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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

$78,000,000 VERDICT – PRODUCT LIABILITY – DEFECTIVE DESIGN – FATAL FAIR RIDE ENDING IN DEATH OF ONE PERSON AND CATASTROPHIC INJURIES FOR 3 OTHERS – 60-FOOT HIGH SWING DETACHED WHILE IN OPERATION THROWING AND KILLING 19-YEAR-OLD FROM BLUNT FORCE TRAUMA AFTER BEING THROWN AND STRIKING TRACTOR-TRAILER'S FIFTH-WHEEL.

Somerset County, NJ

This product liability action was filed June 6, 2019, by the plaintiff's, Keziah Lewis, et al., against the defendant, KMG International BV, et al. The plaintiffs were out for a day at the fair when this catastrophic accident occurred at the Ohio State Fair. The 60-foot high swing ride called the Fireball amusement ride detached causing death and serious injuries.

The plaintiff's Keziah Lewis, 19 years old, suffered head trauma, broken bones, 12 surgeries, fractures of C-7, T-2,T-7,T-12, sacrum, acetabulum, right ankle, left shoulder, and ribs. The plaintiff, Tyler Jarrell, 18 years old, suffered blunt force trauma and death after being thrown 60 feet and striking a tractor-trailer's fifth wheel plate. The plaintiff Russell Franks, 36 years old, suffered a depressed skull fracture, traumatic brain injury with frontal lobe hemorrhage and multiple fractures, including bilateral femur, pelvis, spine, and right ankle and suffers from incontinence, erectile dysfunction, severe weakness, and depression. The plaintiff Tamica Gillam Dunlap, 30 years old, suffered multiple pelvic fractures, leg fractures, spinal fractures at T-6-10, rib fractures, pneumothorax, ankle fractures and underwent 8 surgeries.

A Somerset County Superior Court jury reached a verdict after deliberation and day trial. The gross verdict was $78 million. The award was broken down as follows: Keziah Lewis, 20 million including $10 million in compensatory damages and $10 million in punitive damages; The Estate of Tyler Jarrell, $7 million in compensatory damages and $10 million in punitive damages; Russell Franks, $22 million including $12 million compensatory damages and $10 million punitive damages; Tamica Gillam Dunlap, $19 million including $9 compensatory damages and $10 million punitive damages.

REFERENCE

Keziah Lewis, et al. vs. KMG International BV, et al. Docket no. SOM-L-000737; Judge Robert A. Ballard, 07-05-24.

Attorney for plaintiff: Michael George Donahue of Stark & Stark in Lawrenceville, NJ. Attorney for defendant: Andrew G. Siegeltuch of Sweeney & Sheehan in Westmont, NJ. Attorney for defendant: James D. Burger of White & Williams, LLP in Cherry Hill, NJ.

COMMENTARY

KMG International BV was the only remaining defendant at trial. The other defendants, Ride Resources Inc., Ride 4u Inc., Ride Lynx LLC and Robert Tucker successfully argued for dismissal prior to trial. The defendant, KMG International BV, did not respond to any filings and failed to appear at trial. Due to the defendant's failure to defend against the allegations, in 2023 the court granted summary judgment to the plaintiff's leading to a trial on damages.

The ride manufactured by the defendant held 24 riders and operated by swinging them back and forth up to 22 feet in the air while spinning in a circle. Called the Fireball amusement ride, its structure consisted of a single swing arm attached at a pivot point at the top and 6 gondola support arms extending from a central hub. Each 4-seat gondola connected using 10 bolts to the end of a hollow vertical tub. During operation, the plaintiff's alleged the gondola detached launching Tyler Jarrell airborne.

The Estate of Tyler Jarrell filed a claim for wrongful death and alleged negligence and defective product liability. The plaintiff Keziah Lewis was ejected and crashed into another gondola before falling to the concrete below. Keziah Lewis filed claims for product liability and negligence and alleged that the defendant's failure to address known corrosion issues in the ride resulted in her injuries. Russell Franks and Tamica Gillam Dunlap filed product liability and negligence claims alleging KMG's defective design and failure to maintain proper safety standards, they both remained constrained in the detached gondola as it crashed onto the parking lot surface.

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$400,000 SETTLEMENT – EMPLOYER LIABILITY – PLAINTIFF INJURED OPERATING FORKLIFT TO UNLOAD TRUCK WHEN TRUCK PULLS AWAY – FAILURE TO HIRE COMPETENT EMPLOYEES TO OPERATE TRUCKS – CERVICAL DISC HERNIATION AT C4-5 – SPINAL CONTUSIONS FROM C3-C6 – DISC BULGES FROM L4-S1 – CLOSED HEAD INJURY.

Mercer County, NJ

In this action, the plaintiff employee was injured while operating a forklift to unload a truck when the truck pulled away. The defendants generally denied all allegations of negligence.

On February 18, 2019, the plaintiff an employee for the defendant food distributor, and in the course of his employment, was operating a forklift to unload a large truck. While the plaintiff was using the forklift in and around the trailer of the truck, the driver of the truck began to pull away. As the truck pulled away, the plaintiff and his forklift fell, causing him to become injured.

The plaintiff maintained that the defendants were negligent in failing to hire competent employees to operate trucks, failing to keep the truck still, and failing to ensure the safety of the subject truck. Consequently, the plaintiff sustained injuries, including cervical disc herniation at C4-5, spinal contusions from C3-C6, disc bulges from L4-S1, and a closed head injury.

The arbitrators in this case found the defendants 100% liable for the accident and reported an award for the plaintiff in the amount of $250,000. Following arbitration, the defendants' counsel requested a trial de novo, which was scheduled to begin on July 29, 2024, but was rescheduled as a settlement conference. On June 4, 2024, the plaintiff's counsel offered to allow judgment to be taken in the name of the plaintiff for the amount of $400,000. A stipulation of dismissal was submitted on July 29, 2024.

REFERENCE

Eddie Mose vs. Dion Smack, Lidestri Foods of New Jersey. Docket no. MERL000063-21; Judge R. Brian Mclaughlin, 07-29-24.

Attorney for plaintiff: Evan J. Lide of Stark & Stark in Princeton, NJ. Attorney for defendant: Karen M. Maschke of MacDonald & Herforth in Moorestown, NJ.

$352,800 ARBITRATION AWARD – LANDLORD NEGLIGENCE – PLAINTIFF TENANT SLIPS AND FALLS ON ICE IN PARKING LOT OUTSIDE OF APARTMENT RESIDENCE – FAILURE TO REMOVE ICE AND SNOW FROM PREMISES – BIMALLEOLAR FRACTURE OF RIGHT ANKLE – LIGAMENT TEARS – SURGERY REQUIRED.

Camden County, NJ

In this action, the plaintiff tenant slipped and fell on ice in the parking lot outside of his apartment residence, causing him to become seriously injured. The defendants generally denied all allegations of negligence.

On December 18, 2020, the plaintiff was lawfully traversing the parking lot outside of his apartment residence, located on the premises of 1408 Arborley Court in Burlington, New Jersey. On this day, the premises was owned, operated, and maintained by the defendants. At this time, the

plaintiff was clearing snow from his car in the subject parking lot. While maneuvering around his car, the plaintiff slipped on a patch of ice on the surface of the parking lot. The plaintiff then fell.

The plaintiff maintained that the defendants were negligent in failing to remove ice and snow from the premises, failing to prevent a slipping hazard, and failing to provide safe passage on the premises. Consequently, the plaintiff sustained injuries, including bimalleolar fracture of the right ankle with ligament tears. The plaintiff's injuries were treated with open reduction and internal fixation surgery.

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 $352,800. Following arbitration, the defendants' 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 October 16, 2024.

REFERENCE

Edward Lasure vs. Westampton Courts Condominium. Docket no. CAML000125-22; Judge Steven J. Polansky, 10-16-24.

Attorney for plaintiff: Kristin Teufel of Lundylaw, LLP in Cherry Hill, NJ. Attorney for defendant: Michael I. Litvak of Litvak & Trifiolis, P.C. in Florham Park, NJ.

COMMENTARY

Following his surgery, the plaintiff still had difficulty recovering from the ankle injuries that he sustained in the accident in this case, likely due to nerve entrapment. It was also noted that after his surgery, the plaintiff demonstrated delayed wound healing, resulting in his need for additional and prolonged medical care. The plaintiff remained out of work for 6 months, and at the time of the dismissal of this case still has difficulty bearing weight on his right ankle. The settlement amount in this case was likely determined by the prolonged nature of the plaintiff's injuries.

$250,000 ARBITRATION AWARD – MOTOR VEHICLE NEGLIGENCE – LANE CHANGE COLLISION –PLAINTIFF'S VEHICLE STRUCK IN SIDE BY DEFENDANT'S VEHICLE CHANGING LANES – NECK AND BACK INJURIES – RECURRENT L3-L4 DISC HERNIATION – SURGERY REQUIRED.

Bergen County, NJ

In this motor vehicle negligence action, the plaintiff's vehicle was struck in the side by the defendant's vehicle as the defendant changed lanes, causing the plaintiff to become seriously injured. The defendant generally denied all allegations of negligence.

On January 4, 2022, the plaintiff's vehicle was traveling westbound on the George Washington Bridge Upper Expressway in Fort Lee, New Jersey. At the same time, the defendant's vehicle was also traveling westbound on the George Washington Bridge, next to the plaintiff in the right lane. At the time of the incident, the defendant's vehicle attempted to enter the plaintiff's lane of travel. The defendant's vehicle then struck the plaintiff's vehicle on its passenger side.

The plaintiff maintained that the defendant was negligent in failing to remain in the correct lane of travel, in failing to safely and properly change lanes, and in failing to observe traffic conditions. Consequently, the plaintiff sustained injuries, including neck and back injury, as well as a recurrent disc herniation at L3-4. The plaintiff's injuries were treated with steroid injections as well as an interbody fusion procedure at L3-4. A doctor for the defendant opined that there was no evidence that the plaintiff sustained a permanent injury.

The arbitrator in this case found the defendant 100% liable for the accident and reported an award for the plaintiff in the amount of $250,000. Following arbitration, the matter was amicably adjusted between the parties for an unspecified amount. A stipulation of dismissal was submitted on July 3, 2024.

REFERENCE

Tonya Elliott vs. Anthony Cortina. Docket no. BERL004402-22; Judge John D. O'Dwyer, 07-03-24.

Attorney for plaintiff: Gergory M. Cannarozzi of Gregory M. Cannarozzi, Esq. in Oradell, NJ. Attorney for defendant: Tejal Forrar of Gregory P. Helfrich & Associates in Summit, NJ.

$245,000 ARBITRATION AWARD – PREMISES LIABILITY – FALL DOWN – PLAINTIFF FALLS ON STAIRS AT DEFENDANT'S PREMISES DUE TO LACK OF HAND RAIL – INJURIES INCLUDE RIGHT RADIAL AND ULNAR FRACTURES – SURGERY REQUIRED.

Essex County, NJ

In this premises liability action, the plaintiff fell on a set of stairs on the defendants' premises due to the lack of a hand rail, causing her to become injured. The defendants generally denied all allegations of negligence.

On February 25, 2019, the plaintiff was lawfully visiting the defendants' offices on the premises of 50 S Clinton St in East Orange, New Jersey. At this time, the plaintiff was attempting to descend a set of stairs on the premises. At this time, the subject stairs did not

have a hand rail for the plaintiff to hold onto, and the stairs were fairly steep. While walking down the stairs, the plaintiff lost her balance and fell.

The plaintiff maintained that the defendants were negligent in failing to install a hand rail on the stairs, failing to prevent a falling hazard on the premises, and failing to warn of dangerous or defective conditions on the premises. Consequently, the plaintiff sustained injuries, including right radial and ulnar fractures. The plaintiff's injuries were treated with open reduction and internal fixation surgery.

The arbitrators in this case found the defendants 70% liable for the accident and the plaintiff 30% liable. The arbitrators reported a net 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 15, 2024. However, the parties conferenced with a judge and arrived at a settlement prior to the initial trial hearing. A stipulation of dismissal was submitted on September 13, 2024.

REFERENCE

Maria Villeda vs. Essex County Economic Development Center. Docket no. ESXL001550-21; Judge Cynthia D. Santomauro, 09-13-24.

Attorney for plaintiff: Edward Weil of Cacciola & Weil in Clifton, NJ. Attorney for defendant: Courtney M. Gaccione of Essex County Counsel in Newark, NJ.

$135,432 VERDICT – DOG ATTACK – PLAINTIFF ATTACKED AND BITTEN BY PITBULL AT DEFENDANT'S HOME – FAILURE TO LEASH DOG OR OTHERWISE PREVENT DOG FROM ATTACKING – DOG BITE INJURY TO LEG – CELLULITIS – SCARRING.

Camden County, NJ

In this dog bite action, the plaintiff was attacked and bitten by a pitbull at the defendant's home while working as a mail carrier. The defendants generally denied all allegations of negligence.

On April 9, 2021, the plaintiff was delivering a package to the defendant's home in the scope of his employment as a mail carrier. At this time, the plaintiff was carrying a package up to the plaintiff's door, where he was greeted by the defendant's pitbull. The pitbull quickly began to attack and bite the plaintiff, causing him to become injured.

The plaintiff maintained that the defendants were negligent in failing to leash the dog or otherwise prevent the dog from attacking, in negligently allowing a violent dog to live in the subject apartment/home rental complex, and failing to prevent the dog from coming into contact with strangers. Consequently, the plaintiff sustained injuries, including dog bite injury to the leg, which resulted in cellulitis and scarring. A doctor for the defendant disputed the permanency of the plaintiff's injuries.

The arbitrator in this case found the defendants 100% liable for the dog bite and reported an award for the plaintiff in the amount of $225,000. Following arbitration, the plaintiff's counsel requested a trial de novo. On January 8, 2025, the Honorable Steven J. Polansky ordered that a judgment be entered in favor of the plaintiff in the amount of $135,431.53.

REFERENCE

John Peters vs. Burlington Home Rentals, LLC, Shiquan Crowder. Docket no. CAML004055-21; Judge Steven J. Polansky, 01-06-25.

COMMENTARY

As of January 2025, the plaintiff has still not fully recovered from his injuries related to the dog bite in this case. The plaintiff's bite was initially treated with antibiotics, but the treatment did not work, and the plaintiff developed cellulitis. The plaintiff returned to a hospital for further care where he stayed for 4 days undergoing wound debridement and drainage. The plaintiff could not bear weight on the injured leg for several weeks, and was out of work for several months. The plaintiff still complains of dysethesias related to the bite injury. The verdict amount in this case was likely determined by the prolonged nature of the plaintiff's injuries.

Verdicts By Category

LANDLORD NEGLIGENCE

$60,000 ARBITRATION AWARD

Landlord negligence – Plaintiff tenant injured when bathroom ceiling collapses onto her in her apartment residence – Soft tissue injuries to ankle, neck, and back – Cyst on right ankle.

Hudson County, NJ

In this action, the plaintiff tenant was injured when her bathroom ceiling collapsed onto her in her apartment residence. The defendant landlord generally denied negligence.

On October 12, 2019, the plaintiff was lawfully inside her apartment residence, located on the premises of 267 Liberty Avenue in Jersey City, New Jersey. On this day, the premises was owned, operated, and maintained by the defendant landlord. At this time, the plaintiff was in the bathroom in her apartment. At the same time, there was construction and renovations being done in the apartment directly above the plaintiff's including demolition of a bathroom. The demolition above caused the plaintiff's bathroom ceiling to collapse onto her, striking her head, shoulders, right ankle, and right foot.

The plaintiff maintained that the defendant was negligent in failing to ensure the safety of the bathroom ceiling, failing to warn of potential construction hazards, and failing to contract and employ competent construction workers. Consequently, the plaintiff sustained injuries, including soft tissue injuries to the ankle, neck, and back, as well as a cyst on the right ankle. The plaintiff's injuries were treated with trigger point injections. The defendant generally denied all allegations of negligence.

The arbitrator in this case found the defendant 100% liable for the accident, and reported an award for the plaintiff in the amount of $60,000. Following arbitration, the defendant's counsel requested a trial de novo, which was scheduled to take place on July 1, 2024. However, the parties entered into a settlement prior to the initial hearing. A stipulation of dismissal was submitted on July 30, 2024.

REFERENCE

Shaheedah Smith vs. Jason Pascale. Docket no. HUDL004441-20; Judge Kimberly Espinales-Maloney, 07-01-24.

Attorney for plaintiff: Kristofer Petrie of Brach Eichler, LLC in Roseland, NJ. Attorney for defendant: John Aufiero of Gregory P. Helfrich & Associates in Summit, NJ.

$45,700 ARBITRATION AWARD

Landlord negligence – Plaintiff tenant slips and falls on ice on exterior staircase at her apartment residence – Lumbar disc herniations – 2 trigger point injections and 3 epidural steroid injections.

Essex County, NJ

In this action, the plaintiff tenant slipped and fell on ice on an exterior staircase at her apartment residence and became injured. The defendants generally denied all allegations of negligence.

On December 19, 2021, the plaintiff was a tenant living in an apartment residence on the premises of 265 South 8th Street in Newark, New Jersey. On this day, the premises was owned, operated, and maintained by the defendants. At this time, the plaintiff was attempting to leave her apartment, and was descending an exterior staircase attached to the building. The plaintiff then slipped on ice on the staircase, causing her to fall.

The plaintiff maintained that the defendants were negligent in failing to remove ice and snow from the premises, failing to provide safe passage on the premises, and failing to remedy or warn of a slipping hazard on the exterior staircase. Consequently, the plaintiff sustained injuries, including lumbar disc herniations at L3-4 and L4-5. The plaintiff's injuries were treated with 2 trigger point injections and 3 epidural steroid injections. A doctor for the defendants disputed causation and permanency.

The arbitrator in this case found the defendants 100% liable for the accident and reported an award for the plaintiff in the amount of $45,700. Following arbitration, the defendants' counsel motioned for summary judgment, which was to be decided on July 19, 2024. However, the parties entered into a settlement on July 5, 2024. A stipulation of dismissal was submitted on August 20, 2024.

REFERENCE

Darnella Smith vs. Delaware Investments. Docket no. ESXL006362-21; Judge Richard T. Sules, 08-20-24.

Attorney for plaintiff: Lisa A. Lehrer of Davis, Saperstein & Salomon, P.C. in Teaneck, NJ. Attorney for defendant: Mitchell Waldman of Hurvitz & Waldman, LLC in Pleasantville, NJ.

MOTOR VEHICLE NEGLIGENCE

Auto/Bicycle Collision

$100,000 ARBITRATION AWARD

Motor vehicle negligence – Auto/bicycle collision – Plaintiff bicyclist struck by defendant's vehicle making right turn on red light – Failure to obey traffic signals – Neck and back injuries – Leg laceration.

Bergen County, NJ

In this motor vehicle negligence action, the plaintiff bicyclist was struck by the defendant's vehicle, which was made a right turn on a red light, causing her to become injured. The defendant generally denied all allegations of negligence.

On August 3, 2020, the plaintiff bicyclist was operating her bicycle on River Road, at its intersection with Main Street in Edgewater, New Jersey. At this time, the plaintiff was attempting to continue on River Road, crossing Main Street at the subject intersection. At the same time, the defendant's vehicle was stopped at a red light on River Road and was preparing to turn right onto Main Street. At the time of the incident, the plaintiff bicyclist proceeded forward into the intersection on a red light, and the defendant's vehicle turned right on the same red light. As the defendant's vehicle was turning, it struck the plaintiff bicyclist.

The plaintiff maintained that the defendant was negligent in failing to obey traffic signals, failing to yield to the plaintiff bicyclist, and failing to wait before making a right turn. Consequently, the plaintiff sustained injuries, including neck and back injuries as well as a laceration to the leg, which were treated with epidural steroid injections, nerve blocks, and sutures. A doctor for the defendant maintained that the plaintiff only sustained contusions and sprains and did not sustain a permanent injury in the accident.

The arbitrator in this case found the plaintiff 50% liable for the accident and the defendant 50% liable. The arbitrator reported a net award for the plaintiff in the amount of $100,000. Following arbitration, the defendant's counsel requested a trial de novo, which was scheduled to begin on September 30, 2024. However, the parties entered into a settlement prior to the initial hearing.

REFERENCE

Xhuljana Bruka vs. Paul Reith. Docket no. BERL006143-21; Judge Thomas A. Sarlo, 09-28-24.

Attorney for plaintiff: John Elefterakis of Elefterakis, Elefterakis & Panek In New York, NY. Attorney for defendant: Richard O'Brien of Garbarini & Scher, PC in Hackensack, NJ.

Auto/Golf Cart Collision

$80,000 ARBITRATION AWARD

Motor vehicle negligence – Auto/golf cart collision – Plaintiff operating motorized cart struck in rear by defendant's vehicle at intersection – Cervical disc herniations from C3-4 to C6-7 – Thoracic disc herniations at T5-6 and T7-8 – Lumbar disc herniations at L2-3 and L4-5.

Hudson County, NJ

In this motor vehicle negligence action, the plaintiff, operating a motorized cart, was struck in the rear by the defendant's vehicle at an intersection. The plaintiff became injured as a result. The defendant generally denied all allegations of negligence.

On July 21, 2020, the plaintiff was operating a motorized "Cushman" cart in the course of her employment on Garden Street, at or near its intersection with 13th Street in Hoboken, NJ. At this time, the plaintiff's motorized cart was stopped at the subject intersection. At the same time, the defendant's vehicle was also traveling on Garden Street, directly behind the plaintiff's cart. At the time of the incident, the defendant's vehicle struck the plaintiff's cart in the rear at the subject intersection.

The plaintiff maintained that the defendant was negligent in failing to maintain a safe distance from other vehicles, failing to obey traffic signals, and failing to remain adequately attentive. Consequently, the plaintiff sustained injuries, including cervical disc herniations from C3-4 to C6-7, thoracic disc herniations at T5-6 and T7-8, and lumbar disc herniations at L2-3 and L4-5. The plaintiff's injuries were treated with chiropractic care, as well as lumbar epidural injections. A doctor for the defendant opined that all of the plaintiff's injuries were degenerative and unrelated to any traumatic episode.

The arbitrator in this case found the defendant 100% liable for the accident and reported an award for the plaintiff in the amount of $80,000. Following arbitration, the defendant's counsel requested a trial de novo, which was scheduled to take place on September 16, 2024, but was adjourned on May 28, 2024, due to the parties entering into a settlement for an amount not specified on the docket. A stipulation of dismissal was submitted on July 10, 2024.

REFERENCE

Sheila Anderson vs. Israel Espital. Docket no. HUDL002328-22; Judge Jane L. Weiner, 07-10-24.

Attorney for plaintiff: Christian C. Lopiano, Esq. of Lopiano Law Firm in Florham Park, NJ. Attorney for defendant: Keith Bursack of Goldberg, Miller & Rubin, PC in Fairfield, NJ.

Intersection Collision

$125,000 ARBITRATION AWARD

Motor vehicle negligence – Intersection collision – Plaintiff's vehicle struck broadside by defendant's vehicle after defendant disregarded stop sign – 2 cervical disc herniations – 3 cervical disc bulges – Cervical radiculitis at C5,6,7 – 2 lumbar disc bulges – Lumbar radiculopathy at L5.

Cumberland County, NJ

In this motor vehicle negligence action, the plaintiff's vehicle was struck broadside by the defendant's vehicle after the defendant disregarded a stop sign. As a result, the plaintiff suffered injuries. The defendant generally denied negligence.

On June 12, 2020, the plaintiff's vehicle was traveling northbound on South Lincoln Drive, near its intersection with Magnolia Road in Vineland, New Jersey. At the same time, the defendant's vehicle was traveling eastbound on Magnolia Road, toward the same intersection. At the time of the incident, the plaintiff's vehicle was proceeding forward through the intersection, as Magnolia Road was controlled by a stop sign, and South Lincoln Drive was not. As the plaintiff's vehicle was proceeding, it was suddenly struck in the driver's side by the defendant's vehicle, which had disregarded the stop sign controlling Magnolia Road.

The plaintiff maintained that the defendant was negligent in failing to obey a stop sign, failing to yield the right-of-way, and failing to remain adequately attentive. Consequently, the plaintiff sustained injuries, including 2 cervical disc herniations, 3 cervical disc bulges, cervical radiculitis at C5,6, and 7, 2 lumbar disc bulges, and lumbar radiculopathy at L5. The plaintiff's injuries were treated with 8 cervical and lumbar injections. A doctor for the defendant disputed the causation and permanency 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 $125,000. Following arbitration, the defendant's counsel requested a trial de novo, which was scheduled to take place on March 4, 2024. However, on February 7, 2024, the parties entered into a settlement prior to the trial hearing. A stipulation of dismissal was submitted on March 6, 2024.

REFERENCE

Linette Rodriguez vs. Roberto Quiles. Docket no. CUML000251-22; Judge Niki Arbittier, 03-06-24.

Attorney for plaintiff: Paul Orecchia of Radano & Lide in Vineland, NJ. Attorney for defendant: Randi Fraiman Silverman of State Farm.

$72,500 ARBITRATION AWARD

Motor vehicle negligence – Intersection collision – Plaintiff's vehicle struck broadside by defendant's vehicle when defendant runs red light – Aggravation of asymptomatic cervical and lumbar disease – Multi-level cervical and lumbar disc displacement with nerve compression – Cervical disc herniations at C2-3 and C3-4 – Lumbar disc herniation at L2-3 – Lumbar radiculopathy.

Camden County, NJ

In this motor vehicle negligence action, the plaintiff's vehicle was struck broadside by the defendant's vehicle, which ran a red light. The defendant generally denied negligence.

On August 7, 2020, the plaintiff's vehicle was traveling eastbound on Berlin Road, at its intersection with White Horse Road in Somerdale, New Jersey. At this time, the plaintiff's vehicle was proceeding through the subject intersection with a green light. At the same time, the defendant's vehicle was traveling northbound on White Horse Road, toward the same intersection. At the time of the incident, the defendant's vehicle ran a red light at the intersection and struck the plaintiff's vehicle broadside, causing the plaintiff to become injured.

The plaintiff maintained that the defendant was negligent in failing to obey a red light, failing to remain adequately attentive, and failing to obey traffic conditions. Consequently, the plaintiff sustained injuries, including aggravation of asymptomatic cervical and lumbar disease, multi-level cervical and lumbar disc displacement with nerve compression, cervical disc herniations at C2-3 and C3-4, lumbar disc herniation at L2-3, and lumbar radiculopathy. The plaintiff's injuries were treated with chiropractic care, physical therapy, and epidural steroid injections. A doctor for the defendant opined that the plaintiff's injuries were pre-existing and not permanent.

The arbitrators in this case found the defendant 100% liable for the accident and reported an award for the plaintiff in the amount of $72,500. Following arbitration, the defendant's counsel requested a trial de novo, which was scheduled to take place on July 29, 2024. However, the parties entered into a settlement for an unspecified amount on July 3, 2024, prior to the initial hearing. A stipulation of dismissal was submitted on August 23, 2024.

REFERENCE

Reginald Sydnor vs. James Divietro. Docket no. CAML001858-22; Judge John S. Kennedy, 08-26-24.

Attorney for plaintiff: Stephen W. Bruccoleri of Bruccoleri Law, LLC in Voorhees, NJ. Attorney for defendant: Sheri Nelson Oliano of Earl R. Uehling & Associates in Mount Laurel, NJ.

$55,000 ARBITRATION AWARD

Motor vehicle negligence – Intersection collision – Defendant enters intersection without stopping for stop sign, striking plaintiff's vehicle – Cervical disc herniations – Lumbar disc bulge – Cervical and lumbar epidural injections.

Atlantic County, NJ

The plaintiff in this vehicular negligence action maintained that the defendant failed to stop for a posted stop sign and entered the intersection lawfully occupied by the plaintiff striking the plaintiff's vehicle. The defendant denied all allegations of negligence and injury.

On July 9th, 2020, the plaintiff was traveling East on Central Ave. at its intersection with Wabash Ave. in Linwood, New Jersey. The plaintiff's vehicle was lawfully in the intersection when it was struck by the defendant who disregarded a stop sign and entered the same intersection. The plaintiff maintained that the defendant was negligent and failing to properly operate and control the vehicle, failing to keep a proper and adequate lookout, and failing to bring the vehicle to a stop in accordance with a stop sign.

The plaintiff alleged she suffered 3 cervical disc herniations, radiculopathy, lumbar disc bulge with radiculopathy, and required cervical and lumbar epidural injections. The plaintiff claimed $17,000 in past medical expenses. The defense denied allegations of negligence and any causal relationship of the injuries to the accident. In addition, the defense argued that if the plaintiff suffered any damages, they were caused by the plaintiff's contributory negligence.

The arbitrators found that the defendant driver was 100% liable for the collision. The arbitrators awarded the plaintiff $55,000 in damages. Following a motion by the defendant for de novo trial, the parties amicably settled their dispute.

REFERENCE

Maria Tejada Debisono vs. Tyler Festa. Docket no. ATLL000030-22; Judge Ralph A. Paolone, 01-10-24.

Attorney for plaintiff: Daniel M. Levine of Kotler, Hernandez & Cohen in Mt. Laurel, NJ. Attorney for defendant: Robert S. Helwig of Hoagland, Longo, Moran, Dunst & Doukas in New Brunswick, NJ.

Left Turn Collision

$150,000 ARBITRATION AWARD

Motor vehicle negligence – Left turn collision – Plaintiff's vehicle struck by defendant's vehicle attempting to turn left into parking lot – Cervical and lumbar disc bulges – Shoulder injury – Surgery required.

Essex County, NJ

In this motor vehicle negligence action, the plaintiff's vehicle was struck by the defendant's vehicle attempting to turn left into a parking lot, causing the plaintiff to become injured. The defendant generally denied negligence.

On July 11, 2019, the plaintiff's vehicle was traveling eastbound on Bloomfield Avenue, around the area of 667 Bloomfield Avenue in Verona, New Jersey. At this time, the defendant's vehicle was traveling westbound on Bloomfield Avenue, and was preparing to turn left into a parking lot at 667 Bloomfield Avenue. The defendant then attempted to make the left turn onto the premises as the plaintiff was passing the same location. The defendant's vehicle struck the front of the plaintiff's vehicle.

The plaintiff maintained that the defendant was negligent in failing to safely and properly execute a left turn, in failing to yield the right-of- way and in failing to wait for clearance before turning. Consequently, the plaintiff sustained injuries, including cervical and lumbar disc bulges, as well as a shoulder injury that required open reduction and internal fixation surgery. A doctor for the defendant disputed the causation and permanency 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 $150,000. Following arbitration, the defendant's counsel requested a trial de novo, which was scheduled to begin on July 15, 2024. However, the matter was settled between the parties while scheduled for trial. A stipulation of dismissal was submitted on August 12, 2024.

REFERENCE

Santiago Rodriguez vs. Robert Wright. Docket no. ESXL001606-21; Judge Joshua D Sanders, 07-15-24.

Attorney for plaintiff: Michael Goldstein of Goldstein & Goldstein, LLP in East Orange, NJ. Attorney for defendant: Dominic Cialella of Gregory P. Helfrich & Associates in Summit, NJ.

$50,000 ARBITRATION AWARD

Motor vehicle negligence – Left turn collision – Plaintiff's vehicle struck by defendant's vehicle making abrupt left turn in intersection – Neck and back injuries.

Bergen County, NJ

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

On January 7, 2020, the plaintiff's vehicle was traveling southbound on McClean Blvd, at its intersection with Third Avenue in Paterson, 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 northbound on McClean Blvd, and was preparing to make a left turn onto Third Avenue at the same intersection. At the time of the incident, the plaintiff attempted to proceed straight when the defendant made an abrupt left turn directly in front of her vehicle. The defendant's vehicle then struck the plaintiff's vehicle.

The plaintiff maintained that the defendant was negligent in failing to keep a proper lookout, failing to exercise due care, failing to wait for clearance before making a left turn, failing to safely and properly execute a left turn, failing to yield the right-of-way, failing to obey traffic signals, failing to observe traffic conditions, failing to observe the plaintiff's vehicle, failing to remain adequately attentive, failing to operate the vehicle at a reasonable rate of speed, failing to apply the brakes in a timely manner, failing to slow or stop, and failing to avoid striking the plaintiff's vehicle. Consequently, the plaintiff sustained injuries, including neck and back injuries, which required facet injections as well as a branch block injection to repair.

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

REFERENCE

Then Karla vs. Murray Shane. Docket no. L008080-21; Judge Michael N. Beukas, 04-17-24.

Attorney for plaintiff: Rosemarie Arnold of Law Office of Rosemarie Arnold in Fort Lee, NJ. Attorney for defendant: Thomas Brian Hight of Chasan Lamparello Mallon & Cappuzzo, PC in Secaucus, NJ.

Parking Lot Collision

$21,000 ARBITRATION AWARD

Motor vehicle negligence – Parking lot collision – Plaintiff's vehicle struck in rear by defendant's vehicle backing out of parking spot – Lumbar disc herniation – Lumbar radiculopathy.

Burlington County, NJ

In this motor vehicle negligence action, the plaintiff's vehicle was struck in the rear by the defendant's vehicle backing out of a parking spot. The defendant generally denied negligence.

On October 27, 2020, the plaintiff's vehicle was parked in a parking lot on the premises of 22 NJ-70 in Cherry Hill Township, New Jersey. At this time, the plaintiff was seated in his parked car. At the same time, the defendant's vehicle was also parked in the same lot, and was backing out of a parking space. As the defendant's vehicle was backing out, it struck the plaintiff's vehicle in the rear, causing the plaintiff to become injured.

The plaintiff maintained that the defendant was negligent in failing to observe the plaintiff's vehicle, failing to remain adequately attentive, and failing to wait for clearance before backing out. Consequently, the plaintiff sustained injuries, including lumbar disc herniation and lumbar radiculopathy. The plaintiff's injuries were treated conservatively. A doctor for the defendant disputed causation and permanency. The defendant generally denied all allegations of negligence and maintained that he did not strike the plaintiff's vehicle at all.

The arbitrator in this case found the defendant 100% liable for the accident and reported an award for the plaintiff in the amount of $21,000. The arbitration award was then amicably adjusted between the parties, and a stipulation of dismissal was submitted on September 10, 2024.

REFERENCE

Vincent Corea vs. Giovanni Pfister. Docket no. CAML002826-22; Judge Steven J. Polansky, 09-03-24.

Attorney for plaintiff: Daniel K. Snyder of Aronberg & Kouser, PA in Cherry Hill, NJ. Attorney for defendant: Jennifer Hindermann of Voss Nitsberg DeCoursey & Hawley in Iselin, NJ.

Rear End Collision

$150,000 ARBITRATION AWARD

Motor vehicle negligence – Rear end collision – Plaintiff's vehicle struck in rear by defendant's vehicle while stopped in traffic – Head injury – Cervical and lumbar disc bulges – C6-7 disc herniation with cord impingement – Radiculitis – Bilateral carpal tunnel syndrome.

Camden County, NJ

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

On February 19, 2021, the plaintiff's vehicle was traveling on CR 689, at or near its intersection with CR 706 in Gloucester Township, New Jersey. At this time, the plaintiff's vehicle was stopped in traffic at the subject intersection. At the same time, the defendant's vehicle was also traveling on CR 689, directly behind the plaintiff's vehicle. While the plaintiff's vehicle was stopped for traffic, 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 head injury, cervical and lumbar disc bulges, and a C6-7 disc herniation with cord impingement, radiculitis, and bilateral carpal tunnel syndrome. The plaintiff's injuries were treated with 3 lumbar and 3 cervical epidural steroid injections, as well as carpal tunnel decompression surgery. The defendant maintained that the plaintiff had stopped short.

The arbitrators in this case found the defendant 100% liable for the accident and reported an award for the plaintiff in the amount of $150,000. Following arbitration, the defendant's counsel requested a trial de novo, which was scheduled to take place on August 26, 2024. However, a notice of settlement was submitted on July 24, 2024, before the trial could begin. A stipulation of dismissal was submitted on August 19, 2024.

REFERENCE

Gloria Ashby vs. Jessica Amadiz. Docket no. CAML001723-22; Judge Steven J. Polansky, 08-26-24.

Attorney for plaintiff: S. Caroline Granato of Borbi Clancy & Patrizi, LLC in Marlton, NJ. Attorney for defendant: Jeffrey J. Czuba of Hoagland, Longo, Moran, Dunst & Doukas, LLP in New Brunswick, NJ.

$90,000 ARBITRATION AWARD

Motor vehicle negligence – Rear end collision – Plaintiff's vehicle struck in rear by defendant's vehicle while slowing for traffic – Disc herniation at C4-5 – Disc herniation at L5-S1 – Neck pain – Back pain.

Atlantic County, NJ

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

On September 18, 2019, the plaintiff's vehicle was traveling eastbound on West Black Horse Pike in Pleasantville, New Jersey. At the same time, the defendant's vehicle was also traveling eastbound on West Black Horse Pike, directly behind the plaintiff's vehicle. At the time of the incident, the plaintiff's vehicle slowed to accommodate traffic ahead. 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 a disc herniation at C4-5, a disc herniation at L5-S1, neck pain, and back pain. The plaintiff's injuries were treated conservatively, with chiropractic treatment. A doctor for the defendant disputed the causality 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 $90,000. Following arbitration, the defendant's counsel requested a trial de novo, which was scheduled to take place on March 18, 2024. However, on January 31, 2024, the Honorable Sarah Beth Johnson ordered that the case be dismissed, as the parties had reached a settlement for an unspecified amount before the trial began.

REFERENCE

Ivan Mercado-Pineda vs. Angel Melendez. Docket no. ATLL002881-21; Judge Sarah B. Johnson, 01-31-24.

Attorney for plaintiff: Teddy C. Strickland, Jr. of Pender & Strickland, LLC in Atlantic City, NJ. Attorney for defendant: Stephen D. Williams of Brennan & Sponder in Princeton, NJ.

$75,000 ARBITRATION AWARD

Motor vehicle negligence – Rear end collision – Plaintiff's vehicle struck in rear by defendant's vehicle while slowing for traffic – Cervical disc herniations at C4-5 and C5-6 – Lumbar disc herniations at L3-4 and L4-5 – Left forefoot sprain/strain – Left foot metatarsal phalangeal joint synovitis.

Somerset County, NJ

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

On August 9, 2018, the plaintiff's vehicle was traveling eastbound on Interstate 78 in Somerville, New Jersey. At this time, the defendant was also traveling eastbound on Interstate 78, directly behind the plaintiff's vehicle. At the time of the incident, the plaintiff noticed heavy traffic ahead and began to slow his vehicle down. As the plaintiff's vehicle was slowing for traffic, it was suddenly struck in the rear by the defendant's vehicle. The plaintiff maintained that the defendant was negligent in failing to maintain a safe distance from other vehicles, failing to remain adequately attentive, and failing to obey traffic conditions.

Consequently, the plaintiff sustained injuries, including cervical disc herniations at C4-5 and C5-6, lumbar disc herniations at L3-4 and L4-5, left forefoot sprain/strain, and left foot metatarsal phalangeal joint synovitis. The plaintiff's injuries were treated conservatively due to his age, but he did receive 2 injections to the left foot. A doctor for the defendant opined that the plaintiff's spinal injuries were related to degenerative spondylosis, and that the plaintiff did not receive a permanent injury in 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 $75,000. Following arbitration, the defendant's counsel requested a trial de novo. However, the parties entered into a settlement conference on May 3, 2022, where they entered into a settlement for an unspecified amount. A stipulation of dismissal was submitted on July 15, 2023.

REFERENCE

Leon Kleiner vs. Steven Kurland. Docket no. SOML001659-19; Judge Kevin M. Shanahan, 07-15-23.

Attorney for plaintiff: Michael B. Fusco of Levinson Axelrod, P.A. in Edison, NJ.

$47,500 ARBITRATION AWARD

Motor vehicle negligence – Rear end collision – Plaintiff's vehicle struck in rear by defendant's vehicle while stopped at red traffic light – Cervical disc herniation at C4-5 – Cervical disc bulges at C2-3, C3-4 and C5-6 – Lumbar disc herniations at L4-5 and L5-S1 – Lumbar disc bulge at L3-4 – Left elbow pain – Left wrist pain.

Union County, NJ

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

On November 19, 2019, the plaintiff's vehicle was traveling southbound on Tonnele Avenue, at or near its intersection with County Road in Jersey City, New Jersey. At this time, the defendant's vehicle was also traveling southbound on Tonnele Avenue, directly behind the plaintiff's vehicle. At the time of the incident, the plaintiff's vehicle was stopped for a red traffic light at the aforementioned intersection. While the plaintiff's vehicle was stopped, it was suddenly struck in the rear by the defendant's vehicle.

The plaintiff maintained that the defendant was negligent in failing to obey traffic signals, failing to remain adequately attentive, and failing to maintain a safe distance from other vehicles. Consequently, the plaintiff sustained injuries, including cervical disc herniation at C4-5, cervical disc bulges at C2-3, C3-4, and C5-6, lumbar disc herniations at L4-5 and L5-S1, lumbar disc bulge at L3-4, left elbow pain, and left wrist pain. A doctor for the defendant disputed the causality of the plaintiff's injuries 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 $47,500. Following arbitration, neither party moved for a trial de novo, case dismissal/entry of judgment, or confirmation of the arbitration award within 50 days. As such, the case was dismissed by the court on July 10, 2023.

REFERENCE

Jair Saldarriaga vs. Ki Kim. Docket no. UNNL003770-21; Judge John G. Hudak, 07-11-23.

Attorney for plaintiff: William S. Peck of Ginarte Gallardo Gonzalez & Winograd, LLP in Newark, NJ. Attorney for defendant: Charles Gayner of Ehrlich Gayner, LLP in Jersey City, NJ.

DEFENDANT'S VERDICT

Motor vehicle negligence – Rear end collision – Plaintiff's vehicle struck in rear by defendant's vehicle while stopped at red light – Cervical disc herniations at C4-5 and C5-6 – Lumbar disc herniation at L4 – Lumbar disc bulge – Chondromalacia patella.

Middlesex County, NJ

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

On May 16, 2018, the plaintiff's vehicle was traveling northbound on Route 1 North in South Brunswick, New Jersey. At this time, the plaintiff's vehicle was stopped for a red light at an intersection on Route 1 North. At the same time, the defendant's vehicle was also traveling northbound on Route 1 North, directly behind the plaintiff's vehicle. At the time of the incident, the defendant's vehicle struck the plaintiff's vehicle in the rear.

The plaintiff maintained that the defendant was negligent in failing to obey traffic signals including a red light, failing to remain adequately attentive, and failing to maintain a safe distance from other vehicles. Consequently, the plaintiff sustained injuries, including neck and back pain, cervical disc herniations at C4-5 and C5-6, a lumbar disc herniation at L4, lumbar disc bulge, and chondromalacia patella. The plaintiff received epidural injections to treat his neck and back injuries. A doctor for the defendant maintained that the plaintiff had only sustained strains of the cervical and lumbar spine as well as the right knee, and attributed any disc herniations to degeneration.

The arbitrator in this case found the defendant 100% liable and reported an award for the plaintiff in the amount of $50,000. Following arbitration, the defendant's counsel requested a trial de novo. A trial took place before a jury from April 1, 2024, to April 4, 2024, at which time the jury returned a unanimous verdict that the plaintiff did not sustain a permanent injury proximately caused by the subject motor vehicle accident. On April 15, 2024, the Honorable Benjamin S. Bucca, Jr. ordered that a judgment of no cause for action be entered in favor of the defendant.

REFERENCE

Mohammed Saleem vs. Bryan Raymond, Jr. Docket no. MIDL007028-19; Judge Gary K. Wolinetz, 04-03-24.

Attorney for plaintiff: John William Neef of John William Neef & Associates in Carneys Point, NJ. Attorney for defendant: Amanda M. Rochow, of Tango, Dickinson, Lorenzo, McDermott & McGee, LLP in Millburn, NJ.

DEFENDANT'S VERDICT

Motor vehicle negligence – Rear end collision – Defendant strikes rear of plaintiff's lawfully stopped vehicle – Cervical and lumbar disc herniations – Chiropractic and orthopedic care.

Burlington County, NJ

The plaintiff in this vehicular negligence action maintained that she suffered serious injuries to the discs of her cervical and lumbar spine when her stopped vehicle was struck in the rear by the defendant. The defendant claimed that the plaintiff was not injured in the minor collision and denied being responsible for the accident.

On June 20, 2019, the plaintiff was lawfully stopped at the intersection of Route 38 and South Church Street in Moorestown, New Jersey. Suddenly and without warning, the plaintiff's vehicle was struck in the rear by the defendant driver operating a vehicle owned by the defendant car owner.

The plaintiff maintained that the defendant driver failed to maintain a proper lookout, failed to maintain a proper distance and failed to make a proper application of the brakes. The plaintiff suffered neck and back injuries in the accident and underwent chiropractic and orthopedic care. She was diagnosed with disc herniations at C2-3, C5-6, C6-7, L2-3, L3-4 and L4-5. The defense denied liability and argued the collision was minor, the plaintiff's neck and back complaints were longstanding and the plaintiff did not suffer a permanent injury in the collision.

Following arbitration in 2022 where the arbitrator awarded the plaintiff $22,500, the defense requested a trial. The jury found that the defendant was negligent but that the plaintiff failed to prove she was seriously injured. Judgment was then entered in favor of the defendant finding plaintiff had no cause of action against the defendant.

REFERENCE

Kerlene Martin vs. Dawn Kemble. Docket no. Bur-L-2549-20; Judge Eric G. Fikry, 02-15-24.

Attorneys for plaintiff: David S. Kohm, Jeremy W. McKay and Tim Brandenburg of Spear, Greenfield & Richman, PC, in Marlton, NJ. Attorney for defendant: Steven Antinoff of Parker, Young & Antinoff, LLC in Marlton, NJ.

MUNICIPAL LIABILITY

$100,000 JUDGMENT

Municipal liability – Minor plaintiff injured when she trips and falls over broken sprinkler part in public park – Nasal laceration and avulsion to nasal tissue – Bilateral nasal bone fracture – Surgery required.

Hudson County, NJ

In this municipal liability action, the minor plaintiff was injured when she tripped and fell over a broken sprinkler part, which had been left behind in a public park. The defendants generally denied all allegations of negligence.

On May 12, 2021, the minor plaintiff was lawfully walking in Hamilton Park, located in Jersey City, New Jersey. At this time, the park was operated and maintained by the defendant township parks and forest association. While the plaintiff was walking in the park, she suddenly tripped over a broken part of a sprinkler system, which had been left behind by a landscaping company that the defendant parks association had contracted. The plaintiff then fell forward and struck her face on a tree stump, causing her to become injured.

The plaintiffs maintained that the defendants were negligent in failing to remove all parts of the sprinkler system from the park premises, including the broken piece, in failing to prevent a tripping hazard on the premises, and failing to provide safe passage on the premises. Consequently, the plaintiff sustained injuries, including nasal laceration and avulsion to nasal tissue, as well as bilateral nasal bone fractures. The plaintiff's injuries were treated with open reduction and internal fixation surgery.

The arbitrator in this case found the defendants 100% liable for the accident, and reported an award for the minor plaintiff in the amount of $100,000. Following arbitration, the parties entered into a settlement for the same amount. On September 23, 2024, the Honorable Anthony V. Delia ordered that the settlement amount of $100,000 be entered as a judgment in favor of the plaintiffs.

REFERENCE

Evangeline Cordero vs. Jersey City Parks & Forest. Docket no. HUDL000934-22; Judge Kimberly Espinales-Maloney, 07-18-24.

Attorney for plaintiff: Donald Moran of Feintuch, Porwich, and Feintuch, Esqs. in Jersey City, NJ. Attorney for defendant: Philip Adelman of Peter Baker Corporation Counsel in Jersey City, NJ.

$450 ARBITRATION AWARD

Municipal Liability – Plaintiff trips and falls over uneven safety surface at playground owned by defendant township – Bimalleolar fracture of the left ankle – Scarring – Surgery required.

Bergen County, NJ

In this action, the plaintiff sustained injury when she tripped and fell over an uneven safety surface at a playground owned by the defendant township. The defendants generally denied all allegations of negligence.

On March 9, 2019, the plaintiff was a lawful visitor at a playground located on the premises of Milton A Votee Park on Palisade Avenue in Teaneck, New Jersey. On this day, the playground was owned, operated, and maintained by the defendant township. At this time, the plaintiff was attending to her grandchild, and was traversing a part of the playground that had a tiled safety surface floor. While traversing this area of the playground, the plaintiff encountered an uneven section of the floor, which caused her to trip, fall, and become injured.

The plaintiff maintained that the defendants were negligent in failing to repair a broken or uneven section of the safety surface floor, failing to prevent a tripping hazard on the premises, and failing to provide safe passage. Consequently, the plaintiff sustained injuries, including bimalleolar fractures of the left ankle, which required 2 open reduction and internal fixation surgeries to repair, as well as the placement of hardware. The plaintiff was also left with severe scarring.

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 $450. Following arbitration, the plaintiff's counsel requested a trial de novo, which was scheduled to take place on September 9, 2024. However, the parties entered into a settlement on September 6, 2024, before the initial hearing. A stipulation of dismissal was submitted on September 24, 2024.

REFERENCE

Luz Arrojo vs. Township of Teaneck. Docket no. BERL001544-21; Judge Thomas A. Sarlo, 09-24-24.

Attorney for plaintiff: Peter De Frank of De Frank McCluskey & Kopp, LLC in Wayne, NJ. Attorney for defendant: John L. Shahdanian, II, Esq. of McCusker, Anselmi, Rosen & Carvelli, P.C. in Florham Park, NJ.

PERSONAL NEGLIGENCE

$65,098 ARBITRATION AWARD

Personal negligence – Employer liability – Plaintiff struck by bicyclist working for pizza restaurant – Negligence in operating bicycle on sidewalk – Shoulder tear and impingement – Aggravation of previous shoulder and back injuries.

Hudson County, NJ

In this personal negligence action, the plaintiff pedestrian was struck by a bicyclist working for the defendant pizza restaurant and delivery service, causing him to become injured. The defendants generally denied all allegations of negligence.

On November 16, 2021, the plaintiff was walking on the sidewalk on 24th Street, near a pizza restaurant, in Union City, New Jersey. At the same time, the defendant, working for the pizza restaurant as a delivery person, was riding a bicycle on the same sidewalk at a fast speed. At the time of the incident, the defendant bicyclist struck the plaintiff.

The plaintiff maintained that the defendants were negligent in operating a bicycle on the sidewalk, failing to observe the plaintiff walking on the sidewalk, and failing to avoid striking the plaintiff. Consequently, the plaintiff sustained injuries, including shoulder tear and impingement, as well as aggravation of previous shoulder and back injuries.

The arbitrator in this case found the defendants 100% liable for the accident and reported an award for the plaintiff in the amount of $65,098. Following arbitration, the defendants' counsel requested a trial de novo, which was scheduled to begin on July 22, 2024. However, the parties entered into a settlement prior to the initial hearing. A stipulation of dismissal was submitted on August 6, 2024.

REFERENCE

Obdulio Romero vs. Dominos Pizza, Inc., Richard Roe. Docket no. HUDL003003-22; Judge Anthony V. Delia, 07-11-24.

Attorney for plaintiff: Yolanda Navarrete of Yolanda Navarrete, LLC in Morristown, NJ. Attorney for defendant: James H. Foxen of Methfessel & Werbel, Esqs. in Edison, NJ.

PREMISES LIABILITY

Fall Down

$226,000 ARBITRATION AWARD

Premises liability – Fall down – Plaintiff slips and falls on water at defendant department store – Disc herniation at L5-S1 – Hip labral tear – Wrist tear – Surgery required.

Bergen County, NJ

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

On May 23, 2020, the plaintiff was a lawful visitor and business invitee at the defendant department store, located on the premises of 630 Main Street in Hackensack, New Jersey. At this time, the plaintiff was traversing inside the store, when she encountered an accumulation of water on the floor. The plaintiff then slipped on the water and fell.

The plaintiff maintained that the defendants were negligent in failing to remove water from the floor, failing to prevent a slipping hazard on the premises, and failing to provide safe passage inside the store. Consequently, the plaintiff sustained injuries, including a disc herniation at L5-S1, a hip labral tear, and a wrist tear, which required arthroscopic surgery to repair. A doctor for the defendants opined that the plaintiff's injuries were degenerative and were not permanent.

The arbitrator in this case found the defendants 100% liable for the accident and reported an award for the plaintiff in the amount of $226,000. Following arbitration, the plaintiff's counsel requested a trial de novo, which was scheduled to begin on September 30, 2024. However, the parties entered into a settlement on September 11, 2024, before the trial could begin. A stipulation of dismissal was submitted on September 19, 2024.

REFERENCE

Andrea Dumani vs. Target Store #1330. Docket no. BERL002262-22; Judge William C. Soukas, 09-11-24.

Attorney for plaintiff: Michael T. Buonocore of Lynch Lynch Held Rosenberg, P.C. in East Hanover, NJ. Attorney for defendant: Thomas M. Madden of Morrison Mahoney, LLP in Parsippany, NJ.

$126,000 ARBITRATION AWARD

Premises liability – Fall down – Plaintiff trips and falls over pallet of wine bottles at defendant liquor store – Failure to prevent tripping hazard on premises – Right hand injury – Lumbar spine injury.

Burlington County, NJ

In this premises liability action, the plaintiff tripped and fell over a pallet of wine bottles at the defendant liquor store, causing her to become injured. The defendants generally denied all allegations of negligence.

On June 23, 2021, the plaintiff, in the scope of her employment, was working to deliver wine to the defendant liquor store, located on the premises of 1218 West Brigantine Avenue in Brigantine, New Jersey. At this time, the plaintiff was traversing inside the store, when she encountered a pallet of wine bottles on the floor. The plaintiff then tripped over the pallet of wine.

The plaintiff maintained that the defendants were negligent in failing to prevent a tripping hazard on the premises, failing to provide safe passage on the premises, and failing to remove a pallet of wine bottles from the floor. Consequently, the plaintiff sustained injuries, including an injury to the right hand, which required surgery that resulted in possible contracture. The plaintiff also sustained lumbar spine injuries, which were treated with epidural steroid injections as well as a fusion surgery. A doctor for the defendants opined that the plaintiff's injuries were degenerative.

The arbitrator in this case found the defendants 63% liable for the accident and the plaintiff 37% liable. The arbitrator reported an award for the plaintiff in the amount of $126,000. Following arbitration, the parties entered into a settlement conference on September 3, 2024, where they entered into a settlement. A stipulation of dismissal was submitted on October 4, 2024.

REFERENCE

Carolyn McCarthy vs. 1218 Brigantine Beverage Distribution. Docket no. BURL002382-22; Judge James J. Ferrelli, 09-03-24.

Attorney for plaintiff: Anthony J. Frese of Nowell, PA in Hackensack, NJ. Attorney for defendant: Donald J. Bigley of Law Office of Charles A. Little, Jr. in Moorestown, NJ.

SUMMARY JUDGMENT FOR DEFENDANTS

Premises liability – Fall down – Plaintiff trips and falls over large rocks while walking on island in shopping center parking lot – Comminuted fracture of the right humerus – Surgery required.

Hudson County, NJ

In this premises liability action, the plaintiff tripped and fell over large rocks while walking on an island in the parking lot at the defendant shopping plaza, causing him to become injured. The defendants generally denied all allegations of negligence, maintaining that the island was safe and did not violate any standards in regard to liability.

On January 28, 2020, the plaintiff was walking in a parking lot on the premises of the defendant shopping plaza, located at 125 Eighteenth Street in Jersey City, New Jersey. At this time, the plaintiff was attempting to walk on an island in the parking lot, which was made mostly of large stones. While he was walking on the island, the plaintiff tripped over the stones and fell.

The plaintiff maintained that the defendants were negligent in failing to provide safe passage in the parking lot, failing to ensure the safety of the parking lot, and failing to ensure the safety of the island. The plaintiff sustained injuries, including a comminuted fracture of the right humerus, which required open reduction and internal fixation surgery to repair. A doctor for the defendants opined that the plaintiff did not sustain a permanent injury in the accident.

The arbitrator in this case found the defendants 50% liable for the accident, and the plaintiff 50% liable. The arbitrator reported a net award for the plaintiff in the amount of $50,000. Following arbitration, the defendants' counsel requested a trial de novo, and motioned for summary judgment, which was to be decided on July 19, 2024. On July 19, 2024, the Honorable Suzanne Lavelle ordered that summary judgment be granted in favor of the defendants. The trial de novo was consequently cancelled.

REFERENCE

Angel Jimenez-Quezada vs. Newport Centre, LLC. Docket no. HUDL000258-22; Judge Kimberly Espinales-Maloney, 07-19-24.

Attorney for plaintiff: Karina Garcia of Garces Grabler & LeBrocq, PC in Jersey City, NJ. Attorney for defendant: Cynthia Birkitt of Law Offices of James H. Rohlfing in Morristown, NJ.

Hazardous Premises

$88,000 ARBITRATION AWARD

Premises liability – Hazardous premises –- Plaintiff injured when picnic table bench at defendant campground becomes dislodged and falls – Failure to inspect campground – Left wrist scaphoid fracture – Bilateral knee injury – Lumbar spine injury – Surgery required.

Camden County, NJ

In this premises liability action, the plaintiff was injured when a picnic table bench at the defendant campground became dislodged and fell. The defendants generally denied all allegations of negligence.

On May 21, 2021, the plaintiff was a lawful visitor at the defendant campground, which was located on the premises of 362 Seashore Road in Cape May, New Jersey. The plaintiff was staying at one of the campsites with her family. At this time, the plaintiff was seated at a picnic table with an attached bench at the subject campsite. While the plaintiff was sitting on it, the bench attached to the table became dislodged and fell away, causing the plaintiff to fall as well.

The plaintiff maintained that the defendants were negligent in failing to inspect the campground, failing to ensure the safety of all campground equipment including the subject table/bench, and failing to warn of a hazardous or defective condition on the premises. Consequently, the plaintiff sustained injuries, including a left wrist scaphoid fracture, bilateral knee injuries, and lumbar spine injury. The plaintiff's wrist fracture was treated with open reduction and internal fixation surgery. The plaintiff also had to undergo a right knee arthroscopic surgical procedure, and received epidural steroid injections to the cervical and lumbar spine. A doctor for the defendants disputed the nature and causality of the plaintiff's back injuries.

The arbitrator in this case found the defendants 100% liable for the accident and reported an award for the plaintiff in the amount of $88,000. Following arbitration, the plaintiff's counsel requested a trial de novo, which was scheduled to begin on September 16, 2024. However, on September 5, 2024, the parties entered into a settlement prior to the initial trial hearing. A stipulation of dismissal was submitted on September 25, 2024.

REFERENCE

Olga Sanchez vs. Beachcomber Campground, Inc. Docket no. CAML002845-22; Judge John S. Kennedy, 09-25-24.

Attorney for plaintiff: Thomas F. Flynn of Flynn Law Firm, PC in Mount Laurel, NJ. Attorney for defendant: Daniel Marconi of Law Offices of Barnaba & Marconi, LLP in Trenton, NJ.

STATE LIABILITY

DEFENDANT'S JUDGMENT

State liability – Plaintiff resident slips and falls on wet stair at defendant corrections facility – Disc herniation at L5-S1.

Essex County, NJ

In this action, the plaintiff resident slipped and fell on a wet stair at the defendant, State of New Jersey, corrections facility, causing him to be injured. The defendants generally denied all allegations of negligence on the grounds that there were no unreasonably dangerous conditions on the premises.

On December 5, 2020, the plaintiff was traversing inside the defendant corrections facility, located on the premises of 168 Frontage Road in Newark, New Jersey, where he was a resident. At this time, the plaintiff was descending a set of stairs inside the facility near his residence in the E-300 unit. It is noted in the complaint that there was an ongoing leak from the roof that affected the subject stairs. While the plaintiff was walking down the stairs, he slipped on an accumulation of water from the leak and fell.

The plaintiff maintained that the defendants were negligent in failing to repair an ongoing leak, failing to prevent a slipping hazard on the premises, and failing to warn of hazardous conditions on the premises. Consequently, the plaintiff sustained injuries, including a herniated disc at L5-S1. The plaintiff's injury was treated with 2 medial branch block injections. A doctor for the defendants disputed both causation and permanency.

The arbitrator in this case found the defendants 100% liable for the accident, but did not report an award for the plaintiff due to the plaintiff's medical bills not meeting a required minimum amount. Following arbitration, the defendants motioned for the arbitration outcome to be confirmed. The Honorable L. Grace Spencer confirmed the arbitration of No Cause in favor of the defendants on July 5, 2024. The case was dismissed the same day.

REFERENCE

Wayne Hodges vs. New Jersey Department of Corrections. Docket no. L006868-21; Judge L. Grace Spencer, 07-05-24.

Attorney for plaintiff: Brian M. Dratch of The Dratch Law Firm, P.C. in Livingston, NJ. Attorney for defendant: Matthew J. Platkin, Acting Attorney General of New Jersey in Trenton, 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

$6,800,000 VERDICT – MEDICAL MALPRACTICE – SURGEON NEGLIGENCE – DEFENDANT SURGEON ALLOWS ABLATION PROBE TO MIGRATE DURING SURGERY – LACERATION TO DECEDENT'S STOMACH WHICH DEFENDANT DOES NOT PROPERLY ADDRESS – IMPROPER DISCHARGE – WRONGFUL DEATH AND SURVIVAL ACTION.

Philadelphia County, PA

The plaintiff in this medical malpractice/wrongful death action is the daughter of the decedent. She maintained that the defendant doctor and hospital were negligent in causing a perforation to the decedent's stomach during a liver ablation and then discharging the decedent without adequately addressing the perforation. She returned to the hospital days after discharge reporting significant chest pain and shortness of breath but was sent home. She returned to the hospital on March 11, 2020, and was diagnosed with sepsis. She remained in the hospital until her death on April 13, 2020. The defendants denied all allegations and argued that the decedent was treated in accordance with all medical standards.

The plaintiff claimed that the surgery was improperly performed and one of the needle probes used in the procedure moved out of place and perforated the plaintiff's stomach. The estate maintained that the defendant surgeon was negligent an improperly performing the liver ablation procedure, failing to provide proper care and providing care that was not in accordance with medical standards. The plaintiff also claimed that the defendant hospital was vicariously liable for the acts of the defendant surgeon.

The jury awarded the estate $3.3 million in wrongful death damages and $3.5 million in survival damages.

REFERENCE

The Estate of Thelma Stanton by Elizabeth Haslett vs. Kevin F. Anton, M.D and Thomas Jefferson University. Case no. 220400891; Judge Angelo Foglietta, 11-22-24.

Attorney for plaintiff: Barry Magen of Kline & Specter in Philadelphia, PA. Attorney for defendant: Marshall Schwartz of O'Brien & Ryan in Plymouth Meeting, PA.

$4,000,000 JUDGMENT – MEDICAL MALPRACTICE – PSYCHIATRY – DEFENDANT PSYCHIATRIST NEGLIGENTLY PRESCRIBED DRUG KNOWN TO HAVE RISK FOR BIRTH DEFECTS IN DOSAGE BEYOND FDA RECOMMENDED LEVEL TO PLAINTIFF MOTHER WHO BECAME PREGNANT WHILE ON MEDICATION – PLAINTIFF INFANT BORN WITH SEVERE CLEFT PALATE – 6 SURGERIES BY AGE 8 – MULTITUDE OF ISSUES CENTERED ON CLEFT PALATE – FUTURE SURGERIES REQUIRED.

Suffolk County, NY

In this medical malpractice case, the infant plaintiff asserted that the defendant psychiatrist prescribed a drug that was known to cause birth defects despite knowing that the plaintiff mother had a history of multiple pregnancies and failed to inform her of the risks and advise her not to become pregnant while taking the medication. As a result, the plaintiff infant was born with a severe bilateral cleft lip and palate; hearing loss and a speech impediment. The plaintiff required multiple surgeries and treatments. The plaintiff also brought suit against the drug's manufacturer asserting that they knew of the risks of the drug to pregnant mothers and failed to remove the drug from the market and also promoted the anti-seizure medication for off-label use. The defendants denied negligence and argued that the plaintiff mother had a significant mental health history, and the care and treatment rendered by the defendants, and the medications prescribed were an integral part of the treatment performed.

The plaintiff contended that Topamax is a dangerous and contraindicated medication to pregnant women with dangerous side effects, and that the plaintiff

mother's use of the medication prior to and during her pregnancy with the infant plaintiff resulted in injuries to the infant plaintiff. The plaintiff asserted that he suffered pain and suffering and is left with permanent scarring of which he is self-conscious and had impacted his childhood activities and is ongoing. During the first 8 years of his life, the infant plaintiff underwent 6 separate surgical procedures to repair the substantial cleft injuries and associated complications.

The jury found in favor of the plaintiff and awarded damages in the amount of $4,000,000 broken down as follows: $3,000,000 for past pain and suffering and $1,000,000 for future pain and suffering.

REFERENCE

Schaller vs. Tadeo, M.D., et al. Index no. 026910/2012; Judge C. Stephen Hackeling, 05-06-24.

Attorney for plaintiff: Joseph L. Ciaccio of Napoli Shkolnik, PLLC in Melville, NY. Attorney for defendant: Anina H. Monte of Martin Clearwater & Bell, LLP in East Meadow, NY.

$1,000,000 SETTLEMENT – MEDICAL MALPRACTICE – NURSING AND REHABILITATION CENTER NEGLIGENCE – DEFENDANT FACILITY ALLOWS DECEDENT TO SUFFER 2 FALLS IN 2-WEEK PERIOD RESULTING IN FATAL HEMORRHAGE – FAILURE TO PROPERLY ASSESS DECEDENT FOR FALL RISK – WRONGFUL DEATH OF 84-YEAR-OLD MALE.

Montgomery County, PA

In this action for medical malpractice, the plaintiff's decedent was hospitalized with heart issues and underwent surgery. He was discharged from the hospital to the defendant's nursing and rehabilitation center. The day after being admitted, the decedent fell and injured his head, requiring 16 staples. Less than 2 weeks later, he fell again, sustaining a fatal head injury. The estate alleged that the defendant facility provided substandard care to the decedent. The defendant facility denied all allegations of negligence and injury.

The estate claimed the defendant facility failed to perform a proper fall risk assessment, failed to implement proper fall prevention measures, negligently removed fall prevention measures without physician guidance, and provided substandard care. The estate made claims for wrongful death and survival. The decedent is survived by his wife of over 50 years who suffers from dementia and post-stroke complications, and 3 adult daughters.

The parties settled their dispute for $1,000,000, allocated at 50% wrongful death and 50% survival claim.

REFERENCE

The Estate of Wilbur Harry Drew by Joanne Dre vs. Genesis Healthcare Inc. dba Powerback Rehabilitation 3485 Davisville Road. Case no. 2020-01492; Judge Steven C. Tolliver, 10-16-24.

Attorneys for plaintiff: Thomas R. Kline and Lorraine Donnelly of Kline & Specter in Philadelphia, PA. Attorney for defendant: Thomas M. Chairs of Gordon Rees Scully Mansukhani in Harrisburg, PA.

MOTOR VEHICLE NEGLIGENCE

$17,476,817 VERDICT – MOTOR VEHICLE NEGLIGENCE – INTERSECTION COLLISION – DEFENDANT TRUCK OPERATOR DISREGARDS STOP SIGN AND ENTERS INTERSECTION LAWFULLY OCCUPIED BY PLAINTIFFS, STRIKING PLAINTIFFS VEHICLE – TRAUMATIC BRAIN INJURY AND ORTHOPEDIC INJURIES TO ELDERLY DRIVER AND PASSENGER – DAMAGES ONLY.

Kings County, CA

The plaintiffs in this vehicular negligence action maintained they suffered multiple fractures and traumatic brain injuries when their vehicle was lawfully proceeding through an intersection and it was struck by a truck owned, controlled and operated by the defendants. The defendant disregarded a stop sign. The plaintiff driver suffered a moderate traumatic brain injury with cervical and lumbar sprain and strain, radiculopathy, sternal fracture, rib fractures, tibial fracture and a collapsed lung. The plaintiff passenger suffered a severe traumatic brain injury, facial lacerations, degloving injury of the right hand, rib fractures, pubic fracture, humerus fracture and lumbar sprain with radiculopathy. The defendants stipulated liability but denied the extent of the plaintiffs' injuries.

The plaintiff alleged that the defendant driver was negligent in failing to keep a proper lookout, failing to stop for a posted stop sign and failing to yield to the plaintiff's vehicle in the intersection. The plaintiffs also alleged that the defendant company was vicariously liable for the acts of the defendant driver.

The jury awarded the plaintiff driver Musick $173,944 in past medicals, $1,800,000 in future medicals, $1,725,000 in past pain and suffering and $4,150,000 in future pain and suffering. The jury awarded the plaintiff passenger Dutton, $327,873 in past medical expenses, $1,800,000 in future medical expenses, $3,500,000 in past pain and suffering and $4,000,000 in future pain and suffering for a total verdict of $17,476,817.

REFERENCE

Barbara Musick and Gayle Dutton vs. City of Hanford and Damian Espinoza. Case no. 23CU0185; Judge Valerie Chrissakis, 08-29-24.

Attorneys for plaintiff: Ashkahn Mohamadi and Bobby Taghavi of Sweet James in Newport Beach, CA.

$1,000,000 GROSS VERDICT – MOTOR VEHICLE NEGLIGENCE – REAR END COLLISION – PLAINTIFF REAR-ENDED BY DEFENDANT TRACTOR-TRAILER – DISC HERNIATIONS; RIGHT SHOULDER ROTATOR CUFF TENDONITIS AND PARTIAL TEAR; LEFT KNEE TORN MEDIAL MENISCUS – EPIDURAL AND TRIGGER POINT INJECTIONS – 3 SURGERIES.

Queens County, NY

In this motor vehicle negligence case, the plaintiff asserted that the defendant truck driver struck his vehicle from behind with such force that it caused significant, permanent injury. The plaintiff was taken by ambulance to the hospital from the scene of the accident. The plaintiff sustained mutliple cervical disc herniations and bluges, right shoulder rotator cuff tendonitis and partial tear; left knee torn medial meniscus and post-surgical scarring of the neck and left knee. The plaintiff underwent trigger point injections and ultimately underwent 3 surgeries, to his neck, lower back, and left knee. The defendants denied negligence and asserted that the plaintiff stopped suddenly in front of the defendants' truck creating an emergency situation.

The defendants also contested the plaintiff's damages, claiming that the plaintiff's injuries were not significant, not permanent and not causally related to the subject collision.

The court granted the plaintiff's motion for partial summary judgment on the issue of liability by order, dated November 21, 2019 and the matter proceeded to trial on the issues of the plaintiff's comparative fault, and damages.

The jury found the plaintiff 40% at fault and the defendant 60% at fault with gross damages of $1,000,000 broken down as follows: $57,000 for past medical expenses; $943,000 for future medical expenses. The plaintiff's award was reduced to $600,000 for plaintiff's comparative negligence.

REFERENCE

Diaz vs. ABF Freight System, Inc., et al. Index no. 704680/2019; Judge Denise N. Johnson, 03-26-24.

Attorney for plaintiff: Wayne Wattley of Elefterakis, Elefterakis & Panek in New York, NY.

PREMISES LIABILITY

$2,750,000 VERDICT – PREMISES LIABILITY – FALL DOWN – PLAINTIFF SLIPS AND FALLS ON GREASE ON FLOOR WHILE WALKING TO RESTROOM IN DEFENDANT'S RESTAURANT – HIP FRACTURE – OPEN REDUCTION AND INTERNAL FIXATION.

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

This action for premises liability arose when the plaintiff, her husband and some friends were dining at the defendant's restaurant in New Jersey. The plaintiff was walking to the restroom when she slipped and fell on grease on the floor. The plaintiff was unable to get up and was taken from the scene to a local hospital by EMS. The plaintiff suffered a displaced and comminuted fracture of her left upper femur and underwent open reduction internal fixation surgery. The defendant stipulated liability.

The plaintiff maintained she slipped and fell in the area outside of the kitchen where servers enter and exit with food and beverages. The plaintiff maintained the defendant restaurant was negligent in failing to keep the premises free and clear of grease, failing to make proper inspections to the premises and allowing a defective and dangerous condition to exist on the floor. Her husband made a claim for loss of consortium.

A jury found in favor of the plaintiff awarding her damages of $2,500,000 and awarding her husband $250,000 for loss of consortium.

REFERENCE

Plaintiff's engineer expert: Scott D. Moore, PE, CSP from Voorhees, NJ.

Deborah and Roger Nagy vs. Outback Steakhouse of Florida, LLC. Docket no. 19-cv-18277; Judge Robert Kirsch, 04-04-24.

Attorney for plaintiff: Alex Steven Capozzi of Brach Eichler in Roseland, NJ. Attorney for defendant: Norman William Briggs of Briggs Law Office, LLC in Marmora, NJ.

$2,500,000 VERDICT – PREMISES LIABILITY – NEGLIGENT SECURITY – PLAINTIFF SHOT AT DEFENDANTS' NIGHTCLUB, CLAIMS DEFENDANTS HAD NOTICE OF MULTIPLE, PRIOR SIMILAR INCIDENTS – LOSS OF KIDNEY – LIFE-LONG NEPHROLOGY TREATMENT; SURGERIES AND PERMANENT SCARRING.

Miami-Dade County, FL

In this premises liability case, the plaintiff asserted that the defendants, a property owner and its tenant, a nightclub, failed to provide adequate security at the subject nightclub even though they had prior knowledge of acts of violence in and around the premises. The plaintiff asserted that the defendants' negligence resulted in an assault on the plaintiff with a firearm that caused her significant, permanent injury. As a result of the gunshot wound, the plaintiff underwent removal of one kidney and claimed she will have lifelong medical issues due to the loss of her kidney. The defendant nightclub denied negligence and asserted that it was not foreseeable that a patron might smuggle a firearm into the club and use it to assault the plaintiff.

The plaintiff presented expert medical testimony that her one remaining kidney will have to work harder and that there will be a lower function of the overall kidney since she no longer has 2 kidneys. The plaintiff's second medical expert testified that the plaintiff will need to treat with a nephrologist for life and will need 2 operations for abdominal reconstruction and surgery and to remove her visible scar, as well as psychiatric/psychological care to deal with the emotional trauma of the shooting.

The jury found in favor of the plaintiff, that the event was foreseeable and that there was negligence on the part of the defendant nightclub of 75% and the defendant owner of the property at 25%. The jury awarded damages in the amount of $2.5 million broken down as follows: $120,000 for past medical expenses; $600,000 for future medical expenses; $305,000 for past pain and suffering; and $1,475,000 for future pain and suffering. Following the defendant's motion for remittitur on medical damages, the plaintiff's award was reduced to $47,000 for past medical expenses and $60,000 for future medical expenses, damages for pain and suffering remained undisturbed, thus the plaintiff's total recovery was $1,887,000.

REFERENCE

Hudson vs. Cosmic Corporation, et al. Case no. 2014027492CA01; Judge David C. Miller, 02-29-24.

Attorneys for plaintiff: William Souza and Ted Roemer of The Law Offices of William F. Souza, P.A. in North Miami Beach, FL.

$1,200,000 VERDICT – PREMISES LIABILITY – MUNICIPAL LIABILITY – FALL DOWN – PLAINTIFF TRIPS AND FALLS ON UNEVEN SIDEWALK OWNED AND MAINTAINED BY DEFENDANTS WHILE JOGGING – FAILURE TO REPAIR DEFECTIVE SIDEWALK – RIGHT RADIUS ULNA FRACTURE – SURGERY – FUTURE SURGERY REQUIRED.

Union County, NJ

The plaintiff in this premises liability action alleged she suffered serious and permanent injury to her right wrist when she was jogging and tripped and fell on an uneven sidewalk controlled and maintained by the defendants. The plaintiff sustained a right distal radius fracture which required open reduction and internal fixation. Her hardware then had to be removed. In addition, the plaintiff suffered a frozen right shoulder. She will likely require future surgery for her injuries. Each defendant denied being negligent and blamed the other defendant and the plaintiff for the incident.

The plaintiff maintained that the defective sidewalk was improperly maintained by the defendants. The defendant Lince argued the sidewalk was not theirs as it was 4 feet north of Lince's property line. They maintained that the plaintiff tripped on property owned and controlled by the defendant Township of Scotch Plains. The defendant Township argued that regardless of the cause of the lifted and or damaged sidewalk, the municipal ordinance requires that the abutting commercial property owner repair and or replace unsafe and or defective sidewalk surfaces.

The case had previously been arbitrated and the plaintiff was awarded $280,000 reduced by her comparative negligence of 25% for a net of award of $210,000. The plaintiff attorney made a request for de Novo trial and this jury trial followed. The jury awarded the plaintiff pain and suffering damages of $1,200,000. The jury apportioned liability at 90% against the defendant Lince and 10% against the plaintiff. The award was then reduced accordingly to $1,080,000. Prejudgment interest brought the total award to $1,219,234.20. Originally the tenants of the multi-unit commercial building were named as defendants in the case but the claims against the tenants did not make it to trial. Post trial activity is pending on the docket.

REFERENCE

Plaintiff's engineering expert: James Kennedy from Red Bank, NJ.

Ellen and Keith English vs. Lince Group, LLC, and The Township of Scotch Plains. Docket no. UNN L000219-20; Judge John G. Hudak, 02-06-24.

Attorney for plaintiff: Patrick Flinn of Levinson Axelrod, PA in Raritan, NJ. Attorney for defendant: Richard Guss of DiFrancesco, Bateman, Kunzman, Davis, Lehrer & Flaum, P.C. in Warren, NJ. Attorney for defendant: Neil A. Tortora of Morrison Mahoney, LLP in Parsippany, NJ.

ADDITIONAL VERDICTS OF PARTICULAR INTEREST

Civil Assault

$2,000,000 SETTLEMENT – CIVIL ASSAULT – MINOR FEMALE PLAINTIFF ASSAULTED BY STUDENT ON BUS OWNED, CONTROLLED AND OPERATED BY DEFENDANTS – FAILURE TO SAFEGUARD WELL BEING OF MINOR PLAINTIFF – SEVERE EMOTIONAL DISTRESS – 25 DISTINCT BITE AND PINCH MARKS.

Lancaster County, PA

The minor plaintiff in this action sustained injury when she was riding home on the defendant's bus after the school day and she was assaulted by another student on the bus and the defendant bus driver failed to intervene. The minor plaintiff suffered at least 25 distinct bite and pinch marks on her body along with severe emotional distress. The defendants denied all allegations contained in the plaintiffs' complaint.

As the van began to leave the school, a male student began repeatedly turning in his seat grabbing, scratching and pinching the minor plaintiff causing her to repeatedly yell "ow" and she repeatedly say "he hurt me". The minor's calls for help were ignored and the defendant bus driver willfully and wantonly failed to take any action to stop the assault. The assault on the minor plaintiff was continuous for nearly the remainder of the ride and was caught on videotape.

The assault only ended when the bus driver stopped at the minor's home and her parents heard her pleas for help. The plaintiffs maintained that the defendant bus driver willfully, wantonly and/or negligently failed to protect the well-being of his passenger, failed to intervene during the assault and failed to immediately stop and report the incident to his supervisors.

The parties settled for $2,000,000.

REFERENCE

K.S. a minor by ad through her pngs Nicholas Stevenson and Donya McCoy vs. Rohrer Enterprises, Inc. dba Rohrer Bus and Jeffrey Wert. Case no. CI-21-08934; Judge Jeffery D. Wright, 02-02-24.

Attorney for plaintiff: Adam G. Kornblau of Kornblau & Kornblau in Jenkintown, PA. Attorney for defendant: Stephen E. Geduldig of Pion, Nerone, Girman, Winslow & Smith, P.C. in Harrisburg, PA.

County Liability

$3,000,000 VERDICT – COUNTY LIABILITY – POLICE NEGLIGENCE – AUTO/BICYCLIST COLLISION – PLAINTIFF'S HUSBAND BICYCLIST STRUCK AND KILLED BY DEFENDANT COUNTY'S POLICE OFFICER SPEEDING TO NON-EMERGENT CALL IN VIOLATION OF POLICE PROCEDURES – PLAINTIFF'S DECEDENT LEAVES BEHIND PLAINTIFF WIFE AND 9-MONTH-OLD INFANT – DEFENDANT ARGUES OFFICER RESPONDING TO CRIME IN PROGRESS AND PLAINTIFF'S DECEDENT UNEXPECTEDLY FELL INTO ROADWAY.

Miami-Dade County, FL

In this case, the plaintiff asserted that the defendant county's police officer was unnecessarily speeding to a non-emergency call when he struck the plaintiff's decedent bicyclist and killed him. The defendant officer denied negligence, arguing that he was not speeding at the time of the collision and that he did not expect, nor could he have anticipated, the decedent abruptly and unexpectedly falling off of his bike into the defendant's lane of travel.

The plaintiff presented evidence that the defendant was traveling in excess of 60 mph on a residential street. The plaintiff contended that the defendant negligently failed to follow proper police procedure that allows for officers to operate their vehicles in excess of the speed limit only when responding to certain types of calls, typically of an emergent nature. The plaintiff asserted that, had the defendant been following procedure, he would have been traveling at a speed where he would have been able to avoid hitting the cyclist in the roadway.

The jury found in favor of the plaintiff and awarded damages in the amount of $3,000,000 broken down as follows: $1,500,000 in damages to the surviving spouse and $1,500,000 in damages to the surviving child.

REFERENCE

Malpica vs. Miami-Dade County, et al. Case no. 2021-021127-CA-01; Judge Migna Sanchez-Llorens, 02-13-24.

Attorneys for plaintiff: Mark Helse, Luis Suarez, Mary-Kathryn Takuchl and Michael Caballero of Heise Suarez Melville, P.A. in Coral Gables, FL. Attorney for defendant: Nicole Ramos-Barreau of Assistant County Attorney in Miami, FL.

Municipal Liability

$2,850,000 RECOVERY – MUNICIPAL LIABILITY – POLICE LIABILITY – OFFICER DRIVING RECKLESSLY TO MALL/SCENE OF CARJACKING AFTER NUMBER OF OFFICERS ALREADY ARRIVED LOSES CONTROL AND FATALLY STRIKES SIDEWALK PEDESTRIAN – WRONGFUL DEATH OF 65-YEAR-OLD FEMALE FROM SEVERE BLUNT FORCE TRAUMA – SEVERAL MINUTES OF CONSCIOUS PAIN AND SUFFERING.

Passaic County, NJ

In this case, the plaintiff contended that the defendant police officer on duty with the defendant municipality acted in a reckless manner after an attempted carjacking at a mall situated approximately 20 minutes away, and at which a number of police officers had already arrived. The plaintiff maintained that defendant traveled at a high rate of speed on a roadway containing 2 lanes in each direction, drove into the on-coming lane where he lost control and struck the 65-year-old pedestrian who was walking on the sidewalk, causing her to sustain fatal injuries. The decedent left a husband and 2 adult children. The defendant denied that the plaintiff's claims were accurate.

The defendant asserted that he lost control because an unidentified driver in the right lane cut him off while attempting to make a left turn from the right lane as the officer was in the left lane. The plaintiff countered that a video from a nearby business was inconsistent with the defendant's position and supported the plaintiff's version.

The plaintiff's anesthesiologist would have maintained that the cause of death was severe blunt force trauma. The plaintiff contended that the decedent had several minutes of conscious pain and suffering.

The case settled before motions for $2,850,000.

REFERENCE

Plaintiff's anesthesiologist expert: Peter Salgo, M.D. from New York, NY. Plaintiff's economist expert: Kristen Kuzma from Livingston, NJ.

Lee vs. City of Clifton, et al. Docket no. PAS-L-1872-21, 10-24.

Attorney for plaintiff: Andrew O'Connor of Nagel Rice, LLP in Roseland, NJ.

FELA

$10,000,000 VERDICT – FELA – DEFENDANT RAILROAD COMPANY FAILS TO PREVENT TRESPASSERS FROM THROWING PROJECTILES AT PASSING TRAINS CREATING HAZARDOUS CONDITION THAT CAUSED PLAINTIFF CONDUCTOR TO BECOME DISORIENTED WHILE OPERATING TRAIN AND LOSE CONTROL RESULTING IN DERAILMENT – CONCUSSION – CONTUSIONS, ABRASIONS AND LACERATIONS – POST-CONCUSSION SYNDROME – PTSD.

The plaintiff in this FELA action was a conductor for the defendant railroad company. The plaintiff was operating a train in Philadelphia, where criminals are known to throw rocks and projectiles at trains. Despite knowing this, the defendants failed to take proper action to prevent the dangerous situation. The plaintiff conductor lost control of the train, and the train derailed when he was distracted by reports of criminal mischief near the tracks. As a result, the plaintiff suffered injuries to his head, back, legs and post-concussion syndrome. In addition, the plaintiff has suffered severe psychological injuries as a result of the accident in which 8 people died and 185 people were rushed to the hospital. The defendant denied all allegations of negligence and argued that it was the plaintiff conductor and/or the acts of the criminals tossing projectiles that caused the incident.

The plaintiff maintained that the defendant railroad company was negligent in failing to provide the plaintiff with a safe environment to work in, failing to provide proper training and adequate safety protection, failing to warn the plaintiff of the existence of the dangerous condition and failing to maintain the area in a condition which would protect and safeguard the plaintiff.

The jury found that the defendant was 98% negligent and the plaintiff 2% negligent. The jury awarded the plaintiff past lost wages of $1,500,000 and $8,500,000 in pain and suffering for a total verdict of $10,000,000 which the jury was instructed to not reduce for comparative negligence. Post- trial motions are pending.

REFERENCE

Brandon Bostian vs. National Railroad Passenger Corporation (Amtrak). Case no. 170103489; Judge Caroline Tucker, 07-23-24.

Attorney for plaintiff: Robert S. Goggin, III of Law Office of Robert Goggin, III in Philadelphia, PA. Attorneys for defendant: Richard K. Hohn and Stephen S. Dougherty of Hohn & Scheuerle, LLC in Philadelphia, PA.

Sexual Assault

$9,000,000 VERDICT – SEXUAL ASSAULT – PLAINTIFF TENNIS PRODIGY SEXUALLY ASSAULTED BY DEFENDANT'S TENNIS COACH – FAILURE TO PROPERLY HIRE AND SUPERVISE DEFENDANT COACH – EMOTIONAL DISTRESS.

Orlando County, FL

The plaintiff In this case was a young female tennis prodigy under the care of the defendant USTA. While an athlete at the defendant's national center in Florida the plaintiff was sexually assaulted by one of the defendant's coaches whom the plaintiff alleged was improperly hired and supervised by the defendant association. The defendant denied being negligent and argued that they took appropriate action against the coach immediately upon being notified of the coach's behavior.

The plaintiff began working with the defendants coach, Aranda, in October of 2018. The defendant had been employed as a coach by the defendants for 7 years. This coach was extremely complimentary of the plaintiff and reassured the plaintiff that if she stuck with him she would become a successful professional tennis player. As the defendant coach continued to train the plaintiff, his physical contact with the plaintiff escalated including rubbing her stomach and telling her she was too thin, sitting directly next to her skin to skin on the bench, resting his head on her upper thigh and attempting to hold the plaintiff's hand or walk arm in arm with the plaintiff.

On November 9, 2018, the defendant coach placed his hand under the plaintiff's towel which was draped across her lap and rubbed his fingers across her genitals. The following day, the plaintiff reported the coach's sexual misconduct to the defendants, and thereafter, the United States Center for Safe Sport investigated the conduct. After months of investigation, Safe Sport found by a preponderance of evidence that the defendant coach engaged in an escalation of inappropriate conduct towards the plaintiff. The coach was then terminated from his employment with the defendant and prohibited from returning to the USTA national campus.

The jury unanimously found that the plaintiff was entitled to $9,000,000 in damages with $3,000,000 in compensatory damages and $6,000,000 in punitive damages.

REFERENCE

Kylie McKenzie vs. United States Tennis Association. Case no. 22-cv-00615; Judge Paul G. Byron, 05-06-24.

Attorney for plaintiff: Amy Lynn Judkins of Newsome Melton in Orlando, FL. Attorney for defendant: Kevin W. Shaughnessy of Baker & Hostetler, LLP in Orlando, FL.