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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

NOTE CORRECTION: In the $5,250,000 Settlement involving Emergency Room malpractice reprinted below, the co-counsel for plaintiff was incorrectly listed as Andrew L. O'Connor. The actual co-counsel in the case was Susan F. Connors of Nagel Rice in Roseland, NJ.

$18,000,000 VERDICT INCLUDING $8,000,000 IN PUNITIVE DAMAGES – DEFAMATION – ACTUAL MALICE – DEFENDANT FALSELY ACCUSE PLAINTIFF OF BEING "CRIMINAL" AND CLAIM HE WAS RESPONSIBLE FOR DEATH OF FELLOW JOURNALIST – DAMAGE TO REPUTATION – COMPENSATORY DAMAGES – FINANCIAL HARM – SEVERE EMOTIONAL DISTRESS – SPECIAL DAMAGES.

Essex County, NJ

This defamation action was filed on May 17, 2022, by the plaintiff, Anas Aremeyaw Anas against the defendant, OHene Agyapong, et al., for injurious statements made during a 2021 podcast. The defendant argued that his comments were simply opinions not actionable for defamation.

The plaintiff, an investigative journalist, alleged in 2018 he did a BBC documentary investigation exposing football corruption in Ghana' leading to the resignation of the then Ghana Football Association President, Kwesi Nyantakyi and that in retaliation the defendant, a former Assin Central Member of Parliament, launched a sustained public campaign to discredit the plaintiff, accusing him of fraud and unethical journalism on a 2021 podcast and in a series of public statements. The plaintiff alleged the defendant called him a "criminal" and accused him of being behind the murder of a fellow journalist.

The plaintiff further alleged that the President of Ghana and some high-ranking members of his cabinet were open to being financially influenced in exchange for the performance of official acts, on a quid pro quo basis and alleged the Republic of Ghana is a constitutional democracy that practices what is known as " winner takes all politics", which, in the Ghanaian sense, is the practice by which by means of divisive and partisan selection, all Ghanaians who are not part of the main political parties that gain the most popular votes in the most recent Presidential elections, are excluded from national governance and decision making in a manner that polarizes the nation and dissipates its human resource endowments. In the aftermath of the documentary the plaintiff alleged the defendant stated his intent to launch an ad hominem attack on the plaintiff, and to assassinate his character. The plaintiff pled injuries including reputational damages, compensatory damages, financial harm, severe emotional distress and special damages.

The jury reached a verdict of $18,000,000 including $5,000,000 in actual damages, $5,000,000 in reputational damages and $8,000,000 in punitive damages. The unanimous jury determined the defendant acted with actual malice when he called Anas a "criminal" and linked him to the murder of journalist Ahmed Suale.

REFERENCE

Anas Aremeyaw Anas vs. Ohene Agyapong, et al. Docket no. ESX-L-002918-22; Judge Jeffrey B. Beachum, 03-18-25.

Attorney for plaintiff: Andrew K. de Heer, sole practitioner, in Hockessin, DE. Attorney for defendant: Timothy E. Corriston of Connell Foley, LLP in Roseland, NJ.

COMMENTARY

The defendant filed a motion for remittitur and on May 12, 2025, Judge Jeffrey B. Beacham granted the motion reducing the award from $18 million to $500. The court opined the plaintiff failed to establish actual harm to his reputation or financial loss thereby limiting the recovery to just nominal damages. After the court entered an order molding the verdict and denying the plaintiff's motion for additur or alternatively a new trial for damages, Timothy Corriston, esq., counsel for the defendant said, "unequivocally as a matter of law, neither actual damages nor punitive damages were available to Anas and the Court properly reduced the jury award.

The court deemed the original award by the jury as excessive but acknowledged the defendant had defamed the plaintiff, upholding the jury's finding of malicious intent. In a statement released by the plaintiff, he commented that he welcomed the revised judgment adding that the case wasn't about money, but instead setting the records straight. "This fight has not been about money, but rather, a fight for truth and justice."

The plaintiff originally filed an initial action in Ghana where he lost and the judge describing his work not as journalism but as "investigative terrorism". The plaintiff then filed the current action in New Jersey, where the defendant owns a home in West Orange and where he was physically located when he recorded the defamatory interview. The plaintiff who masks his identity with elaborate beaded face coverings has vowed to continue fighting corruption and holding those who are corrupt accountable. "No amount of intimidation or falsehood will silence the pursuit of accountability even in the face of assassination. Our work continues, undeterred and unafraid", he said.

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$15,500,000 VERDICT – CONSTRUCTION SITE NEGLIGENCE REGARDING ROAD OPERATIONS – 23-YEAR-OLD MAN SERIOUSLY INJURED FROM FLYING DEBRIS WHILE DRIVING THROUGH CONSTRUCTION ZONE – TRAUMATIC BRAIN INJURY – FRACTURES TO SPINE – NECK INJURY – JAW INJURY – REHABILITATION TO RE-LEARN WALKING.

Hunterdon County, NJ

This construction site negligence action was filed on August 1, 2019, by the plaintiff driver against the defendant, Diaco Construction, et al., for serious injuries from a flying metal clamp which he sustained while he was passing through a construction zone near the intersection of Route 519 and Milford Warren Glenn Road. The defendants denied negligence and the extent and nature of the plaintiff's claimed injuries and economic loss and pled affirmative defenses and cross-claims.

The plaintiff, an electrician, alleged on November 27, 2018, he was traveling in his employer's vehicle on Route 519 in Holland Township and the defendants were preparing the road for widening, including with the use of a track feller buncher. The plaintiff contended the defendant's worker lowered the blade on the track feller buncher and hit a metal clamp in the ground causing the clamp to fly into the air and through the side of the vehicle the plaintiff was driving striking him in the neck and jaw.

The plaintiff argued the defendants failed to close any lanes, failed to provide a trained traffic control coordinator as well as any trained flaggers, and failed to provide proper traffic control for construction. The plaintiff argued the defendant was negligent regarding road construction operations being performed and that such negligence caused the plaintiff to suffer injury and economic loss. The plaintiff pled injuries including traumatic brain injury, 3 fractures to spine, neck injury, jaw injury, hospitalization, rehabilitation to re-learn walking and climbing stairs and lost wages.

The jury reached a verdict of $15,500,000 consisting of $3,000,000 for past pain and suffering, $9,000,000 for future pain and suffering and $3,500,000 for future lost wages. The jury apportioned 90% negligence to Diaco Contracting and 10% against settled defendant, Kira Land Management.

REFERENCE

Kyle G. Lauck vs. Diaco Contracting, Inc., et al. Docket no. HNT-L-000324-19; Judge Patrick Heller, 11-20-25.

Attorney for plaintiff: Peter Chamas of Gill & Chamas, LLC in Woodbridge, NJ. Attorneys for defendant: Robyn G. Kalocsay and Peter B. Van Deventer of Lewis, Brisbois & Smith in Newark, NJ.

COMMENTARY

As part of its affirmative defenses and cross-claims, Diaco claimed they were entitled to contractual indemnity and additional insurance coverage; however, the principal of co-defendant Kira Land Management, certified that at the time of the accident there was no signed contract in existence, "More importantly, the principal certified he was "coerced" to sign the contract days after the accident which was then backdated to make it look as if it was signed before the accident occurred." Counsel for Kira, who settled prior to trial, told the court concerning the absence of a notary present, "Consequently, not only is the credibility of the notary in question, so is the credibility of Ralph Diaco of Diaco Contracting. Other than a comment in the Certification of Counsel in Opposition to the motion to compel from Diaco Contracting attesting to how or why producing prior contracts that allegedly have been notarized since 2015 would be "unduly burdensome" as claimed, Diaco neglects to state how many contracts or subcontracts its entered into within the 5 year period prior to November 14, 2018.Inasmuch as there has been deception on the part of Diaco Contracting (this by no means refers to Diaco Contracting's counsel in any way), Kira Land Management and James Buxton [Kira's principal] are entitled to demonstrate that no signed contract was in existence on the date of the accident, that the contract was predated, that James Buxton was coerced to sign the contract and there was no notary present when the document was signed."

$10,350,000 SETTLEMENT – MEDICAL MALPRACTICE – HOSPITAL NEGLIGENCE – FAILURE TO DIAGNOSE VARICELLA-ZOSTER VIRUS (VZV) – INDEPENDENT, 42-YEAR-OLD WITH HISTORY OF MULTIPLE SCLEROSIS RENDERED BLIND AND PARTIALLY PARALYZED AFTER SEEKING TREATMENT FOR SEVERE HEADACHE – DOCTORS FAILED TO DIAGNOSE INFLAMMATION OF BRAIN CAUSED BY VZV – BLINDNESS – PARTIAL PARALYSIS – COGNITIVE DEFICITS.

Middlesex County, NJ

This medical malpractice action was filed on June 11, 2020, by the plaintiff patient against the defendant, Robert Wood Johnson University, et al., for failure to diagnose resulting in life-altering injuries. The defendants pointed the blame on each other, denied negligence and cross-claimed for indemnification.

The plaintiff with a history of multiple sclerosis, and on immunosuppressant for MS, alleged he presented to the defendants for a severe headache and the defendants, holding themselves out as skilled, careful and diligent in the practice of medicine and, more specifically, in the fields of infectious disease failed to follow accepted procedures and deviated from accepted standards by misdiagnosing his condition, failing to order appropriate tests, failing to request and/or properly perform consultations and evaluations and prescribing steroids which further suppressed his immune system and then discharged him after tests for exacerbation of MS proved to be negative. 36 hours later, the plaintiff was found at home disoriented.

The plaintiff alleged he was taken to a second hospital and underwent a test of the cerebral spinal fluid and other tests and was put on antibiotics and an antiviral called Acyclovir but was not properly diagnosed with VZV until taken to Monmouth Medical Center but at that point there was little that could be done to prevent his blindness and paralysis and alleged the defendants and both hospitals were the proximate cause of his permanent injuries. The plaintiff pled severe, debilitating and irreversible medical conditions of blindness, paralysis, permanent cognitive disability, pain and suffering, cognitive damage, mental anguish, emotional distress and anxiety, and loss of quality of life.

The parties entered into a settlement of $10,350,000. Judgment for $5,350,000 was entered against the defendants Sohail Haddad, M.D., Hunterdon Medical Center and Healthcare Systems, $4,000,000 against the defendants Ram Mani, M.D. and Rutgers Biomedical and Health Science and $1,000,000 against the defendant Manish Viradia, M.D.

REFERENCE

Phillip S. Tauriello vs. Robert Wood Johnson University, et al. Docket no. MID-L-6402-20, 06-25-24.

Attorneys for plaintiff: Brian D. Drazin and Dustin Drazin of Drazin & Warshaw, P.C. in Red Bank, NJ. Attorney for defendant: Michael R. Ricciardulli of Ruprecht Hart Ricciardulli & Sherman, LLP in Westfield, NJ.

COMMENTARY

Varicella-zoster virus is the herpes virus that causes Chickenpox (initial infection) and Shingles (reactivation later in life). After a person has chickenpox, VZV never fully leaves the body becoming dormant in the dorsal root ganglia (nerve cells) and May reactivation decades later. Primary infection is spread person-to-person, through respiratory droplets (coughing or sneezing) or direct contact with lesions. After recovery, the virus remains latent in nerve cells and can reawaken when immunity declines from old age, immunosuppressive, stress and illness and leads to dangerous complications when spreading to the brain, spinal cord and blood vessels causing stroke-like symptoms, paralysis, blindness and death.

With trial set for July 15, 2025, the defendant's settled for $10,350,000. The plaintiff's attorney Justin Drazin commented, "Over the course of almost 5 years, litigating this case, investigating it, hundreds and thousands of hours of time put in between the research, discussions with experts, research on the Internet, reading medical journals. Basically eating, sleeping breathing, this case, for the better part of the 5 years, I read an exhaustive amount of medical journals, literature, studies, scientific papers, from around the world on these topics, which I think ultimately gave me the ability to confront these defense experts in the opinions that they offered and really discount and diminish the validity of those opinions that they were trying to argue. I became extremely, extremely knowledgeable in the specifics of neurology related to this claim, in the specifics of diagnostic radiology related to the claim."

$5,500,000 GROSS VERDICT – MEDICAL MALPRACTICE – NURSING HOME NEGLIGENCE – WRONGFUL DEATH – FAILURE TO NOTIFY PHYSICIAN OF CHANGES IN MEDICAL STATUS AND HEAD INJURY RESULTING FROM FALL – 59-YEAR- OLD RESIDENT DEEMED "FALL RISK" SUFFERS UNKNOWN FALL – HEAD TRAUMA – CATASTROPHIC STROKE – PAIN AND SUFFERING – EPISODES OF INTUBATION FROM RESPIRATORY FAILURE FROM HYPOXIA.

Morris County, NJ

This medical malpractice action was filed on September 27, 2019, by the plaintiff son, as Administrator and Administrator Ad Prosequendum of the Estate of the decedent against the defendant, Care One at Morris, now known as Care One at Parsippany-Troy Hills, LLC, for injuries resulting in catastrophic stroke and death. The defendant answered by denying all allegations of negligence and left the plaintiff to their proofs.

The plaintiff alleged the decedent, 59 years old, was admitted to the defendant's facility on October 2, 2017, with the status of "fall risk" after being discharged from the hospital for congestive heart failure and the defendants were informed of his status of being prone to fall-related injuries. The plaintiff contended the decedent's mental and physical condition deteriorated and he became delusional and anxious, wandering the facility halls; and experienced breathing issues with swelling, requiring assistance for eating, using the bathroom and daily activities.

The plaintiff further alleged the decedent sustained a head injury and the nursing staff did not know how he sustained the head injury nor did they notify the physician in charge nor order follow-up examinations despite the nurse documented that the decedent was "alert and oriented with confusions" and on October 6, 2017, requested a transfer to a different facility due to "lack of care". The plaintiff contended on the following day, the family would arrive at the defendant's facility to find the decedent slumped over his bed and unresponsive and believing he was having a stroke called in staff to examine him who ruled out that he had a stroke. The plaintiff further contended they facilitated the decedent's transfer to Morristown medical center for emergency care where staff there discovered the decedent did, in fact, suffer a "severe" embolic stroke, and determined he would likely require a feeding tube.

The plaintiff argued the decedent passed on October 28, 2017, due to the defendant's violations of the New Jersey Nursing Home Residents' Rights Act and negligence in failing to provide necessary oxygen intervention, prompt and appropriate medical care for obvious changes in his mental status and other "severe lapses in care". The plaintiff pled injuries including bump on forehead from head trauma, evolving left middle cerebral artery infarct, acute respiratory failure, feeding tube, catastrophic stroke, complications of aspiration pneumonia, 2 episodes of intubation from hypoxia respiratory failure, pain and suffering and survivor damages and injuries.

After a 3-week trial, the jury reached a verdict of $5,500,000 consisting of $1,500,000 for violation of the Nursing Home Bill of Rights pursuant to N.J.S. 30:13-8(a); $3,500,000 for survivorship damages and $500,000 for wrongful death damages

The violation of a resident's rights required the court to award reasonable attorney's fees and costs of the action. The jury found 75% of the ultimate injury was the result of the decedent's pre-existing condition and 25% the result of the defendant's deviation from the accepted standard of nursing practice. After molded amounts for survivorship and wrongful death claims, the net jury verdict was $2,500,000.

REFERENCE

John Hayes, as Administrator and Administrator Ad Prosequendum of the Estate of Robert Hayes vs. Care One at Morris, et al. Docket no. MRS-L-2080-19; Judge Vijayant Pawar, 11-18-25.

Attorney for plaintiff: Scott G. Leonard of Leonard Legal Group, LLC in Morristown, NJ. Attorney for defendant: Anthony Cocca of Cocca & Cutinello, LLP in Morristown, NJ.

COMMENTARY

The plaintiff's expert, Kelly Roehm, RN, RAC-CT, CLN, opined the defendants neglected and grossly neglected their duties with respect to the decedent and that their failure to identify and appropriately treat the decedents respiratory condition were a direct and proximate result of the deviations from the standard of care and violations of the Nursing Home Rights and Responsibilities of Resident's Act N.J.S.A. 30:13-1, et seq.

After the verdict, the plaintiff's counsels, Scott Leonard, esq., said, "Residents' rights exist for a reason - because families place profound trust in facilities. When those rights are ignored, the consequences can be devastating. This verdict reinforces that nursing homes will be held accountable when the fail to provide proper care and violate the law. We're honored to have delivered justice for the Haye's family."

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

Bergen County, NJ

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

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

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

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

REFERENCE

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

Attorneys for plaintiff: Bruce H. Nagel and Susan F. Connors, Esq. of Nagel Rice, LLP in Roseland, NJ. Attorney for defendant: John R. Scott of Clare in Liberty Corner, NJ.

COMMENTARY

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

$6,000,000 SETTLEMENT – PREMISE LIABILITY – NEGLIGENT MAINTENANCE – WRONGFUL DEATH – SURVIVORSHIP – SPA'S AUTOMATED ELECTRONIC DEFIBRILLATOR (AED) FOUND INOPERABLE PREVENTING ANY ATTEMPT REVIVE 46-YEAR-OLD DECEDENT AFTER APPARENT FAINTING IN HOT TUB – PROFOUND PAIN AND SUFFERING – LOSS OF SOCIETY.

Middlesex County, NJ

This premise liability action filed May 14, 2024, by the plaintiff, Administrator for the Estate of Shaqiri Albinot, against the defendants, Island Spa and Sauna, et al., for death caused by drowning after the plaintiff's decedent apparently fainted in the hot tub. The defendant contended injuries were the result of a sudden emergency which was in no manner the result of the defendant's negligence.

The plaintiff alleged the decedent was a guest lawfully on the premises of the defendant and the defendant and their employees were directly involved with the safety of customers in hot tub areas of the spa and that decedent apparently fainted in the hot tub

and was found face- down, submerged and unconscious. The plaintiff contended there was an unreasonable delay in calling for help and that once personnel arrived and attempted to revive the decedent the defendant's staff discovered the spa's automated electronic defibrillator (AED) was inoperable preventing any attempt to shock his heart back into rhythm.

The plaintiff maintained that the defendants breached their duty to (1) keep the area in a reasonably safe condition for use by its invited guests, and (2) to protect their guests from reasonably foreseeable hazards and harm existing including the reasonably foreseeable hazard and harm of drowning; and contended they breached their responsibility for supervision, safety and/or oversight and placed into the stream of commerce a dangerous product and/or service without adequate warnings which presented an unreasonable danger to users. The plaintiff pled severe, permanent, life-threatening and painful injuries, great physical and mental pain and anguish, profound pain and suffering, premature and preventable death, loss of support' society, companionship, love, solace, consortium, and services and loss of wages. The defendant denied negligence and pled affirmative defense's including the decedent assumed the risk inherent in the activity, the conditions alleged in the complaint were not dangerous nor did they constitute a foreseeable risk of the kind of injury alleged by the plaintiff.

The parties entered into a settlement for $6,000,000.

REFERENCE

The Estate of Albinot Shaqiri, et al. vs. Island Spa and Sauna. Docket no. MID-L-2850-24, 12-26-25.

Attorneys for plaintiff: Barry R. Eichen and Robert J. Banas of Eichen Crutchlow Zaslow in Edison, NJ. Attorney for defendant: Linda S. Baumann of Law Offices of Linda S. Baumann in Morristown, NJ.

COMMENTARY

The plaintiff's counsel hired experts to evaluate the degree of pain and suffering experienced prior to death and the victim's statistical chance of survival had a working defibrillator been available. The plaintiff contended the defendants failure to maintain safety equipment and as evidence proffered no one at the spa could demonstrate the AED had ever received the periodic maintenance required by its operation Manuel and argued by failing to provide a working life-saving device that they were otherwise equipped with, the defendants were liable for a foreseeable risk of death in a high-heat environment like a sauna/ hot tub.

Just prior to the case settling in December, plaintiff's attorney filed a Motion to Enforce Litigants' Rights Informing the court that "on September 16, 2025, a subpoena was sent to the Edison Fire Department requesting the EKG data report and any other data downloaded from the AED Machine utilized at the spa, pursuant to an 'enclosed' fire department report" and of the date of his filing they were in non-compliance. "To date, the Edison Fire Department has failed to respond to the plaintiff's subpoena and the time to do so has now expired. The investigatory materials pertaining to the drowning incident are critical to the issues of liability, causation and damages."

$5,000,000 VERDICT – SEXUAL ABUSE OF 15-YEAR-OLD AT PRESTIGIOUS PRIVATE SCHOOL WHILE CAMPUS CLOSED FOR CHRISTMAS BREAK IN 1976 – NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS – BREACH OF DUTY IN LOCO PARENTIS – INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS – PHYSICAL INJURY – PTSD – DEPRESSION – LOSS OF CATHOLIC FAITH.

Morris County, NJ

This sexual abuse action filed in 2017 by T.M., the plaintiff former student, against the defendants, Order of St. Benedict of New Jersey, Inc., d/b/a St. Mary's Abbey/ Delbarton School and Reverend Richard Lott (A/K/A Edward Lott), et al., for injuries from an alleged instance of sexual abuse occurring on January 1, 1976 at 1:00 a.m. The defendant Lott denied that he ever sexually abused the plaintiff and denied that he ever had sexual contact with the plaintiff or any other person.

The plaintiff, a student at Delbarton School, alleged the instance of abuse occurred when the entire campus was closed for Christmas break and while the defendant, Reverend Lott, was acting in his capacity as a priest and or employed by OSBNJ. The plaintiff contended the defendant, employer, failed to adequately supervise and/or monitor Reverend Lott and that after Christmas break he returned to campus to work and he and the defendant attended a New Year's Eve party in Mendham, New Jersey, where he was served and consumed alcoholic beverages. After the party, the plaintiff contended the defendant drove him to the barn where he was staying as dorms were closed and he collapsed on the sofa and recalls the defendant pulling at his pants and telling him to get undressed for bed.

Sometime shortly thereafter that night, the plaintiff alleged he realized Lott was performing fellatio on him and he contended when he realized what was happening, he got up, pulled up his pants and left the barn. The plaintiff contended he reported the allegation of abuse about a year and a half after the purported occurrence, in June 1977, and offered testimony on witnesses who are both plaintiffs in their own independent lawsuits against the defendants that they were abused by Lott between 1967 and 1971. The plaintiff pled injuries including physical injury, emotional injury, depression, PTSD, loss of the plaintiff's Catholic faith,

The defendant denied going to a New Year's Eve party with the plaintiff and testified he was at a church to say mass in Lakewood, New Jersey. The defendant OSBNJ argued it could not be held liable for the co- defendants conduct as he was not acting within the scope his employment at the time of the alleged assault and that there was " not a scintilla of

evidence that supports any theory Lott was acting within the scope of his employment with employer when the sexual assault allegedly occurred."

The jury reached a verdict after a 7-week trial. They awarded the plaintiff $5,000,000 in compensatory damages.

The unanimous jury specifically found that T.M. was sexually abused by Father Richard Lott, and that the Order/ Delbarton School had negligently retained and supervised the ordained priest and monk defendant. The defendant Lott was apportioned 35% liable and The Order of St. Benedict of New Jersey was found 65% liable.

REFERENCE

T.M., Initials representing one (1) plaintiff vs. Order of St. Benedict of New Jersey, Inc. d/b/a St. Mary's Abbey/ Delbarton School and Reverend Richard Lott (A/K/A Edward Lott) et al. Docket no. MRS-L-000399-17; Judge Stuart A. Minkowitz, 10-08-25.

Attorneys for plaintiff: Rayna Elizabeth Kessler and Michael Geibelson of Robins Kaplan, LLP in New York, NY. Attorney for defendant: James N. Barletti of Gold, Albanese & Barletti, LLC in Morristown, NJ.

COMMENTARY

Before the jury was whether OSBNJ failed to adequately supervise or monitor Lott and whether any wrongful conduct on the part of OSBNJ resulted in its failure to prevent the defendant from committing the act. At trial, then-Abbot admitted in his testimony that he had received a letter from the plaintiff shortly after he graduated, reporting the abuse, and had destroyed it. In 2018, the Order and Delbarton acknowledged more than 30 individuals had reported abuse allegations involving over a dozen clergy members. At trial, victims testified they had been sexually abused by members of the Order and Delbarton School, including a young monk and son of Delbarton's groundskeeper who grew up on the Delbarton campus and both alleged that they were also abused by Father Richard Lott.
After the verdict, lead trial counsel Rayna Kessler, commented "This victory is a landmark for justice and a historic turning point in New Jersey. The evidence presented at trial confirmed that the Order and the Delbarton School enabled decades of child sexual abuse and systemically concealed it to guard their reputation. By holding a powerful institution responsible through this jury trial, this result empowers survivors of sexual abuse to demand their day in court. T.M.'s courage and perseverance have paved a path to justice for all survivors seeking accountability."
More than 3 dozen civil suits have been filed against Delbarton.

$960,000 ARBITRATION AWARD – MOTOR VEHICLE NEGLIGENCE – AUTO/ MOTORCYCLE COLLISION – DEFENDANT TURNS LEFT IN FRONT OF PLAINTIFF'S MOTORCYCLE CAUSING COLLISION – 2 LEFT RIB FRACTURES; PUNCTURED LUNG AND PNEUMOTHORAX – PELVIC FRACTURE; LEFT A/C FRACTURE; TOE FRACTURE; LEFT AND RIGHT DISTAL RADIUM FRACTURES; SCAPHOID FRACTURE – TORN LABRUM, LUMBAR DISC HERNIATION AND CONCUSSION – ORIF.

Monmouth County, NJ

In this action for motor vehicle negligence, the plaintiff and defendant were traveling in opposite directions when the defendant made an improper left hand turn in front of the plaintiff's motorcycle causing a collision between the defendant's vehicle and the plaintiff's motorcycle. This resulted in the plaintiff sustaining serious injuries including multiple fractures. The defendant alleged it was the actions of the plaintiff that caused the collision.

On November 5, 2022, the 51-year-old female was operating a motorcycle traveling west on Route 173 in Greenwich Township, New Jersey. The defendant was traveling eastbound on the same road when the defendant made a sudden left turn in front of the plaintiff causing a collision. The plaintiff's complaints of negligence against the defendant were failing to make a proper left-hand turn and violating the plaintiff's right-of-way.

Consequently, the plaintiff suffered 2 left rib fractures, a punctured lung and pneumothorax, pelvis fracture, left A/C fracture, toe fracture, left and right distal radium facture with open reduction and internal fixation, scaphoid fracture, torn labrum, lumbar disc herniation and concussion.

The board of arbitrators awarded the plaintiff $960,000 which included a medical lien of $60,000.

REFERENCE

Maria Louise O'Connell vs. Bret G. Kobler. Docket no. L001535-23; Panel Arbitration, 09-25-25.

Attorney for plaintiff: Jerry Friedman in Marlton, NJ. Attorney for defendant: John Paul Endler of Methfessel & Werbel, PC in Edison, NJ.

Verdicts By Category

BOATING NEGLIGENCE

$100,000 ARBITRATION AWARD

Boating negligence – Plaintiff passenger injured when defendant's boat collides with large wake, causing plaintiff to be thrown into air and fall – Failure to properly and safely operate boat – Lumbar compression fracture – Lumbar radiculopathy – Chronic pain syndrome.

Cape May County, NJ

In this personal injury action, the plaintiff passenger was injured when the defendant's boat collided with a large wake, causing the plaintiff to be thrown into the air, and causing her to fall. The defendant generally denied all allegations of negligence.

On September 11, 2021, the plaintiff was one of several passengers on the defendant's boat, which was traveling in New Jersey's Intercoastal Waterway at Jarvis Strait, between buoys 473 and 475. At this time, another boat was traveling in the area and caused a large wake. Instead of avoiding the wake or slowing the boat's speed, the defendant operated the boat in such a way that it collided with the wake at great force. The collision caused the plaintiff to be thrown into the air, and then thrown back onto a seat on the boat, causing her to become injured.

The plaintiff maintained that the defendant was negligent in failing to properly and safely operate the boat, in failing to avoid a large wake, and in failing to reduce the boat's speed in a hazardous area. Consequently, the plaintiff sustained injuries, including a lumbar compression fracture, lumbar radiculopathy, and chronic pain syndrome.

The arbitrator in this case found the defendant 80% liable for the accident and reported an 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 being on December 8, 2025. However, the parties entered into a settlement on November 11, 2025.

REFERENCE

Lisa Kata vs. Steven Liptock. Docket no. CPML000334-23; Judge James H. Pickering, Jr. 11-11-25.

Attorney for plaintiff: Chris Colabella of Gruber, Colabella, Liuzza, Thompson, & Hiben in Hopatcong, NJ. Attorney for defendant: Robert Kaplan of Margolis Edelstein in Mount Laurel, NJ.

CONTRACT

$5,462 BENCH VERDICT

Breach of contract – Violation of N.J.S.A. 42:2C-1 to -94 for bad faith in refusal to wind down LLC – Plaintiff awarded damages in dissolution of LLC for defendants failure to responsibly participate in winding down of LLC and taking of funds in LLC's bank account – Court found no breach of contract with respect to dissolution of LLC; court found "defendant was simply looking for anything he could throw at plaintiff to justify imperiousness with which he both abandoned LLC and ignored plaintiff's desire to sit down and wrap things up." – Direct damages; compensatory damages; incidental damages.

Monmouth County, NJ

This breach of contract action was filed in 2023 by the plaintiff, Zhannetta Cheshun, against the defendant, Sanjay Sikand, for damages for failure to dissolve their LLC and account for its assets. The defendant contended the plaintiff defrauded him.

The plaintiff alleged the plaintiff and the defendant were the only 2 members, as well as co- managing members, of their company dedicated to performing clinical drug trials. There was no written operating agreement regarding their rights and liabilities with respect to this LLC and the plaintiff, with a long and successful track record in drug trials, contended the defendant and his office manager began questioning details about the expenses a drug trial generates. The plaintiff had a suspicion the office manager wanted her own piece of the action and their differences reached a boiling point in October 2022.

The plaintiff contended the defendant's office manager was his "work-wife", having access to the LLC's bank account and was attempting to insinuate herself into some of the LLC's business decisions causing

the parties to mutually agree to part ways. The plaintiff argued she repeatedly sought a meeting to discuss the dissolution and the office manage on behalf of the defendant texted her to "leave Sanjay alone" thwarting the LLC's dissolution and causing the plaintiff to commence the action to deal with of the assets of the LLC. The plaintiff argued that the defendant acted as a constructive trustee for the LLC and whatever was earned on the contracts should be viewed as having been done on the LLC, behalf and that he closed the bank account and took possession of $3,500 of the LLC's assets and continues to hold those funds.

The plaintiff pled direct damages, compensatory damages, and incidental and consequential damages. The defendant contended the plaintiff defrauded him, was being clandestine, and that the questioning of expenses was legitimate for calculating his fair share of the expense. He further contended in his counterclaim that the plaintiff "improperly withheld tens of thousands of dollars from him" which the court opined there was no evidence to support his allegations.

After 5-day bench trial, the plaintiff was awarded $5,462.50.

REFERENCE

Zhannetta Cheshun vs. Sanjay Sikand. Docket no. MON-C-66-23; Judge Clarkson Fisher, Jr. 04-04-25.

Attorney for plaintiff: Alexander Sakin of Law Office of Alexander Sakin in New York, NY. Attorney for defendant: Ronald Colicchio of Saul Ewing in Princeton, NJ.

EMPLOYER LIABILITY

$125,000 ARBITRATION AWARD

Employer liability – Negligent maintenance – Plaintiff slips and falls on ice in defendant employer's parking lot – Failure to place salt or otherwise take measures to melt ice – Ankle fracture – Surgery required.

Monmouth County, NJ

In this premises liability action, the plaintiff slipped and fell on ice in the defendant parking lot, causing her to become injured. The defendants generally denied all allegations of negligence.

On December 17, 2020, the plaintiff was lawfully walking in the parking lot on the premises of 475 South Street, Morristown, New Jersey. At this time, the plaintiff was walking to the defendants' building, where she worked at the time. On this day, there had been a snowstorm, leaving conditions in the area icy. The defendant company had delayed opening their offices that morning, but the plaintiff had not been notified. While walking to the building to go to work, the plaintiff slipped on ice in the parking lot and fell.

The plaintiff maintained that the defendants were negligent in failing to place salt or otherwise take measures to melt ice, failing to provide safe passage on the premises, and failing to properly warn of a slipping hazard. Consequently, the plaintiff sustained injuries, including an ankle fracture which required surgery to repair.

The arbitrator in this case found the defendants 50% liable for the accident and the plaintiff 50% liable. The arbitrator reported a net award for the plaintiff in the amount of $125,000.

REFERENCE

Randy Garcia vs. Atlantic Health System, Inc. Docket no. MRSL000825-22; Judge Frank Deangelis, 11-10-25.

Attorney for plaintiff: Joseph Capo of Camili & Capo, PA in Little Falls, NJ. Attorney for defendant: Ahmuty, Demers & Mcmanus, Esqs. in Morristown, NJ.

MOTOR VEHICLE NEGLIGENCE

Auto/Motorcycle Collision

$650,000 ARBITRATION AWARD

Motor vehicle negligence – Auto/motorcycle collision – Plaintiff motorcycle passenger injured after motorcycle struck by defendant's vehicle making left turn – Left ulnar fracture – Nasal fracture – Scarring of left arm and chin – Chipped tooth – Lumbar sprain/strain – Surgery required.

Bergen County, NJ

In this motor vehicle negligence action, the plaintiff motorcycle passenger was injured after the motorcycle she was riding on was struck by the defendant's vehicle making a left turn. The defendant generally denied all allegations of negligence.

On June 2, 2022, the plaintiff was a passenger on the back of a motorcycle, which was being operated by the secondary defendant. At this time, the motorcycle was traveling on Van Houten Avenue, at or near its intersection with Lisbon Street, in the City of Clifton, New Jersey. At the same time, the defendant's vehicle was traveling on Van Houten Avenue, approaching the same intersection from the opposite direction of the motorcycle. At the time of the incident, the defendant motorcycle operator attempted to proceed straight through the intersection. As the motorcycle was proceeding, the defendant's vehicle made an abrupt left turn onto Lisbon Street, striking the motorcycle.

The plaintiff maintained that the defendant driver was negligent in failing to wait for clearance before turning, failing to yield the right-of-way and failing to safely and properly execute a left turn. Consequently, the plaintiff sustained injuries, including a left ulnar fracture, which required open reduction and internal fixation with the placement of hardware. Additionally, the plaintiff sustained a nasal fracture, scarring of the left arm and chin, a chipped tooth and lumbar sprain/strain.

The arbitrators in this case found the defendant driver 100% liable for the accident and reported an award for the plaintiff in the amount of $650,000. Following arbitration, the plaintiff's counsel requested a trial de novo, which was scheduled to begin on December 8, 2025. However, the parties entered into a settlement prior to the initial hearing.

REFERENCE

Zsaclene Ayala-Day vs. Mario Cifuentes. Docket no. BERL000896-23; Judge Kevin P. Kelly, 11-17-25.

Attorney for plaintiff: Adam B. Lederman, Esq. of Davis, Saperstein & Salomon, P.C. in Teaneck, NJ. Attorney for defendant: Cynthia J. Birkitt of Law Offices of James H. Rohlfing in Morristown, NJ.

Auto/Pedestrian Collision

$500,000 SETTLEMENT

Motor vehicle negligence – Auto/pedestrian collision – Plaintiff pedestrian struck by defendant's vehicle turning left while plaintiff crossing street – Head injury.

Camden County, NJ

In this motor vehicle negligence action, the plaintiff pedestrian sustained injury when he was struck by the defendant's vehicle turning left while the plaintiff was crossing the street. The defendant generally denied all allegations of negligence,

On March 19, 2024, the plaintiff was a pedestrian walking in the area of College Drive and Erial Road in Gloucester Township, New Jersey. At this time, the plaintiff was attempting to cross College Drive. At the same time, the defendant's vehicle was traveling southbound on Erial Road toward the same intersection, and was preparing to turn left onto College Drive from the left turn lane. At the time of the incident, the defendant's vehicle turned left and struck the plaintiff pedestrian as he was crossing the street.

The plaintiff maintained that the defendant was negligent in failing to observe the plaintiff pedestrian, failing to yield to the plaintiff pedestrian, and failing to safely and properly execute a left turn. Consequently, the plaintiff sustained injuries, including a head injury with an open head wound. The defendant maintained that he could not see the plaintiff pedestrian and that the plaintiff had not been using a crosswalk.

The parties entered into a settlement for $500,000, which was brought before the court and was ordered as a final judgment on January 13, 2026.

REFERENCE

Adam Martin vs. Conway Zheng. Docket no. CAML001820-24; Judge Donald J. Stein, 11-25-25.

Attorney for plaintiff: George G. Horiates of George G. Horiates in Pennsauken, NJ. Attorney for defendant: Lori S. Klinger of Kent & McBride, PC in Cherry Hill, NJ.

$45,000 ARBITRATION AWARD

Motor vehicle negligence – Auto/pedestrian collision – Plaintiff struck by defendant's vehicle while crossing street – Left knee injury – Cervical and lumbar sprains and strains – Head injury – Left shoulder injury.

Bergen County, NJ

In this motor vehicle negligence action, the plaintiff suffered multiple injuries when he was struck by the defendant's vehicle while crossing the street. The defendant generally denied all allegations of negligence.

On August 14, 2022, the plaintiff was a pedestrian lawfully walking in the area of West 42nd Street and Eighth Avenue in New York City, New York. At this time, the plaintiff was attempting to cross West 42nd Street in the crosswalk. At the same time, the defendant's vehicle was traveling on West 42nd Street, toward the same intersection. At the time of the incident, the defendant's vehicle proceeded through the intersection and struck the plaintiff pedestrian in the crosswalk.

The plaintiff maintained that the defendant was negligent in failing to observe the plaintiff pedestrian, failing to yield the right-of-way, and failing to apply the brakes in a timely manner. Consequently, the plaintiff sustained injuries, including left knee injury, cervical and lumbar sprains and strains, head injury, and left shoulder injury.

The arbitrator in this case found the defendant 90% liable for the accident and the plaintiff 10% liable. The arbitrator reported a net award for the plaintiff in the amount of $45,000. Following arbitration, the defendant's counsel requested a trial de novo, which was scheduled to begin on November 10, 2025. However, the parties entered into a settlement prior to the initial hearing.

REFERENCE

Jose Talavera-Gonzalez vs. Mohamed Alam. Docket no. BERL005913-23; Judge Gregg A. Padovano, 11-07-25.

Attorney for plaintiff: Regino De La Cruz of De La Cruz & Associates, LLC in Union City, NJ. Attorney for defendant: Caesar D. Brazza, Esquire of Brennan & Sponder in Princeton, NJ.

Auto/Truck Collision

$750,000 ARBITRATION AWARD

Motor vehicle negligence – Auto/truck collision – Plaintiff's vehicle sideswiped by defendant truck while traveling on highway – Cervical disc bulge and herniation – Lumbar disc bulge and herniation – Lumbar fusion at L4-5 and L5-S1.

Bergen County, NJ

In this motor vehicle negligence action, the plaintiff's vehicle was sideswiped by the defendant truck while traveling on a highway, causing the plaintiff to become injured. The defendant generally denied all allegations of negligence.

On August 31, 2022, the plaintiff's vehicle was traveling on Route 3 in Rutherford, New Jersey. At the same time, the defendant was operating a large commercial truck on Route 3, in the same vicinity as the plaintiff's vehicle. At the time of the incident, the defendant truck veered into the plaintiff's lane of travel and sideswiped the plaintiff's vehicle.

The plaintiff maintained that the defendant was negligent in failing to remain in the correct lane of travel, failing to observe traffic conditions, and failing to maintain a safe distance from other vehicles. Consequently, the plaintiff sustained injuries, including cervical disc bulges and herniations, as well as lumbar disc bulges and herniations. The plaintiff's injuries were treated surgically, with a lumbar fusion at L4-5 and a lumbar fusion at L5-S1.

The arbitrator in this case found the defendants 100% liable for the accident and reported an award for the plaintiff in the amount of $750,000. Following arbitration, the defendant's counsel requested a trial de novo, which was scheduled to begin on January 20, 2026. However, the parties entered into a settlement prior to the initial hearing.

REFERENCE

Genaro Almonte vs. Western Carriers, Inc., Casey J. Carballo. Docket no. BERL001587-23; Judge Thomas A. Sarlo, 11-19-25.

Attorney for plaintiff: Adam Lederman of Davis, Saperstein & Salomon, P.C. in Teaneck, NJ. Attorney for defendant: David Robertson of Harwood Lloyd, LLC in Hackensack, NJ.

Intersection Collision

$105,000 ARBITRATION AWARD

Motor vehicle negligence – Intersection collision – Plaintiff's vehicle struck by defendant's vehicle after defendant runs stop sign – Bilateral shoulder tears – Right knee meniscus tear – Radiculopathy at C6-7 – Radiculopathy at L5 – Surgery required.

Bergen County, NJ

In this motor vehicle negligence action, the plaintiff's vehicle was struck by the defendant's vehicle after the defendant ran a stop sign causing the plaintiff to suffer injuries. The defendant generally denied negligence.

On November 13, 2021, the plaintiff's vehicle was traveling northwest on Erie Avenue, at or near its intersection with Montross Avenue in Rutherford, New Jersey. At this time, Erie avenue was not controlled by a stop sign, and so the plaintiff attempted to proceed through the intersection. At the same time, the defendant's vehicle was traveling southeast on Montross Avenue, toward the same intersection. Montross Avenue was controlled by a stop sign, but the sign had recently fallen, so the defendant did not see it. "STOP" was painted onto the road, but the defendant also did not see this. As such, the defendant entered the intersection without stopping, resulting in a collision with the plaintiff's vehicle.

The plaintiff maintained that the defendant was negligent in failing to obey a stop sign, failing to remain adequately attentive, and failing to yield the right-of-way. Consequently, the plaintiff sustained injuries, in-

cluding bilateral shoulder tears, a right knee meniscus tear, radiculopathy at C6-7, and radiculopathy at L5. The plaintiff's right shoulder injury was treated with arthroscopic surgery. The defendant denied all allegations of negligence, maintaining that she could not have known to stop, given the fallen stop sign.

The arbitrator in this case found the defendant 100% liable for the accident and reported an award for the plaintiff in the amount of $105,000. Following arbitration, the plaintiff's counsel requested a trial de novo, which was scheduled to begin on November 10, 2025. However, the parties entered into a settlement prior to the initial hearing.

REFERENCE

Christoph Scano vs. Township of Rutherford, Jitendra Shah. Docket no. BERL006002-23; Judge Peter G. Geiger, 11-05-25.

Attorney for plaintiff: Sarabraj Thapar of Sabbagh Thapar, LLC in Clifton, NJ. Attorney for defendant: Alan Kim of Law Offices of James H. Rohlfing in Morristown, NJ.

$67,500 SETTLEMENT

Motor vehicle negligence – Intersection collision – Plaintiff's vehicle struck by defendant's vehicle after defendant runs red light – Disc herniations at T2-3 and L5-S1.

Camden County, NJ

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

On August 4, 2023, the plaintiff's vehicle was traveling westbound on New Freedom Road, at its intersection with Cross Keys Road in Pine Hill Borough, New Jersey. At this time, the plaintiff was attempting to turn left onto Cross Keys Road, and was waiting in the left turn lane for a green arrow. As the plaintiff attempted to turn, the defendant's vehicle, traveling eastbound on New Freedom Road, ran a red light and entered the intersection. The defendant's vehicle then struck the plaintiff's vehicle.

The plaintiff maintained that the defendant was negligent in failing to obey a red light, failing to yield the right-of-way, and failing to remain adequately attentive. Consequently, the plaintiff sustained injuries, including disc herniations at T2-3 and L5-S1.

The arbitrator in this case found the defendant 100% liable for the accident and reported an award for the plaintiff in the amount of $67,500. Following arbitration, the parties entered into a settlement for the same amount.

REFERENCE

Isabella Madey vs. Joshua Ortiz. Docket no. CAML002096-23; Judge Donald J. Stein, 12-22-25.

Attorney for plaintiff: Teddy C. Strickland of Pender & Strickland, LLC in Atlantic City, NJ. Attorney for defendant: Eddie Freeman of Law Offices of James H. Rohlfing in Marlton, NJ.

Left Turn Collision

$40,000 ARBITRATION AWARD

Motor vehicle negligence – Left turn collision – Plaintiff's vehicle struck by defendant's vehicle while plaintiff attempts left turn – Failure to obey traffic signals – Left foot fracture – Thoracic and lumbar disc herniations – Cervical disc bulges – Abdominal injury.

Camden County, NJ

In this motor vehicle negligence action, the plaintiff sustained injuries when attempting to make a left turn at a traffic light and her vehicle was struck by the defendant's vehicle traveling in the opposite direction. The defendant generally denied all allegations of negligence.

On September 22, 2021, the plaintiff's vehicle was traveling on Route 561, at its intersection with White Horse Road, facing northbound. At this time, the plaintiff was attempting to turn left onto White Horse Road. As such, the plaintiff's vehicle was stopped in the middle of the intersection via the left turn lane. As the light at the intersection turned yellow, the plaintiff attempted to execute her turn, as she expected oncoming traffic to slow or stop. However, the defendant's vehicle, traveling southbound on Route 561, entered the intersection and struck the plaintiff's vehicle.

The plaintiff maintained that the defendant was negligent in failing to obey traffic signals, failing to slow or stop, and failing to observe the plaintiff's vehicle. Consequently, the plaintiff sustained injuries, including a left foot fracture, as well as thoracic and lumbar disc herniations, cervical disc bulges, and an abdominal injury. The defendant

maintained that he had the right-of-way traveling straight, and that the plaintiff, turning left, should have yielded.

The arbitrator in this case found the both the plaintiff and the defendant 50% liable for the accident. The arbitrator reported a net award for the plaintiff in the amount of $40,000. Following arbitration, the plaintiff's counsel requested a trial de novo, which was scheduled to begin on December 1, 2025. However, the parties entered into a settlement on November 19, 2025.

REFERENCE

Shannon Dennis vs. Jesse Childs. Docket no. CAML002636-23; Judge Francisco Dominguez, 12-02-25.

Attorney for plaintiff: Michael A. Ferrara of Ferrara & Gable, LLC in Cherry Hill, NJ. Attorney for defendant: Jennifer A. Hindermann of Voss Nitsberg DeCoursey & Hawley in Iselin, NJ.

Parking Lot Collision

$85,000 ARBITRATION AWARD

Motor vehicle negligence – Parking lot collision – Plaintiff's vehicle struck by defendant's vehicle backing out of parking spot – Head injury with TBI – Right wrist partial tear – Right knee friction syndrome – Cervical disc herniations – Lumbar disc herniation and bulge.

Bergen County, NJ

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

On January 23, 2022, the plaintiff's vehicle was sitting in her parked vehicle, which was parked in the parking lot at Holy Name Hospital, located at 718 Teaneck Road in Teaneck, New Jersey. At the same time, the defendant's vehicle was also parked in the hospital parking lot, and the defendant was preparing to back out of her spot. At the time of the incident, the defendant was backing out of her spot when her vehicle struck the plaintiff's vehicle.

The plaintiff maintained that the defendant was negligent in failing to observe the plaintiff's vehicle, failing to remain adequately attentive, and failing to back out of a parking spot in a safe and proper manner. Consequently, the plaintiff sustained injuries, including a head injury with traumatic brain injury, a right wrist partial tear, right knee friction syndrome, cervical disc herniations, and a lumbar disc herniation as well as a lumbar bulge.

The arbitrator in this case found the defendant 100% liable and reported an award for the plaintiff in the amount of $85,000. Following arbitration, the plaintiff's counsel requested a trial de novo, which was scheduled to begin on April 13, 2026. However, the parties entered into a settlement in November 2025.

REFERENCE

Danielle Benitez vs. Susan Cocoziello. Docket no. BERL005625-23; Judge David V. Nasta, 11-07-25.

Attorney for plaintiff: Andrea De La Cruz of Epstein Ostrove, LLC in Edison, NJ. Attorney for defendant: Debra Hart of Law Office of Debra Hart in Woodbridge, NJ.

Rear End Collision

$100,000 ARBITRATION AWARD

Motor vehicle negligence – Rear end collision – Plaintiff's vehicle struck in rear by defendant's vehicle on exit ramp – Cervical disc herniations at C5-6 and C6-7 with annular tear – Cervical radiculopathy at C6 – Thoracic disc herniation at T2-3 – Lumbar disc bulge at L5-S1.

Hudson County, NJ

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

On November 30, 2019, the plaintiff's vehicle was traveling on the Squirrelwood Road exit ramp on Interstate 80 west in Woodland Park, New Jersey. At this time, the defendant's vehicle was also traveling on the Squirrelwood Road exit ramp, directly behind the plaintiff's vehicle. As the plaintiff was proceeding onto the ramp, she began to slow her vehicle for heavy 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 apply the brakes in a timely manner. Conse-

quently, the plaintiff sustained injuries, including cervical disc herniations at C5-6 and C6-7 with annular tear, cervical radiculopathy at C6, thoracic disc herniation at T2-3, and lumbar disc bulge at L5-S1. The plaintiff's injuries were treated with epidural injections, and the plaintiff's doctor recommended a future discectomy at C5-6. A doctor for the defendant asserted that the plaintiff's injuries were not permanent.

The arbitrator in this case found the defendant 100% liable for the accident and reported an award for the plaintiff in the amount of $100,000. Following arbitration, the plaintiff's counsel requested a trial de novo, which was scheduled to begin on January 10, 2023. However, the parties instead entered into a settlement conference, which took place on March 27, 2023. The parties then entered into a settlement for an amount not specified on the docket. On April 19, 2023, the Honorable Kimberly Espinales-Maloney ordered that the case be dismissed.

REFERENCE

Rahyza Rodriguez vs. Timothy Heck. Docket no. L004483-20; Judge Martha D. Lynes.

Attorney for plaintiff: George Rios of Law Office of George Rios, P.A. in Jersey City, NJ. Attorney for defendant: Nancy B. Appel of Law Offices of James H. Rohlfing in Morristown, NJ.

$47,500 ARBITRATION AWARD

Motor vehicle negligence – Rear end collision – Plaintiff's vehicle struck in rear by defendant's vehicle in traffic – 2 cervical disc herniations – 2 cervical disc bulges – 4 lumbar disc herniations – 2 lumbar disc bulges – Lumbar radiculopathy at L5.

Bergen County, NJ

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

On November 18, 2021, the plaintiff's vehicle was traveling on lower approach eastbound under Fletcher Avenue George Washington Bridge in Fort Lee, New Jersey. At the same time, the defendant's vehicle was also traveling on lower approach eastbound under Fletcher Avenue George Washington Bridge, directly behind the plaintiff's vehicle. At this time, traffic in the area was heavy, causing the plaintiff to operate his vehicle slowly, stopping frequently. At the time of the incident, the plaintiff's vehicle was suddenly struck in the rear by the defendant's vehicle.

The plaintiff maintained that the defendant was negligent in failing to keep a proper lookout, failing to exercise due care, failing to remain adequately attentive, failing to obey traffic conditions, failing to observe the plaintiff's vehicle, failing to maintain a safe distance from other vehicles, failing to operate the vehicle at a reasonable rate of speed, failing to apply the brakes in a timely manner, failing to slow or stop, and failing to avoid striking the plaintiff's vehicle. Consequently, the plaintiff sustained injuries, including 2 cervical disc herniations, 2 cervical disc bulges, 4 lumbar disc herniations, 2 lumbar disc bulges, and lumbar radiculopathy at L5.

The arbitrators found in favor of the plaintiff and reported an award for $47,500.

REFERENCE

Unlu Ahmet vs. Filiatrault Diann. Docket no. L003298-22; Judge Kevin P. Kelly, 04-18-24.

Attorney for plaintiff: Gary J. Grabas of Bramnick Rodriguez Grabas Arnold & Mangan, LLC in Scotch Plains, NJ. Attorney for defendant: Chaitali R. Gandhi of Liberty Mutual.

$40,000 ARBITRATION AWARD

Motor vehicle negligence – Rear end collision – Plaintiff's vehicle struck in rear by defendant's vehicle while approaching intersection – Neck injury – Lower back pain – Abrasions to head and face – Multiple disc herniations and bulges.

Morris County, NJ

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

On November 14, 2019, the plaintiff's vehicle was traveling southbound on West Clinton Street, near its intersection with White Street in Dover, New Jersey. At the same time, the defendant's vehicle was also traveling southbound on West Clinton Street, toward the same intersection. As the plaintiff's vehicle was approaching the aforementioned intersection, it was suddenly struck in the rear by the defendant's vehicle.

The plaintiff maintained that the defendant was negligent in failing to remain adequately attentive, failing to obey traffic conditions, and failing to maintain a safe distance from the plaintiff's vehicle. Consequently, the plaintiff sustained injuries, including neck injury, lower back pain, abrasions to the head and face, and multiple disc herniations and bulges. The plaintiff's injuries were treated conservatively, with an E.R. visit and physical therapy. A doctor for the defendant opined that the plaintiff did not sustain any per-

manent injuries in the accident, and that the plaintiff's complaints of neck and back injury were degenerative.

The arbitrator in this case found the defendant 100% liable for the accident, and reported an award for the plaintiff in the amount of $40,000. Following arbitration, the plaintiff's counsel requested a trial de novo, which was scheduled to take place on February 26, 2024. However, the parties entered into a settlement for an amount not specified on the docket on February 21, 2024, before the trial could begin.

$30,000 ARBITRATION AWARD

Motor vehicle negligence – Rear end collision – Plaintiff's vehicle struck in rear by defendant's vehicle while stopped for traffic – Cervical disc bulges from C3-4 to C6-7 – Thoracic disc bulges at T6-7, T7-8, T8-9, T10-11, and T12-S1 – Shoulder pain.

Essex 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 traffic, causing the plaintiff to become injured. The defendant generally denied all allegations of negligence.

On October 2, 2017, the plaintiff's vehicle was traveling northbound on the Garden State Parkway, near mile marker 147.7 in Bloomfield, New Jersey. At the same time, the primary defendant, operating a vehicle owned by the secondary defendant, was also traveling northbound on the Garden State Parkway, directly behind the plaintiff's vehicle. At the time of the incident, the plaintiff's vehicle had slowed to a complete stop due to traffic ahead. While the plaintiff's vehicle was stopped, it was suddenly struck in the rear by the defendant's vehicle.

The plaintiff maintained that the defendant was negligent in failing to remain adequately attentive, failing to maintain a safe distance from other vehicles, and failing to obey traffic conditions. Consequently, the plaintiff sustained injuries, including cervical disc bulges from C3-4 to C6-7, thoracic disc bulges at T6-7, T7-8, T8-9, T10-11, and T12-S1, and pain in the right shoulder. The plaintiff's injuries were treated conservatively, with epidural steroid injections to the thoracic spine. A doctor for the defendant disputed the cause and permanency of the plaintiff's spinal injuries.

The arbitrator in this case found the primary defendant 90% liable for the accident and the secondary defendant 10% liable, reporting an award for the plaintiff in the amount of $30,000. Following arbitration, the defendants' counsel requested a trial de novo, which was scheduled to take place on May 15, 2023. However, a stipulation of dismissal was submitted on April 18, 2023, which stated that the action had been amicably adjusted by and between the parties before a trial could take place.

REFERENCE

Thomas Schwartz vs. Alexander Begun, Roger Barrueco. Docket no. ESXL007138-19; Judge Mayra V. Tarantino.

Attorney for plaintiff: Boris Glazman of John J. Feczko, P.C. in Elmwood Park, NJ. Attorney for defendant: Erik M Ortega of Law Office of Gerald F. Strachan, Attorneys at Law in Woodbridge, NJ.

$10,000 SETTLEMENT

Motor vehicle negligence – Rear end collision – Plaintiff's vehicle struck in rear by defendant's vehicle while stopped in traffic – Aggravation of previous right hand and wrist injury.

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 April 10, 2017, the plaintiff's vehicle was traveling eastbound on Route 70 East in Cherry Hill, New Jersey. At this time, the defendant's vehicle was also traveling eastbound on Route 70 East, directly behind the plaintiff's vehicle. At the time of the incident, the plaintiff's vehicle was completely stopped in traffic. While the plaintiff's vehicle was stopped, it was suddenly struck in the rear by the defendant's vehicle.

The plaintiff maintained that the defendant was negligent in failing to maintain a safe distance from other vehicles, failing to remain adequately attentive, and failing to avoid striking the plaintiff's vehicle. Consequently, the plaintiff sustained injuries, including aggravation of a previous right hand and wrist injury for which she'd recently had surgery. The plaintiff's injuries were treated with injections. A doctor for the defendant disputed the extent, causation, and permanency of the plaintiff's injuries.

REFERENCE

Steven Shann vs. Christine Clarke. Docket no. MRSL002206-21; Judge Stephan C. Hansbury, 03-30-24.

Attorney for plaintiff: Travis W. Nunziato, Esq. of Laddey, Clark & Ryan, LLP in Sparta, NJ. Attorney for defendant: Dominick Ciallella of Gregory P. Helfrich & Associates in Summit, NJ.

The arbitrators in this case found the defendant 100% liable for the accident and reported an award for the plaintiff in the amount of $25,000. Following arbitration, the defendant's counsel requested a trial de novo, which was scheduled to take place on February 26, 2024. However, on January 12, 2024, the plaintiff's counsel submitted an offer of judgment for $10,000. The docket also reflects that the matter was settled between the parties prior to the trial hearing, likely for the amount specified on the offer of judgment. A stipulation of dismissal was submitted on June 14, 2024.

REFERENCE

Tiffany Cook vs. Christian Basso. Docket no. CAML001262-19; Judge John S. Kennedy, 06-14-24.

Attorney for plaintiff: Adam S. Malamut of Malamut & Associates in Cherry Hill, NJ. Attorney for defendant: Robert R. Nicodemo of Nicodemo & Connell in Haddonfield, NJ.

Tractor-Trailer Negligence

$150,000 ARBITRATION AWARD

Motor vehicle negligence – Tractor-trailer negligence – Plaintiff injured when he falls out of salvage container after tractor trailer backs into it – L5-S1 disc herniation – Injections.

Atlantic County, NJ

In this motor vehicle negligence action, the plaintiff was injured when he fell out of a salvage container after a tractor trailer backed into it. The defendant generally denied all allegations of negligence.

On November 30, 2021, the plaintiff was working in the scope of his employment and was removing trash from a salvage container on Arkansas Avenue in Atlantic City, New Jersey. At this time, the defendant was operating a tractor trailer nearby. At the time of the incident, the defendant operator was reversing the tractor trailer, which struck the salvage container. The plaintiff then fell out of the salvage container and onto the ground, causing him to become injured.

The plaintiff maintained that the defendant was negligent in failing to wait for clearance before reversing, failing to remain adequately attentive, and failing to avoid a collision with the container. Consequently, the plaintiff sustained injuries, including an L5-S1 disc herniation, which was treated with injections.

The arbitrator in this case found the defendant truck operator 100% liable for the accident and reported a net award for the plaintiff in the amount of $150,000. Following arbitration, the plaintiff's counsel requested a trial de novo, which was scheduled to begin on January 5, 2026. However, on November 3, 2025, the parties entered into a settlement.

REFERENCE

Shelton Barnett vs. Magdalena Hernandez, National Logistics Corp. Docket no. ATLL001135-23; Judge Sarah B. Johnson, 11-05-25.

Attorney for plaintiff: Richard J. Albuquerque of D'Arcy Johnson Day in Egg Harbor Township, NJ. Attorney for defendant: Ayanna Countee of MacDonald & Herforth in Jersey City, NJ.

PERSONAL NEGLIGENCE

$119,850 ARBITRATION AWARD

Personal negligence – Plaintiff injures left hand while moving cactus plant with neighbor – Failure to provide proper instructions for handling cactus – Cactus needles embedded in left hand – Infection – Surgery required.

Atlantic County, NJ

In this personal injury action, the plaintiff injured his dominant left hand while helping the defendant move a cactus plant. The defendant generally denied all allegations of negligence.

On October 19, 2022, the plaintiff was a lawful visitor at the defendant's home, located on the premises of 7621 Venice Blvd in Mays Landing, New Jersey. At this time, the plaintiff was helping the defendant move a large cactus plant. While moving the plant, the defendant handled the plant's container in such a way that caused it to fall toward the plaintiff. The plant then fell into the plaintiff while he was carrying it, causing the plaintiff to become injured.

The plaintiff maintained that the defendant was negligent in failing to provide proper instructions for handling the cactus plant, failing to prevent the cactus plant from falling, and failing to ensure that the cactus plant was in a safe condition to be moved or handled. Consequently, the plaintiff sustained injuries, including cactus needles embedded in his left (dominant) hand, as well as infection. The plaintiff's injuries required surgery to repair.

The arbitrator in this case found the defendant 85% liable for the accident and the plaintiff 15% liable. The arbitrator reported an award for the plaintiff in the amount of $119,850. Following arbitration, the parties entered into a settlement.

REFERENCE

Victor Polizzotti vs. Edward Galitzen. Docket no. ATLL001936-24; Judge John C. Porto, 12-29-25.

Attorney for plaintiff: Steven Johnson of D'Arcy Johnson Day in Egg Harbor Township, NJ. Attorney for defendant: John C. Prindiville of John C. Prindiville in Sea Girt, NJ.

PREMISES LIABILITY

Fall Down

$250,000 ARBITRATION AWARD

Premises liability – Fall down – Plaintiff slips and falls on wet floor in common area of defendant shopping mall – Injuries to left knee and left arm – Neck and back injuries – Surgery required.

Bergen County, NJ

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

On August 28, 2021, the plaintiff was a lawful visitor and business invitee at the defendant shopping mall, located on the premises of 1 Garden State Plaza, Paramus, New Jersey. At this time, the plaintiff was walking in a common area of the mall, when she encountered a wet floor. The plaintiff then slipped and fell on the wet floor.

The plaintiff maintained that the defendants were negligent in failing to provide safe passage inside the mall on the premises, failing to properly clean the premises so as to remove water or debris from the floor, and failing to warn of a slipping hazard on the premises. Consequently, the plaintiff sustained injuries, including injuries to the left knee and arm, as well as neck and back injuries. The plaintiff received several injections to treat her injuries, and was eventually required to undergo a lumbar fusion surgical procedure.

The arbitrator in this case found the defendants 100% liable for the accident and reported an award for the plaintiff in the amount of $250,000. Following arbitration, the plaintiff's counsel requested a trial de novo, which was scheduled to begin on November 17, 2025. However, the parties entered into a settlement the same day.

REFERENCE

Davia Reynoso-Rosario vs. Westland Garden State. Docket no. BERL001652-23; Judge William C. Soukas, 11-18-25.

Attorney for plaintiff: Marc A. Ross of Marc A. Ross, Esq., P.A. in Hawthorne, NJ. Attorney for defendant: Stephen Wellinghorst of Harwood Lloyd, LLC in Hackensack, NJ.

$120,000 ARBITRATION AWARD

Premises liability – Fall down – Plaintiff falls and becomes injured while attempting to use broken escalator at defendant casino hotel – Failure to cordon off or otherwise prevent visitors from using escalator – Leg fracture – Surgery required.

Atlantic County, NJ

In this premises liability action, the plaintiff fell and became injured while attempting to use a broken escalator at the defendant casino hotel. The defendants generally denied all allegations of negligence.

On April 13, 2022, the plaintiff was a lawful visitor and business invitee at the defendant casino hotel, located on the premises of 2831 Boardwalk in Atlantic City, New Jersey. At this time, the plaintiff attempted to use an escalator on the premises. On this day, the subject escalator was in a broken or defective condition and was not running. However, there were 2 security guards stationed at the bottom of the escalator. The plaintiff attempted to use the escalator as a staircase to the second floor. The plaintiff stepped onto the escalator, and was not stopped by the security guards stationed at the bottom. The plaintiff then began to climb the stairs when she fell, causing her to become injured.

The plaintiff maintained that the defendants were negligent in failing to cordon off or otherwise prevent visitors from using the escalator, failing to hire competent and adequate security, and failing to warn of a hazardous or unsafe condition on the premises. Consequently, the plaintiff sustained injuries, including a leg fracture, which required surgery to repair. The defendants maintained that yellow caution tape had

been placed at the top of the escalator. However, no caution tape had been placed at the bottom of the escalator, where the plaintiff stepped on.

The arbitrators in this case found the defendants 50% liable for the accident and the plaintiff 50% liable. The arbitrators reported an award for the plaintiff in the amount of $120,000. Following arbitration, the plaintiff's counsel requested a de novo trial, which was scheduled to begin on December 8, 2025. However, the parties entered into a settlement prior to the initial hearing.

REFERENCE

Andrea Arroyo vs. Tropicana Atlantic City. Docket no. ATLL001503-22; Judge Danielle J. Walcoff, 11-26-25.

Attorney for plaintiff: Robert Sandman of Hankin, Sandman, Palladino, Weintrob & Bell in Atlantic City, NJ. Attorney for defendant: Frank Gattuso of Sweeney Sheehan in Westmont, NJ.

$40,000 ARBITRATION AWARD

Premises liability – Fall down – Plaintiff trips and falls over another patron's service dog at defendant casino hotel – Failure to warn of dog – Right shoulder rotator cuff tear – Surgery required.

Atlantic County, NJ

In this premises liability action, the plaintiff tripped and fell over another patron's service dog at the defendant casino hotel, causing him to become injured. The defendants generally denied all allegations of negligence.

On August 22, 2021, the plaintiff was a lawful visitor and business invitee at the defendant casino hotel, located on the premises of 500 Boardwalk in Atlantic City, New Jersey. At this time, the plaintiff was walking on the casino floor in the area of several table games. At this time, another patron was seated at a table game in the same area, and the patron's service dog was lying on the floor by the patron's seat. While the plaintiff was walking in this area, he tripped over the other patron's service dog and fell.

The plaintiff maintained that the defendants were negligent in failing to warn of a dog in a walkway area, failing to prevent a tripping hazard on the premises, and failing to provide safe passage on the premises. Consequently, the plaintiff sustained injuries, including a right shoulder rotator cuff tear, which required arthroscopic surgery and a biceps tenotomy to repair.

The arbitrators in this case found the defendants 50% liable for the accident and the plaintiff 50% liable. The arbitrators reported an award for the plaintiff in the amount of $40,000. Following arbitration, the plaintiff's counsel requested a trial de novo, which was scheduled to begin on January 12, 2026. However, the parties entered into a settlement before the trial began.

REFERENCE

James Newberry vs. Ocean Club Casino. Docket no. ATLL001669-22; Judge Benjamin Podolnick, 01-02-26.

Attorney for plaintiff: Teddy C. Strickland of Pender & Strickland in Atlantic City, NJ. Attorney for defendant: Michelle Cappuccio of Reilly, Mcdevitt & Henrich, P.C. in Cherry Hill, NJ.

Hazardous Premises

$270,000 ARBITRATION AWARD

Premises liability – Hazardous premises – Plaintiff injured after railing collapses at defendant diner – Failure to properly install railing – Cervical disc herniations – Lumbar disc bulges – Right shoulder rotator cuff tear – Right wrist tear – Ulnar nerve entrapment – Surgery required.

Atlantic County, NJ

In this premises liability action, the plaintiff was injured after a railing on which he was leaning collapsed at the defendant diner. The defendants generally denied all allegations of negligence.

On November 17, 2021, the plaintiff was a lawful visitor and business invitee at the defendant diner, located on the premises of 501 S Delsea Drive in Clayton, New Jersey. At this time, the plaintiff was standing on the diner's exterior sidewalk and was leaning on a railing, which had recently been installed by the defendant home renovations company. While the plaintiff was leaning on the railing, the railing suddenly collapsed, causing the plaintiff to fall.

The plaintiff maintained that the defendants were negligent in failing to properly install the railing, failing to warn that the railing was in a hazardous or unsafe condition, and failing to prevent visitors at the diner from touching or leaning on the railing. Consequently, the plaintiff sustained injuries, including cervical disc herniations, lumbar disc bulges, a right shoulder rotator cuff tear, a right wrist tear, and ulnar nerve entrapment. The plaintiff's shoulder and wrist tears required surgery to repair.

The arbitrators in this case found the defendants 100% liable for the accident, and reported an award for the plaintiff in the amount of $270,000. Following arbitration, the defendant's counsel requested a trial

de novo, which was scheduled to begin on January 20, 2026. However, the parties entered into a settlement on November 13, 2025.

REFERENCE

Eric Troutman vs. Akinlar Corporation, Liberty Diner. Docket no. ATLL001214-23; Judge Danielle J. Walcoff. 11-13-25.

Attorney for plaintiff: David L. Hasner of Hasner and Hasner, P.A. in Clementon, NJ. Attorney for defendant: John N. Kaelin, III of Haddix & Associates in Mount Laurel, NJ.

$92,000 ARBITRATION AWARD

Premises liability – Hazardous premises – Plaintiff slips and falls on wet floor in produce section of defendant supermarket – Failure to provide safe passage on premises – Left hand fracture – Torn ligament in left elbow – Right knee tear.

Bergen County, NJ

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

On August 28, 2022, the plaintiff was a lawful visitor and business invitee at the defendant supermarket, located on the premises of 2200 Route 66, in the Borough of Neptune City, New Jersey. At this time, the plaintiff was walking in the produce section of the supermarket when she encountered a wet floor. The plaintiff then slipped on the wet floor and fell.

The plaintiff maintained that the defendants were negligent in failing to provide safe passage on the premises and inside the store, failing to remove water from the floor or otherwise rectify wet floor conditions, and failing to warn of a slipping hazard on the premises. Consequently, the plaintiff sustained injuries, including a left hand fracture, a torn ligament in the left elbow, and a right knee tear.

The arbitrator in this case found the defendants 80% liable for the accident and the plaintiff 20% liable. The arbitrator reported an award for the plaintiff in the amount of $92,000. Following arbitration, the plaintiff's counsel requested a trial de novo, which was scheduled to begin on November 3, 2025. However, the parties entered into a settlement on the same day.

REFERENCE

Monique Massry vs. Saker Shoprites, Inc. Docket no. BERL001768-23; Judge Kevin P. Kelly, 11-03-25.

Attorney for plaintiff: Adam Lederman of Davis, Saperstein & Salomon, P.C. in Teaneck, NJ. Attorney for defendant: Lawrence Citro of Biancamano & DiStefano, P.C. in Edison, NJ.

Negligent Maintenance

$245,000 ARBITRATION AWARD

Premises liability – Negligent maintenance – Plaintiff trips on loose step on defendant's property while performing duties of employment as mail carrier – Failure to prevent tripping hazard – Lumbar spine injury – Surgery required.

Bergen County, NJ

In this premises liability action, the plaintiff tripped and fell on a loose step on the defendant's property while performing duties of her employment as a mail carrier, causing her to become injured. The defendant generally denied all allegations of negligence.

On April 22, 2021, the plaintiff was performing duties of her employment as a mail carrier and was attempting to deliver mail to the defendant's property, located on the premises of 5-25 2nd Street in Fairlawn, New Jersey. On this day, the premises was owned, operated, and maintained by the defendant. While the plaintiff was delivering mail to the property, she tripped on a loose exterior step and fell.

The plaintiff maintained that the defendant was negligent in failing to prevent a tripping hazard on the premises, failing to warn of a loose step on the premises, and failing to repair the step. Consequently, the plaintiff sustained injuries, including a lumbar spine injury, which required a laminectomy procedure to repair.

The arbitrator in this case found the defendant 70% liable for the accident and the plaintiff 30% liable. The arbitrator reported a net award for the plaintiff in the amount of $245,000. Following arbitration, the parties entered into a settlement.

REFERENCE

Johanna Peterson vs. Herman Weinstein. Docket no. BERL005625-22; Judge David V. Nasta, 11-21-25.

Attorney for plaintiff: Juan Icaza of Icaza, Burgess & Grossman, P.C. in Newark, NJ, NJ. Attorney for defendant: Evan Camhi of Law Offices of Debra Hart in Woodbridge, NJ.

RESTAURANT NEGLIGENCE

$75,000 ARBITRATION AWARD

Restaurant negligence – Negligent training – Plaintiff suffers burns to chest, stomach, thigh and forearm when defendant's employee spills hot coffee on plaintiff at drive through – Plastic surgery – Scarring.

Monmouth County, NJ

The plaintiff in this case was business invitee of the defendant and placed an order at the drive through. The defendant's employee served the plaintiff her order and spilled hot coffee on the plaintiff, causing injuries. The defendant denied negligence and argued it was the actions of the plaintiff that caused the incident.

On March 14, 2022, the female plaintiff was lawfully on the defendant's fast-food property located in Tinton Falls, New Jersey, in the drive through. The plaintiff placed her order and was served extremely hot coffee that spilled onto the plaintiff.

The plaintiff alleged the defendant was negligent in failing to properly train their employees, failing to properly supervise their employees and negligently managing the property where the incident occurred. The plaintiff suffered burns with scarring on the chest, stomach, thigh and forearm for which plastic surgery was required. The defendants maintained that they violated no duty owing to the plaintiff and were not negligent. The defense also alleged any and all injuries or damages alleged to have been suffered by the plaintiff were caused solely by the negligence of the plaintiff.

The board of arbitrators found in favor of the plaintiff and awarded her $75,000.

REFERENCE

Nicole Dalia vs. Dunkin Donuts of Tinton Falls. Docket no. L003866-23; Panel Arbitration, 12-04-25.

Attorneys for plaintiff: Nicole Dalia and Samuel Vacchiano of Sobo & Sobo in Middletown, NY. Attorney for defendant: Jodi F. Mindnich of Zirulnick DeMmille & Vilacha in Hamilton, NJ.

SPORTS & RECREATION

$60,000 SETTLEMENT

Sports & Recreation – Hazardous premises – Plaintiff falls unconscious during ballet class due to lack of air conditioning and high temperatures in ballet studio –- Failure to fix air conditioning before allowing classes to take place on premises – Syncope – Displaced fracture of right fifth metacarpal – Transverse fracture of right fifth metacarpal.

Atlantic County, NJ

In this action, the plaintiff student fell unconscious during a ballet class, due to a lack of air conditioning and high temperatures at the defendant ballet studio, causing her to become injured. The defendants generally denied all allegations of negligence.

On June 29, 2021, the plaintiff was lawfully attending a ballet class at the defendant dance studio, located on the premises of 6525 Ventnor Avenue in Ventnor City, New Jersey. On this day, the studio's air conditioning system was not in working order, leading to high temperatures in the studio. During her ballet class, the plaintiff became lightheaded due to the high temperatures and lack of air conditioning. The plaintiff then lost consciousness and fell.

The plaintiff maintained that the defendants were negligent in failing to fix the air conditioning on the premises before allowing ballet classes to take place, failing to provide proper ventilation, and failing to warn of hazardous or unsafe conditions on the premises. Consequently, the plaintiff sustained injuries, including syncope, displaced fracture of the right fifth metacarpal, and transverse fracture of the right fifth metacarpal.

The arbitrators in this case found the defendants 80% liable for the accident and the plaintiff 20% liable. The arbitrators reported an award for the plaintiff in the amount of $60,000. Following arbitration, the parties entered into a settlement for the same amount.

REFERENCE

Donna Catalano vs. Arlin Dance Spot. Docket no. ATLL001151-23; Judge Benjamin Podolnick, 11-04-25.

Attorney for plaintiff: Robert A. Stacchini of Goldenberg, Mackler, Sayegh, Mintz, Pfeffer, Bonchi & Gill in Atlantic City, NJ. Attorney for defendant: Thomas Gallagher of Thomas Paschos & Associates, P.C. in Haddonfield, 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

$30,007,205 VERDICT – MEDICAL MALPRACTICE – GASTROENTEROLOGY – WRONGFUL DEATH OF 23-YEAR-OLD NURSING STUDENT FOLLOWING 2-MONTH DELAY IN TREATING SMALL INTESTINAL ULCER – SEVERE EROSIVE ULCER PROGRESSION – SEPTIC SHOCK – ACUTE PERITONITIS.

Hillsborough County, FL

This medical malpractice action was filed on November 13, 2017, by the plaintiffs, Lesley Waite, as co-personal representative de son tort of the Estate of Hannah L. Waite, against the defendants, Rabia Shaikh, M.D., et al., for failure to diagnose leading to death. The defendants denied negligence and asserted the hospitalists' diagnosis was justified.

The plaintiff's decedent underwent an endoscopy revealing gastric ulcers, severe erosive gastritis and duodenitis in the duodenal bulb and argued the test results indicated a need for a follow-up endoscopy within 60 days. The plaintiff contended the decedent began to experience nausea and vomiting, and the defendant attributed these symptoms to narcotic gastroparesis, a stomach disorder caused by pain medications. The decedent was administered anti-nauseous medications and her condition progressively worsened until death.

The jury reached a verdict of $30,007,205. Awards: Estate of Hannah Waite, $7,205 for funeral expenses; Lesley Waite, $15,000,000; Andrew Waite, $15,000,000. The jury apportioned 70% negligence to Rabia Shaikh, M.D. and 30 % to Andrew C. Daley.

REFERENCE

Lesley Waite, as co-personal representative de son tort of the Estate of Hannah L. Waite vs. Shaikh, Rabia, M.D., et al. Case no. 17-CA-010281; Judge Claudia R. Isom, 02-14-24.

Attorney for plaintiff: Steve Yerrid of The Yerrid Law Firm in Tampa, FL. Attorney for defendant: Edwin P. Gale of Josepher & Batteese in Tampa, FL.

$11,900,000 SETTLEMENT – MEDICAL MALPRACTICE – OB/GYN – FAILURE TO PROPERLY RESUSCITATE 28-YEAR-OLD DELIVERING FIRST CHILD –PLAINTIFF STOPPED BREATHING AND MEDICAL TEAM TOOK 10 MINUTES TO CALL "CODE BLUE" – CHEST COMPRESSIONS STARTED 12 MINUTES AFTER LACK OF OXYGEN – CEREBRAL HYPOPERFUSION – CONSEQUENT CEREBRAL ANOXIA – CATASTROPHIC BRAIN DAMAGE – PERMANENT AND DISABLING DEFICITS.

Hudson County, NJ

This medical malpractice action was filed on December 31, 2020, by the plaintiff, parents, of Estefania Mesa Vanegas, against the defendants, Carepoint Health Hoboken University Medical Center and Selvia Zeklama, M.D., et al. for life-altering injuries sustained by their daughter when she was giving birth to her first child. The plaintiff pled injuries including cerebral hypoperfusion, consequent cerebral anoxia, hypoxia ischemic encephalopathy, cognitive deficits, inability to walk, inability to communicate, and inability to eat solid food or feed herself unassisted. The defendants denied negligence, pled insufficient knowledge and cross-claimed for allocation of negligence.

The plaintiffs alleged the plaintiff mother, in an excellent state of health, went to the defendant's hospital to deliver her first child and due to an arrest of labor and recurrent fetal heart rate deceleration, the decision was made by the doctors to perform a c-section. During the procedure, she stopped breathing and her heart stopped beating and the plaintiffs alleged her face turned cyanotic before any member of the medical team called for a "Code Blue" 10 minutes later.

The parties entered into a settlement agreement for $11,900,000. The defendant hospital will pay $10 million, the defendant anesthesiologist $1 million and the defendant doctor $900,000.

REFERENCE

Eduardo Argueta and Dario Puerto as Co-Guardians for Estefania Mesa a/k/a Estefania Mesa Vanegas, et al. vs. Carepoint Health Hobokon University, Selvia Zaklama, M.D., et al. Docket no. HUD-L-004809, 09-27-24.

Attorney for plaintiff: Samuel L. Davis of Davis, Saperstein & Salomon, PC in Teaneck, NJ.

$4,814,631 VERDICT – MEDICAL MALPRACTICE – PRIMARY CARE PHYSICIAN/ SURGEON AND PA NEGLIGENCE – DEFENDANTS FAIL TO APPRECIATE DECEDENT'S POST-OPERATIVE SHORTNESS OF BREATH AND LEG PAIN RESULTING IN FAILURE TO DIAGNOSE PULMONARY EMBOLISM WHICH CAUSED DECEDENT'S DEATH – WRONGFUL DEATH OF 53-YEAR-OLD MALE.

Delaware County, PA

In this medical malpractice action, the estate of the decedent maintained the defendant presented to the defendants with complaints consistent with a pulmonary embolism which the defendants failed to diagnose and treat resulting in the decedent's death. The defendants denied the estate's allegations and argued the embolism did not occur until the day of the decedent's death.

On February 12, 2016, while at home, the decedent complained to his wife about his breathing being labored after climbing the stairs or similar exertion and for that reason made an appointment with his primary, defendant Braunfeld. Braunfeld ordered a chest x-ray and did suggest the shortness of breath could be cardiac in nature suggesting a follow-up with a cardiologist be considered. The chest x-ray was interpreted to show no acute disease in the chest and that the heart was interpreted to be normal in size. While at home after the visit, the decedent died.

A jury rendered a verdict in favor of the plaintiff and awarded a total of $4,814,631.00 against defendants Braunfeld and Groverman and Braunfeld Associates.

REFERENCE

Plaintiff's pulmonary disease, internal medicine, critical care medicine expert: Franco R. D'Alessio, M.D. from Baltimore, MD.

Karen A. Crater, individually and as the executrix of the Estate of Mark E. Crater vs. Robert J. Braunfeld, D.O., Lester J. Groverman M.D., Kenneth M. Toto, PA and Main Line Orthopedics. Case no. CV-2017-009905; Judge John J. Whelan, 05-19-25.

Attorney for plaintiff: Dennis M. Abrams of Lowenthal & Abrams, P.C. in Bala Cynwyd, PA. Attorney for defendant: John Shusted of German Gallagher & Murtagh in Philadelphia, PA.he Law Office of William L. Brennan in Shrewsbury, NJ.

PRODUCT LIABILITY

$20,708,910 VERDICT – PRODUCT LIABILITY – DEFECTIVE DESIGN – MOTORCYCLE MANUFACTURING DEFECT – PLAINTIFF'S MOTORCYCLE IGNITES INTO FLAMES WHEN PLAINTIFF CRASHES INTO CO DEFENDANT'S TRASH TRUCK – 2ND AND 3RD DEGREE BURNS TO 50% OF PLAINTIFF'S BODY.

Philadelphia County, PA

In this action for product liability, the plaintiff and the defendant trash truck collided causing a fire to ignite from the plaintiff's motorcycle resulting in severe burns to 50% of the plaintiff's body. The plaintiff argued all defendants were negligent and pursued compensatory and punitive damages in this personal injury action. The defendants all denied being negligent and argued it was the actions of the plaintiff that caused the collision.

The plaintiff filed his complaint against AHM, the manufacturer of the subject Grom, as well as against Osco Inc. d/b/a Crossroads Powersports ("Crossroads"), the seller of the Grom; Spano & Sons, and Michael Spano, Jr. alleging negligence. The plaintiff's claims against Honda were for strict liability and negligence, with a claim for punitive damages. The plaintiff sustained burns to over 50% of his body requiring 12 surgical procedures and resulting in significant scarring.

The jury found that the 2014 Honda Grom motorcycle the plaintiff was driving was defective, unreasonably dangerous, and not crashworthy. They awarded the plaintiff $20.7 million against Honda Motor Company for the unreasonably dangerous design of the gas cap of its 2014 motorcycle. The $20.7 million award included $2.7 million for non-economic damages and $18 million for pain and suffering, loss of pleasures in life, and scarring/disfigurement and loss of bodily function.

REFERENCE

Plaintiff's engineering expert: Mark Ezra from St. Louis, MO. Plaintiff's engineering expert: George E. Meinschein, P.E. from Freehold, NJ. Plaintiff's forensic fire and explosion incident analysis expert: Michael J. Schulz from Roseville, CA.

Jamal Boyd vs. Honda Motor Company, LTD., a foreign corporation; American Honda Motor Corporation, Inc., a foreign corporation; Osco, Inc. dba Crossroad Powersports, Mike Spano and Sons, Inc. and Michael Spano, Jr. Case no. 210702496; Judge Angelo Foglietta, 07-18-24.

Attorney for plaintiff: Larry E. Coben of Anapol Weiss in Scottsdale, AZ. Attorney for defendant: William J. Conroy of Campbell Conroy & O'Neil, P.C. in Berwyn, PA. Attorney for defendant: Vincent F. Reilly of Reilly McDevitt & Henrich, PC in Philadelphia, PA.

MOTOR VEHICLE NEGLIGENCE

$17,220,807 VERDICT – MOTOR VEHICLE NEGLIGENCE – DEFENDANT'S TRUCK HIT VEHICLE CAUSING PLAINTIFF'S DECEDENT, STANDING ON SHOULDER, TO BE PROPELLED OFF CAUSEWAY – DECEDENT FALLS 30 FEET RESULTING IN DEATH.

Sacramento County, CA

This motor vehicle negligence action was filed on February 8, 2018 by the plaintiff, Lethesia Guzman, against Morning Star Company, Inc and Morning Star Trucking Company, LLC. The plaintiff and her fiancé, who were coming home from a concert in the Bay Area, were propelled off the side of the Yolo Causeway on Interstate 80. The plaintiff suffered major injuries and her fiancé was killed. The defendant contended the injuries were not as substantial as alleged.

The plaintiff contended defendant's driver negligently drove the truck and failed to perform an adequate pre-trip inspection. Further, that they acted with a conscious disregard for the safety of the public by failing to have an adequate inspection program and for the inadequate supervision of their driver.

The jury reached a $17,220,807 verdict, after an 11-week trial, 2 days of deliberation on compensatory damages and a 2-hour deliberation on punitive damages broken down as follows: $11,220,807 in compensatory damages and $6,000,000 in punitive damages.

REFERENCE

Lethesia Guzman vs. Morning Star Company, Inc. and Morning Star Trucking Company, LLC. Case no. 34-2018-00226841; Judge Jill H. Talley, 01-23-25.

Attorney for plaintiff: Christopher Dolan of Dolan Law Firm in San Francisco, CA. Attorney for defendant: Kimberly Oberrecht of Horton, Oberrecht, Kirkpatrick in San Francisco, CA.

$1,351,761 VERDICT – MOTOR VEHICLE NEGLIGENCE – AUTO/TRUCK COLLISION – 61-YEAR-OLD PLAINTIFF DELIVERING NEWSPAPERS INJURED WHEN DEFENDANT OPERATING PICKUP TRUCK COLLIDED WITH PLAINTIFFS' VEHICLE – DISC HERNIATIONS AT C5-C6 AND C6-C7; MEDIAL BRANCH BLOCK INJECTIONS AT C5, C6 AND C7; RECOMMENDATION FOR ANTERIOR CERVICAL DISCECTOMY AND FUSION AT C6-C7; INJURIES TO RIGHT HAND – NECK PAIN AND HEADACHES.

Middlesex County, MA

This motor vehicle negligence action was filed on July 14, 2023, by the plaintiff driver, Melody Allen, against the defendant, Maxanthony Plazola, for injuries sustained when the defendant collided with the plaintiff's vehicle on Main Street. The plaintiff pled injuries of disc herniations at C-5- C6 and C6-C7, medial branch block injections at C-5, C-6 and C-7, recommendation of anterior cervical discectomy and fusion at C-6- C7, injuries to her right hand, neck pain and headaches, hand contusion, radiating pain into her shoulders and head and injections for pain relief. The defendant contended he was not negligent and argued the

plaintiff was contributorily negligent by pulling out in front of the defendant and stopping quickly in front of the defendant.

The defendant argued he attempted to avoid the accident by swerving into the oncoming lane and that he acted reasonably and with due care.

The jury reached a verdict of $1,388,756.49, consisting of $36,994.99 in medical expenses and $1,351,761.50 in past, present and future pain and suffering including mental or emotional harm.

REFERENCE

Melody Allen vs. Maxanthony Plazola. Case no. 2381CV02046; Judge Keren E. Goldenberg, 04-11-25.

Attorney for plaintiff: Chase A. Marshall of Morgan & Morgan, P.A. in Boston, MA. Attorney for defendant: Megan E. Ryan of Hinshaw & Culbertson in Boston, MA.

$790,000 VERDICT – MOTOR VEHICLE NEGLIGENCE – REAR END COLLISION – PLAINTIFF PASSENGER IN VEHICLE REAR-ENDED BY DEFENDANT DRIVER – FINGER FRACTURE – HERNIATED DISCS AT L-5, S-1, AND L4-L5 – 3 SPINAL INJECTIONS AND PHYSICAL THERAPY – DEFENDANT CHALLENGED SIGNIFICANCE AND PERMANENCY.

Bronx County, NY

In this motor vehicle negligence case, the plaintiff, a 39-year-old, asserted that the defendant driver struck the rear of the vehicle, in which the plaintiff was a passenger, with such force that it caused significant, permanent injury. As a result of the incident, the plaintiff sustained a fracture of the little finger and herniated discs at L-5, S-1 and L4-L5. The plaintiff treated with physical therapy, 2 caudal epidural injections, and 1 lumbar injection. The defendant contested the plaintiff's damages.

The defendant called an expert neurologist to support the defendant's contention that the plaintiff had no permanent disability. The defendant also relied on a report from an orthopedist who opined that the plaintiff's injuries were minimal.

The defendant was found liable on summary judgment motion May 23, 2022. The matter was set down for jury trial as to damages only; 4 serious injury threshold questions went to the jury.

Following the trial, the jury unanimously awarded the plaintiff $790,000 in damages broken down as follows: $40,000 for past pain and suffering, $50,000 for future pain and suffering; and future medical expenses of $700,000, anticipated to extend over the course of 35 years.

REFERENCE

Ramos vs. Martinez. Index no. 22627/2019E; Judge Shawn T. Kelly, 07-07-25.

Attorney for plaintiff: Hayes Young of The Law Offices of Hayes Young, P.A. in New York, NY. Attorney for plaintiff: Greg Garber, Attorney of Record of Garber Legal, PLLC in New York, NY. Attorney for defendant: John Corring of The Noll Law Firm, P.C. in Syosset, NY.

PREMISES LIABILITY

$741,277 GROSS VERDICT – PREMISE LIABILITY – FALL DOWN – PLAINTIFF IN FLIP FLOPS RESULTS IN 75% PLAINTIFF APPORTIONED LIABILITY – PLAINTIFF INJURED FROM FALL DUE TO UNREASONABLY DANGEROUS SIDEWALK – 2 HERNIATED DISCS AT L4-5 AND L5-S1 – LAMINECTOMY – FUSION SURGERY – ANTALGIC GAIT.

Broward County, FL

This premises liability action was filed on July 22, 2024, by the plaintiff pedestrian against the defendant, Westgate Plaza, Inc., for injuries occurring on July 21, 2023 when the plaintiff fell on the sidewalk owned and maintained by the defendant. The plaintiff pled injuries of lumber spine injuries, 2 herniated discs at L4-5 and L5-S1, diagnoses of discogenic mechanical lower back pain, laminectomy, fusion surgery, coccyx bone bruise, weakness and pain symptoms radiating down his leg, back pain preventing mobilization standing up, sitting down, antalgic gait and localized tenderness. The defendant denied negligence and affirmatively pled the plaintiff's own negligence was the proximate cause of his injuries.

The plaintiff argued the sidewalk was in a state of disrepair, constituting a foreseeable danger that the defendant knew about or should have known about considering the length of time the sidewalk condition existed. The defendant argued the condition of sidewalk was "open and obvious." and they had no actual or constructive knowledge of the defect as required by Florida Statute section 768.0755.

Gross verdict: $741,276.57. Awards: $366,000 for past medical expenses; $75,000 for future medical expenses; $150,000 for past pain and suffering, disability, physical impairment, disfigurement, mental anguish, inconvenience, aggravation of a disease or physical defect, activation of a latent disease or physical defect, loss of capacity for the enjoyment of life; $150,000 for future pain and suffering, disability, physical impairment, disfigurement, mental anguish, inconvenience, aggravation of a disease or physical defect, activation of a latent disease or physical defect, loss of capacity for the enjoyment of life. The jury apportioned 75% negligence to the plaintiff and 25% negligence to the defendant.

REFERENCE

Algene Edwards vs. Westgate Plaza, Inc. Case no. CACE-24-010242; Judge Jeffrey R. Levenson, 10-09-25.

Attorney for plaintiff: Daniel Drazen of Englander Peebles in Fort Lauderdale, FL. Attorney for defendant: Fred Fulmer of Law Offices of Fred Land Fulmer in Fort Lauderdale, FL.

$723,955 VERDICT – PREMISE LIABILITY – FAILURE TO MAINTAIN – FAILURE TO WARN – PLAINTIFF ALLEGED OWNER HAD KNOWLEDGE OF FIRE ON PREMISES WHICH DAMAGED INTERIOR STAIRCASE AND NEGLIGENTLY FAILED TO ERECT SIGNS – PLAINTIFF FALLS WHEN PORTION OF INTERIOR STAIRCASE COLLAPSES – ACUTE MUSCULOLIGAMENTOUS STRAIN OF THORACIC SPINE AND LUMBAR SPINE – RIB AND CHEST WALL CONTUSIONS.

Fairfield County, CT

This premise liability action was filed on February 18, 2022, by the plaintiff for injuries suffered when a staircase collapsed. The plaintiff pled injuries of acute musculoligamentous strain of cervical spine; headache; neck pain; acute left shoulder impingement, shoulder pain; left upper arm weakness, left upper arm pain; chest wall contusion; left rib contusion and musculoligamentous strain of thoracic spine and lumbar spine. The defendant denied negligence.

The plaintiff was on the interior staircase of the premises and due to a fire, she was caused to fall when a portion of the interior staircase collapsed. The plaintiff maintained that the defendant had knowledge of the unstable, damaged and defective condition of the interior staircase and took no steps to fix the condition and the defendant's' failure to maintain, inspect and erect signs and/or barriers proximately caused the plaintiff's injuries.

The jury reached a gross verdict of $723,954.91 consisting of $73,954.91 in economic damages and $650,000 in non-economic damages. The jury apportioned 75% liability to the defendant and 25% to the plaintiff. The final award to the plaintiff after reduction of percentage of liability was $542,966.18.

REFERENCE

Majolie Augustin vs. Tan Pham. Case no. FBT-CV22-6113247-S; Judge Kristin Connors, 07-02-24.

Attorney for plaintiff: Christopher J. Flood of The Flood Law Firm in Middleton, CT. Attorney for defendant: Greg S. Krieger of Howard, Kohn, Sprague & Fitzgerald in Hartford, CT.

ADDITIONAL VERDICTS OF PARTICULAR INTEREST

Construction Site Negligence

$3,860,579 VERDICT – CONSTRUCTION SITE NEGLIGENCE – PLAINTIFF MASON STEPS ON DEBRIS AND FALLS INTO TRENCH ON SITE – DISC INJURIES AT C2 THROUGH C7; AGGRAVATION OF PRE-EXISTING CONDITION OF RIGHT SHOULDER; RIGHT SHOULDER GLENOID TEAR WITH PARTIAL BICEPS TENDON RUPTURE – CERVICAL SPINE INJECTIONS; RIGHT SHOULDER ARTHROSCOPIC SURGERY.

Erie County, NY

In this construction site negligence case, the plaintiff, a 53-year-old mason, asserted that the defendants were negligent in failing to maintain a safe construction site and allowing a dangerous condition to exist on the property that caused the plaintiff to fall. The plaintiff claimed disc injuries at C2 through C7; aggravation of pre-existing, asymptomatic condition of the right shoulder; injury of the muscle and tendon of the right rotator cuff and right shoulder glenoid tear with partial biceps tendon rupture. The plaintiff treated with cervical spine injections and right shoulder arthroscopic subacromial decompression, distal clavicle excision with debridement of glenoid tear, biceps tenotomy and arthroscopic rotator cuff repair surgery. The plaintiff claimed the need for future cervical spine surgery. The defendants denied negligence and argued that the plaintiff was at fault for his own injuries.

The defendants included the general contractor, the concrete company, and the school that owned the property and had contracted for the construction work. The plaintiff asserted that the defendants failed to back fill an open excavation area with stone or temporarily cover the open excavation with plywood or planking thus creating a dangerous situation.

The jury found in favor of the plaintiff and awarded damages in the amount of $3,860,579 broken down as follows: past pain and suffering of $450,000; past lost wages of $347,000; past medical expenses of $38,579; future pain and suffering of $1,200,000; future lost wages of $725,000; and future medical expenses of $1,100,000.

REFERENCE

Ross vs. Northeast Diversification Ind., et al. Index no. 815294/2018; Judge Craig D. Hannah.

Attorneys for plaintiff: Marc C. Panepinto and Anne M. Wheeler of Dolce Panepinto, P.C. in Buffalo, NY. Attorney for defendant school district: Keith N. Bond of Walsh, Roberts & Grace in Buffalo, NY.

Employer's Liability

$10,650,000 VERDICT – EMPLOYER'S LIABILITY – REFRIGERATION DOOR ON DELIVERY TRUCK FAILED AND STRUCK HEAD OF PLAINTIFF EMPLOYEE – NECK INJURIES – TRAUMATIC BRAIN INJURY.

El Paso County, TX

The plaintiff employee in this case sustained serious injury when she was in the course of her employment with the defendant company and was struck in the head by a trailer door. The plaintiff maintained that she suffered seizures, headaches, cognitive decline, disc herniations, and post-traumatic stress disorder as a result of the injury. The defendant maintained that the plaintiff was the cause of the incident and that it had no knowledge of the issues with the door.

The plaintiff maintained that the defendant failed to properly maintain the trailer and failed to properly train employees on using roll-up doors. The plaintiff's expert testified that she had abnormal findings on her brain CT. The defense expert testified that there were no objective findings of an ongoing brain injury.

A motion for Summary Judgment was granted in favor of the defendant, Maldonado. A directed verdict was granted for Walmart at the end of the trial. An appeal was filed, the parties reached an agreement, and the appeal was dismissed.

The jury verdict was against Swift Transportation Co. of Arizona, LLC only and the award breakdown is as follows: $6,000,000 for future medical costs; $150,000.00 for past physical impairment; $1,000,000 for future physical impairment; $350,000.00 past physical pain and suffering; 1,000,000 for future physical pain and suffering; $150,000.00 past mental anguish; $1,000,000.00 for future mental anguish; $1,000,000.00 for future loss of earning capacity.

REFERENCE

Plaintiff's neurosurgeon expert: Bratislav Velimirovic, M.D. from El Paso, TX.

Lilia Favela vs. Swift Transportation Co. of Arizona, LLC, Walmart, Inc. and Michael Maldonado. Case no. 2018DCV4882; Judge Annabell Perez, 03-07-23.

Attorney for plaintiff: Maxey M. Scherr in El Paso, TX. Attorney for plaintiff: John Camillus of Law Office of John C. Camillus, LLC in Columbus, OH. Attorney for plaintiff: Robert L. Collins of Collins & Associates in Houston, TX.

Police Liability

$7,950,000 SETTLEMENT – POLICE LIABILITY – MOTOR VEHICLE NEGLIGENCE – PLAINTIFF'S VEHICLE, DISABLED AFTER COLLISION WITH MEDIAN, HIT BY DEFENDANT SHERIFF'S OFFICER GOING 83.6 MPH – TRANSVERSE PROCESS LUMBAR FRACTURES – LEFT RIB FRACTURES – LEFT PNEUMOTHORAX WITH SUBCUTANEOUS EMPHYSEMA – LEFT SACRAL ALAR FRACTURE.

Morris County, NJ

This action was filed on April 5, 2021, by the plaintiffs, Peter Klem and Samantha Klem, his wife, against defendants Scott Haggerty, individually, and Sussex County Sheriff, et al., for injuries sustained in a January 14, 2020 accident. The defendant denied negligence and contended plaintiff's own negligence caused his injuries when he negligently hit the cement divider; thus, creating a hazard.

The plaintiff pled injuries of transverse process fractures to the left L1, bilateral L2, bilateral L3, left rib fractures to ribs 2,2,5 posterior, 5 lateral, 6,8,11,12, left pneumothorax with subcutaneous emphysema, left carpal alar fracture to the sacroiliac joint, left superior ramps fracture with extension to the acetabulum, left inferior ramus fracture to the acetabulum, non-displaced fractures of the right acetabulum, transecting of aortic infundibulum, severe narrowing of the origin of celiac artery, narrowing of the origin of the SMA, sternum buckle and pulmonary contusions.

The plaintiff alleged his vehicle became disabled in the left lane/shoulder after striking the cement center divide. The plaintiff was not injured in the initial crash and shortly thereafter, the defendant officer, operating a 2017 Ford Explorer owned by the Sussex County Sheriff's office, violently struck the plaintiff's vehicle.

The parties entered into a settlement for $7,950,000.

REFERENCE

Peter Klem and Samantha Klem, his wife vs. Scott Haggerty, individually, and Sussex County Sheriff, et al. Docket no. MRS-L-000741-21, 07-08-24.

Attorney for plaintiff: Barry R. Eichen of Eichen Crutchlow Zaslow, LLP in Edison, NJ. Attorneys for defendant: Robert C. Ward and Sharon M. Flynn of Gebhardt & Kiefer, P.C. in Annandale, NJ.