intersection. At the same time, the defendant's vehicle was traveling southbound on Bremond Street, toward the same intersection. At the time of the incident, the defendant disregarded a stop sign at the subject intersection and proceeded forward, striking the plaintiff's vehicle.

The plaintiff maintained that the defendant was negligent in failing to obey a stop sign, failing to remain adequately attentive, and failing to yield. Consequently, the plaintiff sustained injuries, including headaches, as well as cervical and lumbar disc bulges. A doctor for the defendant disputed causation and permanency.

The arbitrator in this case found the defendant 100% liable for the accident and reported an award for the plaintiff in the amount of $5,000. Following arbitration, the defendant's counsel requested a trial de novo, which was scheduled to begin on October 28, 2024. However, the parties entered into a settlement on September 12, 2024, prior to the initial hearing. A stipulation of dismissal was submitted on September 24, 2024.

REFERENCE

Josselyn Berniz vs. Jean Michel. Docket no. ESXL007543-22; Judge Robert H. Gardner, 09-24-24.

Attorney for plaintiff: Robert D. Kuttner of Kuttner Law Offices in Maplewood, NJ. Attorney for defendant: John Kearney of Sellar Richardson, PC in Livingston, NJ.

Lane Change Collision

$50,000 ARBITRATION AWARD

Motor vehicle negligence – Lane change collision – Plaintiff's vehicle sideswiped by defendant's vehicle changing lanes – Disc herniations at C4-5, C6-7, and L4-5 – Disc bulges at C3-4 and C5-6.

Essex County, NJ

In this motor vehicle negligence action, the plaintiff's vehicle was sideswiped by the defendant's vehicle changing lanes, causing the plaintiff to become injured. The defendant generally denied all allegations of negligence.

On June 14, 2019, the plaintiff's vehicle was traveling southbound on the Pulaski Skyway in Kearny, New Jersey. At the same time, the defendant's vehicle was also traveling southbound on the Pulaski Skyway, slightly behind the plaintiff's vehicle and in another travel lane. At the time of the incident, the defendant's vehicle suddenly attempted to change lanes and merge into the plaintiff's lane of travel. The defendant's vehicle then sideswiped the plaintiff's vehicle.

The plaintiff maintained that the defendant was negligent in failing to wait for clearance before changing lanes, failing to observe the plaintiff's vehicle, and failing to remain adequately attentive. Consequently, the plaintiff sustained injuries, including disc herniations at C4-5, C6-7, and L4-5, as well as disc bulges at C3-4 and C5-6. The plaintiff's injuries were treated with epidural steroid injections as well as branch blocks. A doctor for the defendant disputed causation and permanency.

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 October 21, 2024. However, the parties entered into a settlement on September 26, 2024, prior to the initial hearing. A stipulation of dismissal was submitted on the same day.

REFERENCE

Cheldon Johnson vs. Richard Campos-Heredia. Docket no. ESXL004374-21; Judge Mayra V. Tarantino, 09-26-24.

Attorney for plaintiff: Jonathan H. Lesnik in Springfield, NJ. Attorney for defendant: Glenn Dyer of Dyer & Peterson, PC in Parsippany-Troy Hills, NJ.

Left Turn Collision

$138,000 ARBITRATION AWARD

Motor vehicle negligence – Left turn collision – Plaintiff's stopped vehicle struck by defendant's vehicle making left turn at intersection – Left shoulder internal derangement – Left shoulder impingement – Anxiety.

Camden County, NJ

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

On July 22, 2019, the plaintiff's vehicle was traveling southbound on Hamilton Avenue, at or near its intersection with Jackson Road in Berlin, New Jersey. At this time, the plaintiff's vehicle was stopped at a stop sign at the subject intersection. At the same time, the defendant's vehicle was traveling eastbound on Jackson Road and was preparing to make a left turn at the same intersection. At the time of the incident, the defendant's vehicle began to turn left and turned too far into the plaintiff's travel lane. The defendant's vehicle then struck the front of the plaintiff's stopped vehicle.

The plaintiff maintained that the defendant was negligent in failing to keep a proper lookout, failing to remain in the correct lane of travel, failing to safely and properly execute a left turn, and failing to remain adequately attentive. Consequently, the plaintiff sustained injuries, including left shoulder internal derangement and left shoulder impingement, which required various injections to repair, and will likely require surgery in the future. Additionally, the plaintiff has had intermittent counseling for anxiety related to the accident in this case. The defendant asserted affirmative defenses including that the plaintiff was comparatively negligent. In addition, the defendant presented a medical report disputing the nature and extent of the plaintiff's injuries.

In March of 2023, arbitration in the amount of $138,000 was awarded to the plaintiff. In June of 2024, a stipulation of dismissal stating that the claim had been amicably adjusted was submitted to the court by the defense attorney.

REFERENCE

Michael Myers vs. Bruce Wallace. Docket no. L002186-21; Judge Judith S. Charny, 06-20-24.

Attorney for plaintiff: James A. Tamburro of Tamburro Law Office in Medford, NJ. Attorney for defendant: Catherine Schmutz of The Law Office of Alphonso H. Ibrahim in Scranton, PA.

$52,250 ARBITRATION AWARD

Motor vehicle negligence – Left turn collision – Cervical and lumbar disc herniations – Left and right shoulder tears.

Bergen County, NJ

In this motor vehicle negligence action, the plaintiff's vehicle was struck by the defendant's vehicle making an improper left turn at an intersection, causing the plaintiff to suffer injuries. The defendant generally denied all allegations of negligence.

On August 8, 2021, the plaintiff's vehicle was traveling southbound on Midland Avenue, at or near its intersection with Market Street in Elmwood Park, New Jersey. At the same time, the defendant's vehicle was traveling northbound on Midland Avenue, and was preparing to turn left onto Market Street. At the time of the incident, the defendant's vehicle turned left onto Market Street in front of the plaintiff's vehicle, causing a collision.

The plaintiff maintained that the defendant was negligent in failing to yield the right of way, failing to safely and properly execute a left turn, and failing to obey traffic signals. Consequently, the plaintiff sustained injuries, including cervical and lumbar disc herniations, as well as left and right shoulder tears. The plaintiff's injuries were treated with steroid injections. A doctor for the defendant opined that the plaintiff's injuries were degenerative.

The arbitrator in this case found the defendant 95% liable for the accident, and the plaintiff 5%. The arbitrator reported an award for the plaintiff in the amount of $52,250. Within 30 days of arbitration, the parties reported that they had entered into a settlement for an unspecified amount. A stipulation of dismissal was submitted on August 22, 2024.

REFERENCE

Vladimir Umanski vs. Manuel Rosa. Docket no. BER006853-22; Judge Peter G. Geiger, 07-01-24.

Attorney for plaintiff: Yelena Kofman-Delgado of Vlasac & Shmaruk, LLC in Iselin, NJ. Attorney for defendant: Gregory J. Irwin of Harwood Lloyd, LLC in Hackensack, NJ.

Multiple Vehicle Collision

$65,000 JUDGMENT

Motor vehicle negligence – Multiple vehicle collision – Plaintiff passenger injured when defendant loses control of host vehicle, striking 2 parked – Forehead laceration with keloid scarring – 3 cervical disc bulges – 3 lumbar disc herniations – Bilateral shoulder tears.

Essex County, NJ

In this motor vehicle negligence action, the plaintiff passenger was injured when the defendant lost control of the host vehicle, striking 2 parked cars. The defendant generally denied all allegations of negligence.

On December 24, 2020, the plaintiff was a passenger in the host vehicle, which was being operated by the defendant driver. The host vehicle was traveling westbound on Eastwood Avenue in East Orange, New Jersey. At the time of the incident, the defendant driver began to have a seizure while operating the host vehicle. The defendant driver lost consciousness and as such lost control of the host vehicle. As a result, the host vehicle struck 2 parked cars.

The plaintiff passenger maintained that the defendant was negligent in failing to keep the vehicle under control, failing to remain awake and alert while operating the vehicle, and failing to avoid a collision. Consequently, the plaintiff passenger sustained injuries, including a forehead laceration with keloid scarring, 3 cervical disc bulges, 3 lumbar disc herniations, and bilateral shoulder tears.

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 Honorable Jeffrey B. Beacham ordered that the arbitration award be confirmed as a judgment in favor of the plaintiff.

REFERENCE

Tuscan Murphy, Jr. vs. Takiya Benbow. Docket no. ESXL003809-22; Judge Jeffrey B. Beacham, 09-26-24.

Attorney for plaintiff: Robert A. Lord of Lord Kobrin Alvarez & Fattell, LLC in Mountainside, NJ. Attorney for defendant: Lee S. Befeler of Sullivan & Graber in Morristown, NJ.

Rear End Collision

$225,000 ARBITRATION AWARD

Motor vehicle negligence – Rear end collision – Plaintiff's vehicle struck in rear by defendant's vehicle while slowing to accommodate traffic – Cervical disc injury – Lumbar disc injury – Surgery required.

Middlesex County, NJ

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

On September 30, 2020, the plaintiff's vehicle was traveling in a straight direction on Route 9 South in Old Bridge, New Jersey. At this time, the defendant's vehicle was also traveling on Route 9 South, directly behind the plaintiff's vehicle. At the time of the incident, the plaintiff's vehicle began to slow down to accommodate traffic ahead. As the plaintiff's vehicle slowed, it was suddenly struck in the rear by the defendant's vehicle.

The plaintiff maintained that the defendant was negligent in failing to obey traffic conditions, failing to remain adequately attentive, and failing to maintain a safe distance from other vehicles. Consequently, the plaintiff sustained injuries, including cervical disc injuries as well as lumbar disc injuries. To treat their injuries, the plaintiff received 3 cervical epidural injections, as well as 2 lumbar epidural injections. Additionally, the plaintiff underwent a lumbar microdiscectomy surgical procedure at L4-5 and L5-S1. A doctor for the defendant disputed the nature and causality of the plaintiff's 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 $225,000. Within 30 days of arbitration, on February 1, 2024, a notice of settlement was submitted. A stipulation of dismissal was filed on February 16, 2024.

REFERENCE

Kofi Kyeremateng vs. Emenus Aime. Docket no. L004401-22; Judge Ana C. Viscomi, 02-16-24.

Attorney for plaintiff: Jack L. Stillman of Law Office of Jack L. Stillman in Manalapan, NJ. Attorney for defendant: Eric Kuper of Martin Kane Kuper.

$67,500 ARBITRATION AWARD

Motor vehicle negligence – Rear end collision – Plaintiff's vehicle struck in rear by defendant's vehicle while stopped at red light – Concussion and post-concussion syndrome – Closed head injury – Tinnitus – Headaches – Right medial meniscus tear – Cervical disc herniations – Aggravation of lumbar disc disease with bulges and facet syndrome.

Burlington County, NJ

In this motor vehicle negligence action, the plaintiff's vehicle was struck in the rear at a high rate of speed by the defendant's vehicle, while the plaintiff's vehicle was stopped at a red light. The plaintiff became injured as a result. The defendant generally denied negligence.

On September 3, 2020, the plaintiff's vehicle was traveling on Woodlane Road, in Westampton, New Jersey. At this time, the plaintiff's vehicle was stopped at a red light on Woodlane Road at an intersection. At the same time, the defendant's vehicle was also traveling on Woodlane Road, directly behind the plaintiff's vehicle and toward the same intersection. At the time of the incident, the defendant's vehicle, still traveling at a high rate of speed, struck the stopped plaintiff's vehicle in the rear.

The plaintiff maintained that the defendant was negligent in failing to keep a proper lookout, failing to exercise due care, failing to obey traffic conditions, failing to obey traffic signals, failing to observe the plaintiff's vehicle, failing to remain adequately attentive, failing to maintain a safe distance from other vehicles, failing to observe an oncoming red light, failing to operate the vehicle at a reasonable rate of speed, failing to apply the brakes in a timely manner, failing to slow or stop, and failing to avoid striking the plaintiff's vehicle. Consequently, the plaintiff sustained injuries, concussion and post-concussion syndrome, closed head injury, tinnitus, headaches, right medial meniscus tear, cervical disc herniations, and aggravation of lumbar disc disease with bulges and facet syndrome.

The arbitrators found in favor of the plaintiff and reported an award for $67,500.

REFERENCE

Caceres Milagros vs. Flynn Robert. Docket no. L001579-22; Judge Aimee R. Belgard, 05-20-24.

Attorney for plaintiff: Michael W. Krutman of Law Office of Michael W. Krutman in Hamilton, NJ.

$22,500 ARBITRATION AWARD

Motor vehicle negligence – Rear end collision – Plaintiff's vehicle struck in rear by defendant's vehicle while slowing down – Neck and back injuries – Lumbar disc bulges – Radiculopathy.

Bergen County, NJ

In this motor vehicle negligence action, the plaintiff's vehicle was struck by the defendant's vehicle while slowing down, causing the plaintiff to become injured. The defendant generally denied negligence.

On September 15, 2019, the plaintiff's vehicle was traveling westbound on the Grand Central Parkway in New York, New York. At this time, the defendant's vehicle was also traveling westbound on the Grand Central Parkway, directly behind the plaintiff's vehicle. At the time of the incident, the plaintiff's vehicle began to slow down. As the plaintiff's vehicle slowed down, it was suddenly struck in the rear by the defendant's vehicle.

The plaintiff maintained that the defendant was negligent in failing to maintain a safe distance from other vehicles, failing to remain adequately attentive, and failing to obey traffic conditions. Consequently, the plaintiff sustained injuries, including neck and back injuries, lumbar disc bulges, and radiculopathy. It was noted on the arbitration report that the plaintiff did have a prior accident that caused similar injuries. The defendant generally denied all allegations of negligence, maintaining that any injuries or damages sustained by the plaintiff were the result of the negligence of a third party over which the defendant had no control.

The arbitrator in this case found the defendant 100% liable for the accident and reported an award for the plaintiff in the amount of $22,500. Following arbitration, the matter was amicably adjusted between the parties in a way not specified on the docket. A stipulation of dismissal was submitted on March 15, 2024.

REFERENCE

Christoph Havatian vs. Eli Auster. Docket no. BERL005727-21; Judge David V. Nasta, 03-15-24.

Attorney for plaintiff: Raffi Khorozian of Law Offices of Raffi T. Khorozian, PC in Fort Lee, NJ. Attorney for defendant: Donald M. Barone of Barone Mooney Newman & Drew in Edison, NJ.

DEFENDANT'S VERDICT

Motor vehicle negligence – Rear end collision – Plaintiff's vehicle struck in rear by defendant's vehicle while slowing for traffic – 2 cervical disc herniations – Lumbar disc herniation – 4 lumbar disc bulges – Lumbar radiculopathy.

Cumberland County, NJ

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

On November 6, 2019, the plaintiff's vehicle was traveling northbound on North Delsea Drive in Vineland, New Jersey. At the same time, the defendant's vehicle was also traveling northbound on North Delsea Drive, directly behind the plaintiff's vehicle. At the time of the incident, the plaintiff noticed heavy traffic ahead and began to slow her vehicle down. As the plaintiff's vehicle slowed down to accommodate traffic, it was suddenly struck in the rear by the defendant's vehicle.

The plaintiff maintained that the defendant was negligent in failing to remain adequately attentive, failing to observe traffic conditions, and failing to maintain a safe distance from other vehicles. Consequently, the plaintiff sustained injuries, including 2 cervical disc herniations, a lumbar disc herniation,4 lumbar disc bulges and lumbar radiculopathy. A doctor for the defendant opined that the plaintiff's injuries were degenerative and were not causally related to the accident.

The arbitrator in this case found the defendant 100% liable for the accident and reported an award for the plaintiff in the amount of $37,500. Following arbitration, the defendant's counsel requested a trial de novo, which took place from February 14, 2024, to February 15, 2024, at which time the jury returned a verdict in favor of the defendant. On February 16, 2024, the Honorable James R. Swift ordered that the defendant's verdict be entered as a final judgment.

REFERENCE

Willie Simmons vs. Elizabeth Morales. Docket no. CUML000017-21; Judge James R. Swift, 02-15-24.

Attorney for plaintiff: Robert I. Segal of Robert I. Segal, PA in Medford, NJ. Attorney for defendant: James Blumenthal of Bennett, Bricklin, & Saltzburg, LLC in Marlton, NJ.

PREMISES LIABILITY

Fall Down

$103,500 ARBITRATION AWARD

Premises liability – Fall down – Plaintiff injured after shopping cart strikes pothole on defendant premises and flips sideways causing plaintiff to fall – Rib fractures – Right rotator cuff and bicep tendon tears – Traumatic brain injury – Cervical and lumbar disc herniations.

Camden County, NJ

In this premises liability action, the plaintiff was injured after a shopping cart struck a pothole in the parking lot of the defendant supermarket and flipped sideways, causing the plaintiff to fall and sustain injury. The defendants denied all allegations of negligence on the grounds that the condition of the parking lot was open and obvious .

On May 19, 2020, the plaintiff was a lawful visitor and business invitee at the defendant supermarket, located on the premises of 130 N White Horse Pike in Lawnside, New Jersey. At this time, the plaintiff was pushing a shopping cart in the parking lot on the premises. While the plaintiff was traversing the parking lot, the shopping cart he was pushing suddenly struck a pothole in the parking lot. The shopping cart then flipped sideways and fell over, causing the plaintiff to fall with it. The plaintiff became injured as a result.

The plaintiff maintained that the defendants were negligent in failing to fill a pothole, failing to prevent hazardous conditions on the premises, and failing to provide safe passage on the premises. Consequently, the plaintiff sustained injuries, including rib fractures, right rotator cuff and bicep tendon tears, traumatic brain injury, and cervical and lumbar disc herniations and bulges. The plaintiff underwent injection procedures to treat his shoulder injuries and claimed he was "likely to pursue shoulder surgery" in the future. The defense argued that only the plaintiff's rib fractures were not causally related to the incident and that the fractures have healed.

The arbitrators found in favor of the plaintiff and reported an award for $103,500 in February of 2024. Following the arbitration, a request for trial de novo was submitted to the court by the plaintiff's attorney and a notice of settlement was entered onto the docket in April of 2024 followed by a stipulation of dismissal submitted by the defense stating that the action had been amicably adjusted.

REFERENCE

Karl Markley vs. Golden Fountain Realty, Inc. Docket no. L002617-21; Judge Anthony M. Pugliese, 06-22-24.

Attorney for plaintiff: Christopher Culleton of Swartz & Culleton, PC in Newtown, PA. Attorney for defendant: John J. Mastronardi of Law Office of Alphonso H. Ibrahim in Scranton, PA.

$80,100 ARBITRATION AWARD

Premises liability – Fall down – Plaintiff trips over peeling floor sticker at defendant department store – Left knee injury – Surgery.

Bergen County, NJ

In this premises liability action, the plaintiff was visiting the defendant department store when she tripped and fell over a sticker peeling off of the floor, causing her to become injured. The defendants generally denied all allegations of negligence.

On March 9, 2021, the plaintiff was a lawful visitor and business invitee at the defendant department store, located on the premises of 21 Mill Creek Drive in Secaucus, New Jersey. As the plaintiff was entering the store, she encountered a large informational sticker that had been adhered to the floor. However, on this day, the sticker was peeling, and one of its edges was raised. The plaintiff then tripped over the peeling sticker and fell.

The plaintiff maintained that the defendants were negligent in failing to remove the hazardous sticker, and failing to prevent a tripping hazard. Consequently, the plaintiff sustained injuries, including left knee injury, which required surgery to repair. A doctor for the defendant disputed the causality of the plaintiff's injuries, maintaining that the plaintiff's knee injuries were degenerative.

The arbitrator in this case found the defendants 90% liable for the accident and the plaintiff 10% liable. The arbitrator reported a net award for the plaintiff in the amount of $80,100. Following arbitration, the defendants' counsel requested a trial de novo, which was scheduled to take place on September 30, 2024. However, the parties entered into a settlement on September 9, 2024, prior to the initial hearing. A stipulation of dismissal was submitted October 1, 2024.

REFERENCE

Patricia Mogavero vs. TJ Maxx. Docket no. BERL004440-22; Judge William C. Soukas, 09-09-24.

Attorney for plaintiff: Patricia Mogavero of Law Offices Rosemarie Arnold in Fort Lee, NJ. Attorney for defendant: Joseph F. Skinner of Kirmser, Lamastra, Cunningham & Skinner in Whitehouse Station, NJ.

$50,000 SETTLEMENT

Premises liability – Fall down – Plaintiff slips and falls on wet floor at defendant convenience store – Compression fracture at T10-11 – Cervical disc herniation – Lumbar disc herniation – Lumbar radiculopathy.

Camden County, NJ

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

On May 28, 2020, the plaintiff was a lawful visitor and business invitee at the defendant convenience store, located on the premises of 131 Little Gloucester Road in Clementon, New Jersey. At this time, the plaintiff was walking toward the checkout counter, where another customer had previously spilled a drink. The spill had been mopped up by an employee, but the floor was still wet from the mopping. The plaintiff then slipped and fell on the wet floor.

The plaintiff maintained that the defendants were negligent in failing to remove liquid from the floor, failing to place signs or otherwise warn of a wet floor, and failing to properly clean the premises. Consequently, the plaintiff sustained injuries, including a compression fracture at T10-11, cervical disc herniation, lumbar disc herniation, and lumbar radiculopathy. The plaintiff's spine fracture was treated with bracing.

The arbitrator in this case found the defendants 90% liable for the accident and the plaintiff 10% liable. The arbitrator reported a net award for the plaintiff in the amount of $63,000. Following arbitration, the defendants' counsel requested a trial de novo. However, the parties instead entered into a settlement conference on July 10, 2024. Here, the defendants made an offer of judgment to the plaintiff in the amount of $50,000. The plaintiff and counsel accepted. A stipulation of dismissal was submitted on October 18, 2024.

REFERENCE

Jennifer O'Donnell vs. Wawa, Inc. Docket no. CAML001212-22; Judge Donald J. Stein, 10-18-24.

Attorney for plaintiff: Teddy C. Strickland, Jr. of Pender & Strickland in Atlantic City, NJ. Attorney for defendant: William Kohler of Cooper Levenson, P.A. in Atlantic City, NJ.

Hazardous Premises

$28,000 ARBITRATION AWARD

Premises liability – Hazardous premises – Plaintiff trips and falls on refuse left behind on stairs at defendant's home – Laceration to forehead – Abrasions on hands and knees.

Essex County, NJ

In this premises liability action, the plaintiff tripped and fell on refuse left behind on the interior stairs at the defendant's home, causing him to become injured. The defendant generally denied all allegations of negligence.

On June 20, 2020, the plaintiff law lawfully visiting his son's home, located on the premises of 17 Alpine Road in Towaco, New Jersey. At this time, the premises was owned, operated and maintained by the plaintiff's son, the defendant. While the plaintiff was visiting, the defendant attempted to take the garbage out of the house. While taking the garbage out, the bag containing the garbage broke, spilling refuse onto the interior stairs. While the defendant was cleaning up the refuse, the plaintiff attempted to descend the interior stairs. The plaintiff then tripped over the refuse and fell.

The plaintiff maintained that the defendant was negligent in failing to remove refuse from the stairs in a timely manner, failing to prevent a tripping hazard, and failing to provide safe passage inside the home. Consequently, the plaintiff sustained injuries, including a laceration to the forehead, as well as abrasions on his hands and knees. The plaintiff's forehead laceration required stitches and resulted in a scar.

The arbitrator in this case found the defendant 70% liable for the accident and the plaintiff 30% liable. The arbitrator reported a net award for the plaintiff in the amount of $28,000. Following arbitration, the plaintiff's counsel requested a trial de novo, which was scheduled to take place on July 1, 2024. However, the parties entered into a settlement prior to the initial hearing. A stipulation of dismissal was submitted on August 19, 2024.

REFERENCE

Robert Abendschoen, Sr. vs. Robert Abendschoen, Jr. Docket no. ESXL008573-21; Judge Russell J. Passamano, 09-13-24.

Attorney for plaintiff: Michael A. Rowek of Michael A. Rowek in Totowa, NJ. Attorney for defendant: Nicholas J. Lombardi of Harrington and Lombardi, LLP.

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

$37,958,096 VERDICT – MEDICAL MALPRACTICE – OB/GYN/NURSING STAFF NEGLIGENCE – DEFENDANTS ADMINISTER TOO MUCH PITOCIN TO PLAINTIFF MOTHER CAUSING FETAL DECELERATIONS RESULTING IN HYPOXIC INJURY TO FETUS – LEFT-SIDED HEMIPLEGIC CEREBRAL PALSY ALONG WITH COGNITIVE DEFICITS.

Atlantic County, NJ

The plaintiffs in this birth injury/medical malpractice action maintained the defendants failed to properly appreciate the plaintiff's fetal monitor which showed decelerations following administration of Pitocin ordered by the defendant doctor. Consequently, the minor suffered ischemia, hypoxia, static encephalopathy and left-sided hemiplegic cerebral palsy affecting the minor's face, left upper extremity and left lower extremity along with cognitive deficits. The defendants denied all liability and maintained that all labor and delivery standards were followed, and the brain injury was genetic.

The plaintiffs maintained that the defendants failed to provide care in accordance with medical standards by failing to properly monitor the plaintiff's labor, failing to respond appropriately to clinical, diagnostic and laboratory signs and failing to properly monitor the effects of Pitocin upon the mother and the fetus The defendants denied that there were any deviations from doctor or nursing standards of care and argued that no actions or inactions by the defendants caused or contributed to the subject injuries.

The jury found in favor of the plaintiffs. The jury found the defendant nurses to be 80% liable and the defendant doctor to be 20% liable. The jury awarded the plaintiffs $3,455,923 for future lost earnings, $5,481,023 for future life care expenses; and $29,021,150 for disability, impairment, loss of enjoyment of life and pain and suffering for a total award of $37,958,096.

REFERENCE

Plaintiff's labor and delivery nursing expert: Dr. Michelle Linda Moise Murray from Albuquerque, NM.

Amareda Markert as png of Michael Markert and Michael Markert in his own right vs. Shore Memorial Hospital, Susan Venesz, R.N., Connie Cox, R.N., Carol Daley, R.N., Asuncion Ciceron, M.D. Docket no. ATL L002298-15; Judge Danielle J. Walcoff, 08-06-24.

Attorneys for plaintiff: Thomas J. Vesper and Dara A. Quattrone of Westmoreland, Vesper & Quattrone in West Atlantic City, NJ. Attorney for plaintiff: James Wilkens (Pro Hac Vice) in Rockville Center, NY.

$3,450,000 MILLION VERDICT – MEDICAL MALPRACTICE – SURGERY – PLAINTIFF CLAIMS DEFENDANTS FAILED TO DIAGNOSE AND TREAT COMPARTMENT SYNDROME POST-SURGERY DESPITE OBVIOUS SYMPTOMS – ADVANCEMENT OF COMPARTMENT SYNDROME RESULTING IN DEVELOPMENT OF NECROTIC TISSUE – FASCIOTOMY AND NUMEROUS DEBRIDEMENT PROCEDURES – PERMANENTLY DIMINISHED USE OF HAND AND ARM, NEED FOR ADDITIONAL REPARATIVE SURGICAL PROCEDURES.

Dutchess County, NY

In this medical malpractice case, the plaintiff, a 29-year-old wastewater treatment operator, asserted that the defendant medical professionals breached their duty of care in treatment of the plaintiff's job site injury, resulting in more serious injury to the plaintiff. As a result of the purported failure to diagnose, the plaintiff claimed advancement of his condition resulting in the development of necrotic tissue. The plaintiff underwent fasciotomy, necrotic tissue was found intraoperatively and numerous debridement procedures were required. The plaintiff claimed that he has permanently diminished use of his left hand and arm, that he has had to have several additional reparative surgical procedures, and that he still suffers from pain. The defendants denied malpractice and the defendant surgeon testified that the surgery was performed, as scheduled, and was uncomplicated.

The plaintiff was injured moving a crane on July 24, 2019. On August 14, 2019, the plaintiff presented to the defendants for a biceps tendon repair surgery. The surgery was performed by the defendant surgeon and other staff at the defendant surgical center. The plaintiff alleged that there was a delay in the diagnosis of compartment syndrome after performance of a biceps tendon repair by the defendant surgeon on Wednesday. The plaintiff claimed that the defendants inappropriately allowed the complication to progress over a 3-day period resulting in more significant injury to plaintiff.

The jury concluded that the defendant surgeon did not depart from good and accepted practice in failing to identify and correct the aortic injury intraoperatively on Wednesday, August 14th or on Thursday, August 15th, for failing to perform an examination of plaintiff's arm. However, the jury determined that the defendant surgeon departed from accepted practice on Friday, August 16, 2019, in failing to examine the plaintiff's arm. The jury did not find liability against any other defendant. The jury awarded plaintiff a total of $3.45 million; $450,000 for past pain and suffering, and $3 million for future pain and suffering.

REFERENCE

Russell, III vs. Howard, et al. Index no. 2020-51197; Judge Christi J. Acker, 06-13-23.

Attorney for plaintiff: Jeffrey B. Bloom, trial counsel of Gair, Gair, Conason, Rubinowitz, Bloom, Hershenhorn, Steigman & Mackauf in New York, NY. Attorney for defendant surgeon and orthopedic practice: Neil B. Ptashnik of Vouté, Lohrfink, McAndrew, Meisner & Roberts, LLP in White Plains, NY.

$750,000 VERDICT – MEDICAL MALPRACTICE – PRIMARY CARE/HOSPITAL NEGLIGENCE – DEFENDANTS FAIL TO INFORM DECEDENT OF NEW MASS IN LUNG EVIDENT ON CHEST X-RAY PERFORMED WHEN DECEDENT PRESENTED TO HOSPITAL EMERGENCY ROOM FOR TACHYCARDIA – FAILURE TO REPORT X-RAY FINDINGS AND ORDER ADDITIONAL DIAGNOSTIC TESTS – LOSS OF CHANCE FOR CURE, REDUCED LIFE EXPECTANCY AND DEATH – WRONGFUL DEATH OF 66-YEAR-OLD FEMALE.

Allegheny County, PA

In this action for medical malpractice, the estate of the decedent maintained that the defendants were negligent in failing to address a lung mass on the decedent's X-ray that was discovered when the decedent presented to the defendant hospital for tachycardia. The 7-month delay in the cancer diagnosis resulted in a loss of a chance for a cure, reduced life expectancy and death. The plaintiff's decedent underwent chemotherapy but died from her lung cancer on May 29, 2018.The defendants denied negligence and argued that an earlier diagnosis would not have altered the medical outcome for the decedent.

The estate of the decedent maintained that the defendants failed to report on the presence of a suspicious mass on the decedent's February 2017 chest X-ray, failed to inform the decedent of the suspicious mass in her lung, failed to order additional diagnostic testing and chose to perform inadequate exams that failed to consider, address or investigate the suspicious mass on the decedent's lung. The estate sued the doctor who treated the decedent in the E.R., his physician's group, the hospital, her primary care doctor and the primary care doctor's medical group. All defendants argued that earlier treatment of the decedent's cancer would not have altered her medical outcome as the cancer had metastasized prior to February 2017.

The jury found that the defendant primary care physician only was negligent. The jury awarded the estate $750,000.

REFERENCE

Plaintiff's medical oncology expert: Krzysztof Misiukiewicz, M.D. from New York, NY.

Barbara Pschirer as Administrator of The Estate of Cheryl R. Pschirer vs. St. Clair Memorial Hospital, Allegheny Health Network, Julia D'Alo, M.D., Green Tree Medical Associates, Victoria Dunaevsky, M.D. Case no. GD-20-002710; Judge Michael DellaVecchia, 10-02-24.

Attorneys for plaintiff: Rudolph Massa, Megan Dirlam and Devyn R. Lisi of Massa Butler Giglione in Pittsburgh, PA. Attorney for defendant: John Conti of Dickie, McCamey & Chilcote, P.C. in Pittsburgh, PA. Attorney for defendant: Nathaniel Stevens of Gordon Rees Scully Mansukhani, LLP in Pittsburgh, PA.

PRODUCT LIABILITY

$39,000,000 VERDICT – PRODUCT LIABILITY – FAILURE TO WARN – PLAINTIFF UNDERGOES SURGERY TO PREVENT SPONTANEOUS PNEUMOTHORAX USING TALC WHICH CONTAINED ASBESTOS AND CAUSED MALIGNANT MESOTHELIOMA – FAILURE TO WARN OF DANGERS OF STERILE TALC PRODUCT – MESOTHELIOMA – PAIN AND SUFFERING; MEDICAL EXPENSES.

Middlesex County, MA

In this action for product liability, the plaintiff and his wife sued the defendants alleging their medical product was unsafe for use in the lungs after the plaintiff developed mesothelioma several years after undergoing talc pleurodesis procedures using the defendants' product. The defendants denied that their product contained asbestos and alleged the plaintiff suffered spontaneous mesothelioma.

The male plaintiff, then in his 50s suffered a left spontaneous pneumothorax twice. The plaintiff was treated with talc pleurodesis in 2014 and 2020 to prevent the pneumothorax from recurring. In August of 2021, the plaintiff began to experience exercise intolerance and shortness of breath during exertion. He came under the care of a pulmonologist who ordered a chest x-ray and diagnosed left pleural effusion. The effusion was drained twice in one week and atypical cells were found. He was sent to a thoracic surgeon. Surgery was performed and the surgeon noted balls of talc floating around. Biopsies were taken and came back positive. Further scans revealed mesothelioma with extensive involvement of the left-sided pleura.

The plaintiff alleged that defendant were negligent in designing, mining, milling, distributing, marketing, selling and/or otherwise placing in the stream of commerce asbestos-containing products that the defendants knew, and/or in the exercise of reasonable care should have known, were unreasonably harmful to the plaintiff, failing to take reasonable precautions or exercise reasonable care to adequately warn individuals, including the plaintiff and his physicians, of the dangers to which they would be subjected by exposure to asbestos from the defendants' products.

The plaintiff requested damages for pain and suffering, medical expenses, and his wife made a claim for loss of consortium.

The jury awarded the plaintiff $3,000,000 for past pain and suffering and $21,500,000 for future pain and suffering, $925,000 for past expenses and $925,000 for future expenses, $481,142 for past and future household services and Social Security retirement benefits. Additionally, the jury awarded the plaintiff's wife $1,500,000 for past loss of consortium and $10,750,000 for future loss of consortium. The total damages awarded were $39,081,142.

REFERENCE

Bryce and Diane Zundel vs. Amerilure, Inc., Boston Medical Products, Inc., Cimbar Performance Minerals, Inc., individually and as successor-by-merger to Cimbar Performance Minerals MV, LLC, Lymol Medical Corp., f/k/a Bryan Corporation, Sciarra Laboratories, Inc. Case no. 2281CV02145; Judge Jackie A. Cowin, 09-13-24.

Attorneys for plaintiff: Christopher P. Duffy, Mark A. Linder, Darron E. Berquist and Danny Kraft. Attorneys for defendant: Daniel P. McCarthy, Michael F. McVinney, Thomas H. Balestracci and Michael Cahalane.

MOTOR VEHICLE NEGLIGENCE

$17,500,000 VERDICT – MOTOR VEHICLE NEGLIGENCE – AUTO/PEDESTRIAN/ MULTIPLE VEHICLE COLLISION – PEDESTRIANS MOVE TO SHOULDER OF ROAD TO EXCHANGE INSURANCE INFORMATION – DEFENDANT STRIKES REAR OF PLAINTIFF'S VEHICLE AT HIGH RATE OF SPEED CRUSHING PLAINTIFF BETWEEN HER VEHICLE AND FIRST DEFENDANT'S VEHICLE – TRAUMATIC AMPUTATION OF LEFT LEG – SHATTERED PELVIS – CRUSH INJURY TO RIGHT LEG – SEVERE PTSD.

Harris County, TX

The plaintiff in this vehicular negligence action was crushed between her vehicle and the first defendant's vehicle while they were exchanging accident information on the shoulder of the road following a sideswipe collision. The second defendant failed to maintain a single lane and hit the rear of the plaintiff's vehicle on the side of the road. The collision caused catastrophic injuries to the plaintiff. All parties in this action denied liability and blamed the other parties for causing the accident.

On October 18, 2021, the female plaintiff was operating her vehicle northbound on Hwy. 59 near its intersection with Collingsworth St. in Houston, Texas. At the same time and place the defendant noble attempted to change lanes without keeping a proper lookout striking the front driver side of the plaintiff's ve-

hicle. The defendant Noble motioned to the plaintiff to pull to the shoulder of the freeway and he did so himself. The plaintiff exited her vehicle and stood between the two vehicles beginning to gather information. As the plaintiff and defendant Noble were exchanging information, the defendant Gonzalez drove a vehicle entrusted to him by defendant Sneed northbound on Hwy. 59. The defendant Gonzalez was traveling at a high rate of speed and failed to maintain a single lane slamming into the back of the plaintiff's vehicle crushing both plaintiff and the defendant Noble between the 2 vehicles. The plaintiff's left leg was immediately severed above the knee and her pelvis was shattered.

The plaintiff sued both Noble and Gonzalez alleging they failed to keep a safe distance from the plaintiff's vehicle and both failed to maintain a single lane. In addition, the defendant Gonzalez failed to operate his vehicle at a safe rate of speed. The defendant Noble settled with the plaintiff for policy limits of $50,000. The defendants Gonzalez and Sneed denied being liable and alleged the other defendant and the plaintiff's actions caused or contributed to the collision.

The jury was instructed to apportion liability against the plaintiff, and both defendant Noble and defendant Gonzalez. The jury found the defendant Gonzalez was 100% liable for causing the accident. The jury awarded the plaintiff 7.5 million in past damages and 10 million in future damages for a total verdict of $17,500,000.

REFERENCE

Judy Clara Gee vs. Jose Gonzalez, Gabriela Sneed and Edgar Noble. Case no. 202218002; Judge Donna Roth, 11-12-24.

Attorney for plaintiff: Joseph A. Matteliano of Menter Trial Law, PLLC in Pearland, TX. Attorney for defendant: Jessica Zavadil Barger in Houston, TX. Attorney for defendant: Brian M. Chandler of Ramey Chandler Schein in Houston, TX.

$225,000 ARBITRATION AWARD – MOTOR VEHICLE NEGLIGENCE – INTERSECTION COLLISION – PLAINTIFF'S VEHICLE STRUCK BY DEFENDANT'S VEHICLE MAKING IMPROPER LEFT TURN AT INTERSECTION WHEN PLAINTIFF HAD RIGHT-OF-WAY – CERVICAL DISC HERNIATION AT C4-5 – CERVICAL DISC BULGE AT C5-6 – LUMBAR DISC HERNIATION AT L4-5 – LUMBAR DISC BULGE AT L4-5 – EPIDURAL STEROID INJECTIONS AS WELL AS LUMBAR DISCECTOMY SURGICAL PROCEDURE AT L4-5.

Ocean County, NJ

In this motor vehicle negligence action, the plaintiff's vehicle was struck by the defendant's vehicle, which made an improper left turn in an intersection when the plaintiff had the right-of-way. As a result, the plaintiff sustained injuries including cervical disc herniation at C4-5, cervical disc bulge at C5-6, lumbar disc herniation at L4-5, and lumbar disc bulge at L4-5. The plaintiff's injuries were treated with epidural steroid injections as well as a lumbar discectomy surgical procedure at L4-5.

The plaintiff maintained that the defendant was negligent in failing to yield the right-of-way, failing to properly and safely execute a left turn, and failing to wait for clearance before executing a left turn.

The arbitrator in this case fund the defendant 90% liable for the accident and the plaintiff 10% liable. The arbitrator reported an award for the plaintiff in the amount of $225,000.

REFERENCE

Cestle Santiago-Garcia vs. Kayla Dias. Docket no. L001330-21; Judge Craig L. Wellerson, 09-13-23.

Attorney for plaintiff: Jerry Eisdorfer of Eisdorfer, Eisdorfer & Eisdorfer, LLC in Elizabeth, NJ.

PREMISES LIABILITY

$21,000,000 SETTLEMENT – PREMISES LIABILITY – NEGLIGENT SECURITY – CARJACKING AND SHOOTING AT LAUDERHILL APARTMENT COMPLEX – WRONGFUL DEATH OF FATHER OF 2.

Broward County, FL

This action arose from an incident which occurred at approximately 10:30 p.m. on August 18, 2022 when the decedent was walking to his car parked within the defendant Windward Vista Apartments in Lauderhill, Florida, to go to work. He was confronted by armed men who carjacked, shot and killed him. The defendants in the case included the owner and manager of the apartments as well as the security company involved. The plaintiff maintained that the murder resulted from a lack of adequate security at the premises. The defense maintained that the entire criminal incident happened too quickly to be deterred. The defendants suggested that a syringe found on the evidence list suggested that the decedent was either using or selling drugs.

The plaintiff alleged that the apartment property had a history of crime in the parking lots and that the private security personnel, hired for the location, never

responded to the shooting, nor ever spoke with law enforcement. The plaintiff argued that the defendant security company shirked its duty as the retained private security company for the apartment complex.

The defendant security company ultimately agreed to pay its policy limits of $6,000,000 to settle the case. The co-defendant property owners and managers subsequently settled for $15,000,000 for a total plaintiff's recovery of $21,000,000.

REFERENCE

Plaintiff's security expert: Michael D'Angelo from Richmond, VA.

Isabella Lubin, as P.R. for the Estate of Dimithry Remarais vs. Summit Palms Apartments, LLC, et al. Case no. CACE-23-002869; Judge Michele Towbin Singer, 05-15-24.

Attorneys for plaintiff: Michael Haggard and Adam Finkel of The Haggard Law Firm in Coral Gables, FL.

$5,850,000 VERDICT – PREMISES LIABILITY – FALL DOWN – PLAINTIFF'S DECEDENT SLIPS AND FALLS ON ICE AND SNOW ON PROPERTY OWNED, CONTROLLED AND MAINTAINED BY DEFENDANTS – DECEDENT SUFFERS BROKEN HIP AND 6 DAYS LATER, FATAL HEART ATTACK – WRONGFUL DEATH OF 76-YEAR-OLD MALE.

Worcester County, MA

In this premises liability action, the plaintiff's decedent was walking on the sidewalk of the property owned, controlled and maintained by the defendants during a winter storm in March of 2019. The plaintiff slipped and fell on ice and snow and suffered a broken hip. Due to the trauma of the injury, the decedent suffered a heart attack 6 days later and died. The defendants all denied being negligent and each blamed the other for negligence.

The plaintiff had been under treatment for cardiac condition and had taken nitroglycerin for chest pains earlier on the day of the incident. The plaintiff maintained that the defendant restaurant and property owner failed to properly maintain the premises and failed to keep the premises in a reasonably safe condition. In addition, the plaintiff maintained that the maintenance company failed to properly treat the premises for ice and snow.

The plaintiff is survived by his wife and 2 adult children.

The jury found Mass 5G and Sutton 5G to be 85% liable and the plaintiff to be 15% liable. The jury awarded $850,000 for the decedent's pain and suffering, $3 million to the widow, and $1 million to each of the decedent's adult sons for a total of $5,850,000. The jury assigned the decedent 15 percent comparative fault and the award was reduced accordingly to $4,972,500. Prejudgment interest then brought the award total to $6,417,048. The plaintiff had reached pre-trial settlement agreements with the property owner, property management company and snowplow company.

REFERENCE

Plaintiff's meteorologist expert: John J. Bagioni from Burlington, CT.

Judith O'Connor In her capacity As Personal Representative of The Estate of Charles F. O'Connor vs. Mass 5G and Sutton 5G dba Five Guys Enterprises Sutton, and Galaxy Development, LLC. Case no. 2285CV00211; Judge Valerie Yarashus, 06-26-24.

Attorney for plaintiff: Thomas P. Kelley of Sullivan & Sullivan in Wellesley Hills, MA. Attorney for defendant: Jeanne Elizabeth Demers of Demers Swartz Law Group in Marlborough, MA. Attorney for defendant: Leonard Henry Kesten of Brody Hardoon Perkins & Kesten, LLP in Boston, MA. Attorney for defendant: Michael Ashe of Law Offices of Steven B. Stein in Hartford, CT.

ADDITIONAL VERDICTS OF PARTICULAR INTEREST

Forklift Negligence

$2,265,108 VERDICT – FORKLIFT NEGLIGENCE – DEFENDANT'S EMPLOYEE STRIKES PLAINTIFF WITH FORKLIFT, RUNNING OVER PLAINTIFF'S LOWER LEG – RIGHT OPEN BIMALLEOLAR FRACTURE – OPEN REDUCTION AND INTERNAL FIXATION SURGERY – PERMANENT DISABILITY.

Philadelphia County, PA

The plaintiff in this personal injury negligence action alleged that he was performing duties of employment in the course of his contract with a temp agency at the defendant's business when an employee of the defendant struck the plaintiff with a forklift, running over his lower leg. As a result, the plaintiff sustained a right open bimalleolar ankle fracture which required open reduction and internal fixation surgery.

The plaintiff maintained that the defendant was negligent in failing to have the property in a safe working condition, failing to safely operate forklifts, failing to utilize spotters when operating forklifts, failing to maintain a safe environment for workers, contractors, and

individuals, failing to ensure that all proper warnings, barriers, and barricades were properly displayed to warn of the hazards.

The jury awarded damages to the plaintiff in the amount of $2,265,107.73 consisting of $200,000 in wage loss, $37,824.73 for past medical expenses, $527,283 in future medical expenses and $1,500,000 for pain and suffering. The jury awarded no damages to the plaintiff's wife on her loss of consortium claim.

The verdict was then molded for delay damages taking the total verdict of $2,265,107.73 to a total of $2,439,446.28.

REFERENCE

Valentin Guevara-Diaz and Sonya Mirella Matos-Cueva h/w vs. Procacci Bros Co. Case no. 220901010; Judge Christopher Hall, 07-24-24.

Attorney for plaintiff: Ken Fulginiti of Duffy & Fulginiti in Philadelphia, PA.

Landlord Negligence

$1,318,914 VERDICT – LANDLORD NEGLIGENCE – NEGLIGENT MAINTENANCE – FIRE BREAKS OUT IN DEFENDANT GROCERY STORE HOUSED IN DEFENDANT OWNER'S BUILDING DUE TO NEGLIGENT MAINTENANCE AND OVERLOADING OF ELECTRICAL SYSTEM – PLAINTIFF LOSES ALL BELONGINGS AND RENDERED HOMELESS AND WITHOUT ABILITY TO OPERATE BUSINESS – EACH DEFENDANT CLAIMED OTHER RESPONSIBLE FOR EITHER CAUSATION OF FIRE OR MAINTENANCE OF WIRING.

New York County, NY

In this negligence case, the plaintiff, a 42-year-old resident of the defendants' building, brought claims against the defendant owner of the building and the defendant grocery store housed in the building for negligence, personal injury, and property damage arising from a fire at an apartment building owned or operated by the defendants. The defendant owner of the building denied liability, arguing that it was not the proximate cause of the fire, nor did it have actual or constructive notice of any dangerous conditions that may have caused the fire. The defendants both pointed to the fire marshal's report as inconclusive as to the proximate cause of the fire.

The plaintiff was not in the building at the time. Upon discovering the fire, the residents fled the building and escaped through a 4-flight stairwell filled with smoke. The fire extensively damaged the building, leaving it uninhabitable for approximately 14 months after the fire. The day after the fire, the plaintiffs were allowed a short amount of time to return to the building to attempt to salvage any personal belongings. The fire marshal's report indicated that the fire originated on the ground floor in the ceiling due to the heat of electrical wiring contacting wood in the ceiling.

The plaintiff asserted that the fire was caused by the defendants' negligence in installing or maintaining electrical wiring in the building, including in particular the premises occupied by the grocery store. The plaintiff's losses included completely destruction of his personal property which included antiques, family heirlooms, art, collectibles, furniture, equipment, clothes, household items, photographs, business records and documents as well as losses to the plaintiff's business, income and relocation expenses.

The jury found in favor of the plaintiff and awarded damages in the amount of $1,318,914 broken down as follows: $638,375 in damages; $4,631 for costs and $675,908 in interest.

REFERENCE

Khirani vs. First Denco Realty, Inc., et al. Index no. 153199/13; Judge Kathy J. King, 04-10-24.

Attorney for plaintiff: Brittany Weiner of Imbesi Law, P.C. in New York, NY. Attorney for plaintiff: Michael P. Lagnado in New York, NY.

Police Liability

$19,100,000 VERDICT – POLICE LIABILITY – DEFENDANT RESPONDING TROOPER FAILS TO APPRECIATE PLAINTIFF'S SYMPTOMS OF STROKE AND INSTEAD ARRESTS PLAINTIFF FOR SUSPICION OF DRUG INTOXICATION CAUSING SEVERAL HOURS OF DELAY IN TREATING STROKE – ISCHEMIC STROKE – PERMANENT DISABILITY.

Essex County, NJ

This case arose when the plaintiff began suffering from symptoms of a stroke while driving herself to work one morning. She was able to pull to the side of the road. New Jersey State police were called to the scene of the vehicle on the side of the road and the defendant trooper arrived to investigate. During the investigation, the defendant failed to appreciate the plaintiff was suffering from signs and symptoms of a stroke and instead placed the plaintiff under arrest for suspected intoxication. The plaintiff was taken to the state trooper barracks where another trooper recognized the plaintiff's medical distress and EMS was summoned. The plaintiff maintained the defendant was negligent. The defense argued that the trooper was not a medical professional and acted appropriately given the situation.

The police report indicated that the plaintiff had slurred and weak speech, was unable to write to communicate and was unable to move in response to commands. She was also noted to have facial drooping and in particular drooping eyelids and when the defendant trooper spoke with her, she had a gaze, confusion and was unable to respond to questions. She attempted to exit the vehicle and was unable to appropriately control her body/motor functions. The trooper placed the plaintiff on the hood of the police car and the plaintiff was unable to keep herself upright. The plaintiff was then placed under arrest for suspicion of being the influence of an unknown narcotic and put into the rear of the police vehicle. At the police station, another trooper realized that the plaintiff was in need of immediate, emergency medical attention and called EMS.

The jury found the defendant negligent. The jury awarded the plaintiff $5 million for pain and suffering, disability, impairment and lost enjoyment of life, $1.6 million in lost income, $6.5 million in future medical care and $6 million for emotional distress. The jury also determined that 60% of the injury was from the trooper's negligence and 40% to the chance that an injury would have occurred even with an earlier diagnosis and treatment. The plaintiff's $19.1 million award was reduced accordingly to $11.5 million.

REFERENCE

Mary Lou Rhines as guardian ad litem of Cheryl Rhines vs. State of New Jersey and Jennifer Albuja. Docket no. ESXL000580-19; Judge Keith Lynott, 01-06-25.

Attorney for plaintiff: Dennis Donnelly of The Donnelly Law Firm in Roseland, NJ. Attorney for defendant: Gurbir S. Grewal of Attorney General of New Jersey in Trenton, NJ.

Trucking Company Negligence

$1,527,743 VERDICT – TRUCKING COMPANY NEGLIGENCE – DEFENDANT'S EMPLOYEES BLAST AIR HORNS AT PLAINTIFF AS HE LOADED SWALE FULL OF VEGETATION TO BE PICKED UP AS WASTE BY DEFENDANT WASTE COMPANY – PERMANENT HEARING LOSS; LOUD AND CONSTANT BILATERAL TINNITUS; VERTIGO; CONSTANT DISEQUILIBRIUM – SURGERY ON BOTH EARS.

Palm Beach County, FL

In this case, the plaintiff was on the edge of his property dumping vegetation in his swale for pick up by the defendant waste company. The defendant had 2 trucks in the area of the plaintiff's property and both trucks began blaring their air horns at the plaintiff. The plaintiff alleged that the sound decibel level of the air horns caused him permanent hearing loss and other symptoms related to hearing loss. The defendant denied liability and damages.

The plaintiff provided expert testimony from a board-certified doctor in otolaryngology and neurotology who specializes in studying and treating the ear to the brain. This expert examined the plaintiff and reviewed his symptoms of loud and constant bilateral tinnitus, vertigo, constant disequilibrium worsened with head motion, nausea, bilateral hearing loss and difficulty understanding conversations. He diagnosed the plaintiff with hearing loss and severe Meniere's disease. The plaintiff underwent surgery on both the right and left ear called a labyrinthectomy.

The jury found that the defendant's drivers were negligent and a legal cause of injury to the plaintiff. The jury apportioned liability at 90% against the defendant and 10% against the plaintiff. The jury awarded the plaintiff past medicals damages of $197,553, future medical expenses in the amount of $381.190 and pain and suffering damages of $949,000 for a total of $1,527,743.

REFERENCE

Plaintiff's neurotology/otologist expert: Michael Hoffner, M.D. from Miami, FL.

Alan Zigelsky vs. Waste Pro of Florida, Inc. Case no. 2022-CA-009555; Judge Jaimie Goodman, 08-30-24.

Attorney for plaintiff: Elissa Fitzmartin of Warner & Fitzmartin, PLLC in Lake Worth, FL. Attorneys for defendant: Peter Restani and Maria Dalmanieras of Wade Clark Mulcahy, LLP in West Palm Beach, FL.