NEW JERSEY
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FEATURED CASES

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A monthly review of New Jersey State and Federal Civil Jury Verdicts.

The New Jersey cases herein are obtained from an ongoing monthly survey of the State and Federal courts in the State of New Jersey.

VERDICTS BY CATEGORY

FEATURED CASES

$8,000,000 SETTLEMENT – ELEVATOR MAINTENANCE NEGLIGENCE – CAR NOT PRESENT WHEN PLAINTIFF ATTEMPTS TO MOVE PIANO AT NIGHT – 13-FOOT FALL – MULTIPLE FRACTURES – BRAIN BLEED – NEED TO RELEARN BASIC ACTIVITIES OF DAILY LIVING.

Morris County, NJ

This action involved a 53-year-old plaintiff worker for a piano moving company which leased space, including the freight elevator, from the defendant landlord. The plaintiff asserted that the defendants landlord and the defendant elevator company negligently failed to properly maintain the elevator. The plaintiff contended that as result, the car was not present as he stepped into the shaft, causing him to fall 13 feet. The plaintiff maintained that he suffered multiple traumatic injuries and required some 8 surgeries over a 10-day hospitalization. The plaintiff had independent self-care skills such as bathing, walking, and dressing. The plaintiff also suffered a severe cognitive deficit. The defendants asserted that the condition was open and obvious and that t equipped with safety devices and if properly maintained the incident would not have occurred. The plaintiff was overwhelmingly comparatively negligent.

The plaintiff countered that he had every right to believe that the elevator car was present and denied that stepping into the shaft when he was attempting to fulfill his duties constituted negligence. The employer frequently moved the pianos at night. The evidence disclosed that the incident occurred after the plaintiff parked his vehicle in the parking lot at approximately 9:00 p.m. and was intending to move a piano. The plaintiff would have introduced approximately 1 million dollars in future lost wages.

The plaintiff suffered a cervical fracture, a T4 and T5 vertebral fracture, a hemothorax fracture; a pneumothorax fracture, multiple rib fractures a pneumomediastinum, a traumatic skin/subcutaneous tissue injury, a mastoid bone fracture and a brain bleed. After his release from the hospital, he was transferred to an inpatient facility for another 27 days for physical and occupational therapy, which included therapy to re-learn independent self-care skills such as bathing, walking, and dressing.

The plaintiff then underwent 6 surgeries including a C6-C7, C7-T1 anterior cervical discectomy and fusion, and a right thumb surgical release of the MCP and IP joints with external fixator, as well as several arthroscopic knee surgeries. The plaintiff maintained that despite extensive physical therapy, he will suffer extensive difficulties with everyday tasks as well as a severe cognitive deficit.

The plaintiff is married.

The case was settled with all defendants for $8,000,000 at trial call.

REFERENCE

Fogarty vs. SL Park Place, et al. Docket no. MRS-L-786-20; Judge David H. Ironson.

Attorneys for plaintiff: Bruce H. Nagel and Michael J. Paragano of Nagel Rice, LLP in Roseland, NJ.

COMMENTARY

The defense would have stressed that the condition was open and obvious and argued that the cause of the incident was the failure of the plaintiff to make adequate observations. The plaintiff was none-the-less able to secure a very significant recovery. It is felt that evidence that the highly-traumatic incident occurred as the plaintiff was trying to perform his duties would clearly have undermine any attempt by the defendant to assess blame on the plaintiff. Regarding damages, the sudden inability of the plaintiff to engage in everyday activities of daily living, despite extensive therapy and surgeries, combined with the traumatic nature of the event, provided the leverage used in this case.

$321,548 JUDGMENT – PREMISES LIABILITY – FALL DOWN – PLAINTIFF TRIPS AND FALLS DOWN EXTERIOR STEPS ON DEFENDANT'S PREMISES – FAILURE TO REPAIR BROKEN EXTERIOR STEPS – PATELLA TENDON AVULSION TEAR – SURGERY.

Essex County, NJ

In this premises liability action, the plaintiff tripped and fell down a set of exterior steps on the defendant's premises, causing him to become injured. The defendant denied negligence, maintaining that any injuries or damages sustained by the plaintiff were the result of the actions of a third party and were outside of the defendant's control.

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973/376-9002 Fax 973/376-1775
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973/535-6263

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On September 14, 2020, the plaintiff was a lawful visitor on the defendant's property, located on the premises of 159 21st Street in Irvington, New Jersey. At this time, the plaintiff was attempting to descend a set of outdoor concrete steps on the premises. While descending the steps, the plaintiff encountered a step where a large piece of concrete was missing. The plaintiff then tripped on the missing concrete and fell.

The plaintiff maintained that the defendant was negligent in failing to repair broken and hazardous exterior steps, failing to prevent a tripping hazard on the exterior steps, and failing to warn of a missing piece of concrete on the steps. Consequently, the plaintiff sustained injuries, including a patella tendon avulsion tear, which required surgery to repair.

2 arbitrators found the defendant 100% liable for the plaintiff's injuries, and reported an award for $321,548.07. Following arbitration, the plaintiff's counsel motioned to confirm the arbitration award. On April 12, 2024, the honorable Richard T. Sules ordered that the arbitration award of $321,548.02 be confirmed and entered as a judgment in favor of the plaintiff, plus prejudgment interest.

REFERENCE

Dashaon vs. Safet. Docket no. ESXL004662-22; Judge Richard T. Sules, 04-12-24.

Attorney for plaintiff: Richard J. Villanova of Blume, Forte, Fried Zerres & Molinari, P.C. in Chatham, NJ. Attorney for defendant: Ernest Bernabei of Pillinger Miller Tarallo, LLP in Philadelphia, PA.

$240,000 VERDICT – MOTOR VEHICLE NEGLIGENCE – REAR END COLLISION – HERNIATED DISC AT C5/6 – HERNIATED DISC AT L4/5 – SURGERY REQUIRED.

Bergen County, NJ

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

On August 26, 2019, the plaintiff's vehicle was traveling eastbound on Route 46 in Ridgefield, New Jersey. At this time, the plaintiff was traveling toward an accumulation of traffic at an intersection, and had to slow her vehicle to accommodate said traffic. At the same time, the defendant's vehicle was also traveling eastbound on Route 46, directly behind the plaintiff's vehicle. When the plaintiff slowed/stopped for traffic, her 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 maintain a safe distance from other vehicles, failing to observe traffic conditions, failing to obey traffic signals, failing to observe the plaintiff's vehicle, 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 a herniated disc at C5/6, which required a discectomy procedure to repair. The plaintiff also sustained a herniated disc at L4/5.

The jury found in favor of the plaintiff and awarded $240,000.

REFERENCE

Lopez vs. Jeong. Docket no. L003379-20; Judge Michael N. Beukas, 04-11-23.

Attorney for plaintiff: Michael Lizzi of Maggiano, DiGirolamo & Lizzi, P.C. in Fort Lee, NJ. Attorney for defendant: Richard T. Oldfield of Martindale-Hubbell.

$172,500 ARBITRATION AWARD – MOTOR VEHICLE NEGLIGENCE – AUTO/ PEDESTRIAN COLLISION – PLAINTIFF PEDESTRIAN STRUCK BY DEFENDANT'S RIGHT SIDE-VIEW MIRROR WHILE CROSSING STREET – DISPLACED CLAVICLE FRACTURE – NASAL FRACTURE – CERVICAL DISC HERNIATIONS – LUMBAR DISC HERNIATIONS – LUMBAR DISC BULGES – LEFT KNEE TEARS – LEFT SHOULDER SUPERIOR LABRAL TEAR – SURGERY REQUIRED.

Bergen County, NJ

In this motor vehicle negligence action, the plaintiff pedestrian was struck by the defendant's right side-view mirror while crossing the street, causing her to become injured. The defendant generally denied all allegations of negligence, maintaining that the plaintiff pedestrian had stepped into his side view mirror.

On October 15, 2020, the plaintiff was a pedestrian walking on Passaic Street, at its intersection with Clark Street in Lodi, New Jersey. At this time, the plaintiff pedestrian was attempting to cross Passaic Street at the subject intersection. At the same time, the defendant's vehicle was traveling on Passaic Street, toward the same intersection. As the plaintiff pedestrian was crossing the street, the defendant's vehicle attempted to proceed through the intersection. The plaintiff was then struck by the defendant's vehicle, specifically the defendant's right side-view mirror.

The plaintiff maintained that the defendant was negligent in failing to keep a proper lookout, failing to exercise due care, failing to yield to the plaintiff pedestrian, failing to observe the plaintiff pedestrian, failing to obey traffic conditions, failing to remain adequately attentive, failing to keep the vehicle under proper and adequate control, 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 pedestrian. Consequently, the plaintiff sustained injuries, including a displaced clavicle fracture, a nasal fracture, cervical disc herniations, lumbar disc herniations, lumbar disc bulges, left knee tears, and a left shoulder superior labral tear, which required arthroscopic surgery to repair.

The arbitrators found in favor of the plaintiff and reported an award for $172,500.

REFERENCE

Jousset vs. Demichele. Docket no. L000916-22; Judge Lina P. Corriston, 05-31-24.

Attorneys for plaintiff: Bilal A. Jaloudi of Jaloudi & Associates in Clifton, NJ. Attorney for defendant: Jason B. Levoy of Liberty Mutual.

Verdicts By Category

CAMP NEGLIGENCE

$10,000 SETTLEMENT

Camp negligence – Minor plaintiff sustains injuries after falling into lake at defendant summer camp facility – Failure to properly supervise minor plaintiff – Failure to remove hazardous rope from lake area – Lacerations on back – Laceration under right arm.

Cumberland County, NJ

In this action, the minor plaintiff sustained injuries after falling into a lake at the defendant summer camp facility. The defendants generally denied all allegations of negligence.

On August 22, 2022, the minor plaintiff was a lawful attendee of a summer camp, which took place at the defendant fitness and camp facility, located on the premises of 1159 East Landis Avenue in Vineland, New Jersey. On this day, the minor plaintiff was swimming in a lake as part of the summer camp's activities. At the time of the incident, the minor plaintiff had climbed out of the lake in the area of the deep end. After climbing out, the minor plaintiff fell back into the lake and became tangled in a yellow rope, causing him to become injured.

The plaintiffs maintained that the defendants were negligent in failing to properly supervise the minor plaintiff, failing to prevent the minor plaintiff from falling into the lake, and failing to remove a hazardous rope from the lake area. Consequently, the minor plaintiff sustained injuries, including lacerations on his back, as well as a laceration under his right arm, which were discovered after an employee of the summer camp helped him out of the lake and removed his life jacket.

The parties entered into a friendly conference on April 19, 2024, and reported to the court that they had arrived at a settlement for $10,000. On the same day, the honorable James R. Swift ordered a judgment in the same amount. A warrant of satisfaction was submitted on behalf of the defendants on June 11, 2024.

REFERENCE

Miguel Mercado vs. Cumberland Cape Atlantic Ymca. Docket no. CUML000150-24; Judge Niki Arbittier, 04-19-24.

Attorney for plaintiff: Michael H. Testa of Testa Heck Testa & White, PA in Vineland, NJ. Attorney for defendant: Joseph McGlone of O'Toole Scrivo, LLC in Cedar Grove, NJ.

CONTRACT

$103,811 JUDGMENT

Breach of commercial real estate contract – Plaintiff claims defendant failed to meet terms of commercial real estate contract and cost plaintiff opportunity to purchase another property as well as other damages caused by delay in sale of property to another buyer – Defendant denies breaching contract and argues plaintiff caused sale to fall through due to failure to deliver documents for closing prior to closing date.

Hudson County, NJ

In this breach of contract case, the plaintiff seller asserted that the defendant buyer of a commercial property failed to abide by the "all cash" terms of the contract and failed to close on the property in a timely manner such that it caused the plaintiff damages. The defendant maintained that in no case did the defendant breach the contract, even if plaintiff's failure of performance is not to be excused.

The plaintiff was the owner of commercial property located at 289 Communipaw Avenue in Jersey City. On June 14, 2021 the plaintiff and defendant executed a contract for the defendant to purchase the property for a total purchase price of $925,000. Pursuant to the terms of the contract, the defendant provided a deposit of $92,500 which was placed in escrow. The contract stipulated that the sale was to be an "All cash transaction not contingent upon financing or the sale of any other real property." It was the plaintiff's intention to use the proceeds of the sale to purchase a specific commercial property at 6537 Castor Avenue in Philadelphia to be used as a "1031 exchange" property.

The plaintiff maintained that the defendant delayed the closing multiple times, jeopardizing the plaintiff's 1031 status. The plaintiff then discovered that the delays were occurring due to the defendant working with a lender, in contradiction of the terms of the sale contract. The defendant ceased responding to plaintiff's attorney's communications and a time of the essence closing date was set for September 10, 2021. The defendant failed to appear for the closing and the following day sent an email canceling the contract.

As a result of the defendant's failure and refusal to close, the plaintiff claimed to have lost the ability and opportunity to close on the property that was to be the subject of the 1031 exchange, incurring a financial loss caused by the defendant's refusal to close on the property as well as other damages caused by the delayed sale of the property. The defendant denied responsibility for the failure to close and argued that the plaintiff materially defaulted in its performance of the "time of the essence" contract closing date, by failing to tender the Deed and related documents at the date, time and place of the closing. The defendant also asserted that the contract did not provide for liquidated damages, and thus the loss of the deposit was an unconscionable forfeiture. The defendant claimed the plaintiff's alleged damages were entirely the consequence of its own failure of performance.

Following a bench trial, the court found in favor of the plaintiff on the court of Breach of Contract and, in the alternative, Breach of Covenants. The court entered judgment allowing the plaintiff to retain the full initial deposit of $92,500 and further entered judgment in favor of the plaintiff in the amount of $11,311 broken down as follows: $10,000 for the amount lost on the subsequent sale of the property; $10,905 for the amount expended by the plaintiff for repairs to the property so it could be resold to a new buyer; $6,588 in carrying costs incurred by the plaintiff after the closing date; less $16,182 credit to the defendant for rent paid after the closing date.

REFERENCE

Yeung, et al. vs. Klepner. Docket no. L -003914-21; Judge Anthony V. D'Elia, 02-09-24.

Attorney for plaintiff: Jeffrey A. Bronster of Jeffrey A. Bronster, Esq. Attorney at Law in Fairview, NJ. Attorney for defendant: Mark F. Heinze of Ofeck & Heinze, LLP in Hackensack, NJ.

DOG ATTACK

$50,000 ARBITRATION AWARD

Dog attack – Minor plaintiff attacked and bitten by defendants' dog – Failure to leash dog – Lacerations of face related to dog bite – Sutures required.

Morris County, NJ

In this dog bite action, the minor plaintiff was attacked and bitten by a dog belonging to the defendants, causing her to become injured. The defendants generally denied negligence.

On July 4, 2020, the minor plaintiff was a lawful passenger on a boat, owned by her parents. At this time, the minor plaintiff was attending a family gathering, which involved spending time on the boat and swimming in Lake Hopatcong in Hopatcong, New Jersey. The minor plaintiff and her parents were joined by extended family, including the defendants, who owned a dog. The dog was on the boat with the family at this time. At the time of the incident, the minor plaintiff had been swimming in the lake, and then attempted to board the boat. As the minor plaintiff was boarding the boat, the dog suddenly attacked her and bit her on the face.

The plaintiffs maintained that the defendants were negligent in failing to properly supervise the dog, failing to leash the dog, failing to prevent the dog from attacking and biting, in negligently allowing a violent dog to come into contact with the minor plaintiff, in failing to muzzle the dog, failing to intervene during a dog attack, failing to keep the dog away from others, failing to warn of the dog's violent tendencies, failing to train the dog, and failing to prevent the dog from approaching the minor plaintiff. Consequently, the minor plaintiff sustained injuries, including lacerations of the face related to a dog bite, which required sutures as well as a plastic surgery consultation to repair. The defendants denied all allegations of negligence on the grounds that the dog had never attacked or bitten before, leaving them unaware of its violent tendencies.

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

REFERENCE

Sophia and Melanie Divincent vs. Price. Docket no. L002149-21; Judge Rosemary E. Ramsay, 05-15-24.

Attorney for plaintiff: Paul Agrapidis of Agrapidis & Maroules P.C. in Hasbrouck Heights, NJ. Attorney for defendant: John Burke of Burke & Potenza in Parsippany, NJ.

MOTOR VEHICLE NEGLIGENCE

Head-on Collision

$37,500 ARBITRATION AWARD

Motor vehicle negligence – Head-on collision – Plaintiff's vehicle struck in front driver's side by defendant's vehicle entering wrong lane – Cervical disc bulges at C4-5 and C5-6 – Lumbar disc bulges at L4-5 and L5-S1 – Cervical and lumbar radiculopathy.

Ocean County, NJ

In this motor vehicle negligence action, the plaintiff's vehicle was struck in the front driver's side by the defendant's vehicle when the defendant crossed into the wrong lane, causing the plaintiff to become injured. The defendant generally denied all allegations of negligence.

On October 23, 2020, the plaintiff's vehicle was traveling westbound on Nugentown Road, near its intersection with Pharo Avenue, in Little Egg Harbor, New Jersey. At the same time, the defendant's vehicle was traveling eastbound on Nugentown Road, toward the plaintiff's location. At the time of the incident, the plaintiff's and defendant's vehicles were about to pass by one another, when the defendant's vehicle suddenly crossed over the double-yellow line into the plaintiff's travel lane. The defendant's vehicle then struck the plaintiff's vehicle in the front driver's side, causing the plaintiff's vehicle to roll over.

The plaintiff maintained that the defendant was negligent in failing to keep a proper lookout, failing to exercise due care, failing to remain in the correct lane of travel, failing to remain adequately attentive, failing to keep the vehicle under proper and adequate control, failing to obey traffic conditions, failing to observe the plaintiff's vehicle, 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 cervical disc bulges at C4-5 and C5-6, lumbar disc bulges at L4-5 and L5-S1, and cervical and lumbar radiculopathy.

The arbitrators found in favor of the plaintiff and reported an award for $37,500.

REFERENCE

Ciecwisz vs. Carlson. Docket no. L001686-22; Judge James Den Uyl, 03-05-24.

Attorney for plaintiff: Corey A. Deitz of Brach Eichler, LLC in Roseland, NJ. Attorney for defendant: Robyn Amy Rosell of Geico.

Intersection Collision

$65,000 ARBITRATION AWARD

Motor vehicle negligence – Intersection collision – Plaintiff passenger injured when host vehicle struck in passenger side by defendant's vehicle in intersection – Neck injury – Back injury – Knee injury – Disc bulges – Rib fracture.

Middlesex County, NJ

In this motor vehicle negligence action, the plaintiff passenger was injured when the host vehicle was struck by the defendant's vehicle, which disregarded a stop sign. The defendant generally denied all allegations of negligence.

On June 7, 2022, the plaintiff was a restrained, front seat passenger in a vehicle traveling southbound on Ernston Road in Sayreville, New Jersey. At this time, the host vehicle was approaching the intersection of Ernston Road and Point of Woods Drive, which was controlled by a 4-way stop sign. At the same time, the defendant's vehicle was traveling eastbound on Point of Woods Drive, toward the same intersection. After stopping at the designated stop sign, the host vehicle attempted to proceed forward through the subject intersection. As the plaintiff's vehicle proceeded forward, the defendant's vehicle disregarded the stop sign on Point of Woods Drive and also entered the intersection, striking the host vehicle in the passenger side.

The plaintiff maintained that the defendant was negligent in failing to keep a proper lookout, failing to exercise due care, failing to obey a stop sign, failing to obey traffic signals, failing to observe traffic conditions, failing to observe the host vehicle, failing to yield, failing to wait, failing to remain adequately attentive, failing to operate the vehicle at a reasonable rate of speed, failing to apply the brakes in a timely manner, failing to slow or stop, and failing to avoid striking the host vehicle. Consequently, the plaintiff sustained injuries, including neck injury, back injury, knee injury, disc bulges, and a rib fracture.

The arbitrators found in favor of the plaintiff and reported an award for $65,000.

REFERENCE

Soryal Monira vs. Faulkner Jane. Docket no. L003287-22; Judge Christoph Rafano, 02-10-24.

Attorney for plaintiff: Stephen F. Lombardi of Lombardi & Lombardi, P.A. in Edison, NJ. Attorney for defendant: Debra Ann Hart of Law Offices of Debra Hart in Mount Laurel, NJ.

$35,000 VERDICT

Motor vehicle negligence – Intersection collision – Plaintiff's vehicle struck on passenger side by defendant's vehicle in intersection – Failure to obey stop sign – Cervical disc herniations – Cervical disc bulges with nerve root irritation at C7 – Lumbar disc bulges.

Essex County, NJ

In this motor vehicle negligence action, the plaintiff's vehicle was struck in the passenger side by the defendant's vehicle when the defendant neglected a stop sign at an intersection, causing the plaintiff to become injured. The defendant generally denied negligence.

On July 14, 2019, the plaintiff's vehicle was traveling eastbound on Sanford Avenue, at or near its intersection with Highland Avenue in Belleville, New Jersey. At this time, the plaintiff's vehicle was attempting to proceed straight on Sanford Avenue through the intersection. At the same time, the defendant's vehicle was traveling northbound on Highland Avenue, toward the same intersection. At the time of the incident, the defendant's vehicle neglected a stop sign at the subject intersection, and both vehicles attempted to proceed through at the same time. As a result, the defendant's vehicle struck the plaintiff's vehicle in its passenger side.

The plaintiff maintained that the defendant was negligent in failing to keep a proper lookout, failing to exercise due care, failing to obey a stop sign, failing to obey traffic signals, failing to observe traffic conditions, failing to remain adequately attentive, failing to operate the vehicle at a reasonable rate of speed, failing to apply the brakes in a timely manner, failing to slow or stop, and failing to avoid striking the plaintiff's vehicle. Consequently, the plaintiff sustained injuries, including cervical disc herniations, cervical disc bulges with nerve root irritation at C7, and lumbar disc bulges.

The jury found in favor of the plaintiff and awarded $35,000.

REFERENCE

Tharian vs. Cerami. Docket no. ESXL000637-21; Judge Bridget A. Stecher, 04-22-23.

Attorney for plaintiff: Edgar J. Navarrete of Law Offices of Edgar J. Navarrete, LLC in North Bergen, NJ.

$25,000 SETTLEMENT

Motor vehicle negligence – Intersection collision – Minor plaintiff passenger injured when host vehicle struck in passenger side by defendant's vehicle in intersection – Failure to obey stop sign – Forehead laceration – Lacerations under right and left eyes – Plastic surgery – Sutures.

Cape May County, NJ

This action for motor vehicle negligence arose On March 31, 2022 when the minor plaintiff was a restrained, backseat passenger in the host vehicle, which was traveling southbound on Route 9, at or near its intersection with Hand Avenue in Middle, New Jersey. At this time, the defendant's vehicle was traveling eastbound on Hand Avenue, toward the same intersection. While the host vehicle was proceeding through the intersection, the defendant disregarded a stop sign and also entered the intersection. The defendant's vehicle then struck the plaintiff's vehicle in the front passenger side, causing the minor plaintiff to become injured. The defendant generally denied all allegations of negligence.

The plaintiffs maintained that the defendant was negligent in failing to obey a stop sign, failing to yield the right-of-way, and failing to remain adequately attentive. Consequently, the minor plaintiff sustained injuries, including a forehead laceration, as well as lacerations under the right and left eyes.

Due to the severity of her lacerations, the minor plaintiff was transferred from Cape Regional Medical Center to Cooper University Hospital in Camden, where she received emergency pediatric plastic surgery and underwent the placement of sutures. The minor plaintiff then returned to Cooper University Hospital 5 days later to have her sutures removed, and returned to Cooper University hospital twice more to have her healing evaluated by her doctor. 3 months after the initial accident, the doctor noted that the minor plaintiff's injuries were healing well with good aesthetic results and normal sensation.

The parties entered into a friendly conference on March 27, 2024, and reported to the court that they had arrived at a settlement for $25,000. On March 28, 2024, the honorable James H. Pickering ordered a judgment in the same amount. A warrant of satisfaction was submitted on behalf of the defendant on April 23, 2024.

REFERENCE

Brittany Devico vs. Linda Pope. Docket no. CPML000054-24; Judge James H. Pickering, Jr., 03-27-24.

Attorney for plaintiff: Michael J. Veneziani of Petro Cohen, PC in Northfield, NJ. Attorney for defendant: Khaleah Buffalo of Law Offices of Rachel Vicari in Clark, NJ.

$6,000 SETTLEMENT

Motor vehicle negligence – Intersection collision – Minor plaintiff injured when host vehicle struck broadside by defendant's vehicle after defendant runs red light – Headaches – Left shoulder pain – Left shoulder subacromial/subdeltoid bursitis.

Monmouth County, NJ

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

On June 18, 2022, the minor plaintiff was a restrained passenger in the host vehicle, which was traveling on Route 79, at its intersection with Route 9 South in Freehold, NJ. At this time, the host vehicle was attempting to make a left turn from Route 79 onto Route 9 South, with a green light in its favor. At the same time, the defendant's vehicle was traveling northbound on Route 79 and was preparing to proceed straight through the same intersection. However, as the host vehicle was making a left turn, the defendant's vehicle proceeded through the intersection, disregarding a red light. The defendant's vehicle then struck the host vehicle broadside, causing the minor plaintiff to become injured.

The plaintiffs maintained that the defendant was negligent in failing to obey a red light, failing to obey traffic signals in general, and failing to stop his vehicle in a timely manner. Consequently, the minor plaintiff sustained injuries, including headaches, left shoulder pain, and left shoulder subacromial/subdeltoid bursitis. The minor plaintiff attended physical therapy to treat his injuries.

The parties entered into a friendly conference on April 9, 2024, and reported to the court that they had arrived at a settlement for $6,000. On the same day, the Honorable Stacey D. Adams ordered a judgment for the plaintiffs in the same amount. On May 5, 2024, a warrant of satisfaction was submitted by the defendants' counsel, followed by a stipulation of dismissal.

REFERENCE

Antonio Gonzalez vs. Benjamin Greenstein. Docket no. MONL000732-24; Judge Stacey D. Adams, 04-09-24.

Attorney for plaintiff: Daniel J. Eastmond of Manning, Caliendo & Thomson in Freehold, NJ. Attorney for defendant: Christopher Walter Ferraro of Voss, Nitsberg, DeCoursey & Hawley in Iselin, NJ.

Left Turn Collision

$70,000 ARBITRATION CONFIRMATION

Motor vehicle negligence – Left turn collision – Plaintiff passenger injured when host vehicle struck by defendant's vehicle attempting to make left turn from incorrect lane – Disc bulges at C3-4 and C4-5 – Disc herniations at L4-5 and L5-S1 – Left knee injury – Surgery required.

Essex County, NJ

In this motor vehicle negligence action, the plaintiff passenger was injured when the host vehicle was struck by the defendant's vehicle attempting to make a left turn from an incorrect lane. The defendant denied all allegations of negligence.

On May 18, 2019, the plaintiff was a restrained, front-seat passenger in the host vehicle, which was traveling on Raymond Boulevard, at or near its intersection with Waydell Street in Newark, New Jersey. At this time, the host vehicle was traveling in the left lane on Raymond Boulevard. At the same time, the defendant's vehicle was traveling in the second to left lane on Raymond Boulevard, next to the host vehicle. At the time of the incident, the defendant's vehicle attempted to turn left onto Waydell Street from the second to left lane. The defendant's vehicle turned left in front of the host vehicle, causing a collision, and causing the plaintiff passenger to become injured.

The plaintiff maintained that the defendant was negligent in failing to properly and safely execute a left turn, failing to turn from the correct travel lane, and failing to wait for clearance before turning left. Consequently, the plaintiff sustained injuries, including disc bulges at C3-4 and C4-5, disc herniations at L4-5 and L5-S1, and a left knee injury, which required arthroscopic surgery.

The arbitrator in this case found the defendant 100% liable for the accident in this case and reported an award for the plaintiff in the amount of $70,000. Following arbitration, a motion to confirm the arbitration award was submitted to the court. On April 12, 2024, the Honorable Russel J. Passamano ordered that the arbitration award be confirmed. A stipulation of dismissal was submitted on April 26, 2024.

REFERENCE

Alberto Cabrera vs. Ram Akieyo, Jorge Gutierrez. Docket no. ESXL002881-21; Judge Robert H. Gardner, 04-12-24.

Attorney for plaintiff: James C. DeZao of Law Offices of James C DeZao, PA in Parsippany-Troy Hills, NJ. Attorney for defendant: Shawn Stowell of Sellar Richardson, PC in Livingston, NJ.

Parking Lot Exit Collision

$5,000 ARBITRATION AWARD

Motor vehicle negligence – Parking lot exit collision – Plaintiff's vehicle struck by defendant's vehicle turning left out of parking lot attempting to merge into traffic – Cervical sprain/strain – Thoracic disc herniation.

Bergen County, NJ

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

On September 20, 2019, the plaintiff's vehicle was traveling northbound on Midland Avenue, near its intersection with Market Street in Elmwood Park, New Jersey. At the same time, the defendant's vehicle was attempting to turn left out of a restaurant parking ot and merge into southbound traffic on Midland Av - enue, very close to the plaintiff's location. As the defendant's vehicle turned left out of the parking lot onto Midland Avenue southbound, it struck the plaintiff's vehicle.

The plaintiff maintained that the defendant was negligent in failing to keep a proper lookout, failing to exercise due care, failing to wait for clearance before turning out of the parking lot, failing to safely and properly execute a left turn, failing to yield, failing to remain in the correct travel lane, failing to keep the vehicle under proper and adequate control, 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 cervical sprain/strain, as well as a thoracic disc herniation.

The arbitrators found in favor of the plaintiff and reported an award for $5,000.

REFERENCE

Andelora Cristina vs. Strama Jan. Docket no. L005709-21; Judge Gregg A. Padovano, 04-11-24.

Attorney for plaintiff: Robert J. Banas of Eichen, Crutchlow, & Zaslow, LLP in Edison, NJ. Attorney for defendant: Anthony T. Losardo of Hanover Insurance Group.

Rear End Collision

$185,210 VERDICT

Motor vehicle negligence – Rear end collision – Lumbar disc herniation – Discectomy – Defendant stipulates negligence but challenges plaintiff's damages.

Hudson County, NJ

In this motor vehicle negligence case, the plaintiff, a FedEx delivery person, asserted that the defendant driver struck his vehicle from behind with such force that it caused significant, permanent injury. The defendant stipulated negligence but challenged the plaintiff's damages. The defendant contested causation and permanence of the plaintiff's injuries.

On May 14, 2020, the plaintiff was traveling northbound on Tonnelle Avenue in Jersey City while in the course of his employment as a delivery driver. The defendant driver was operating a truck in the course of his work with a construction company, traveling directly behind the plaintiff's vehicle. The plaintiff contended that the driver in front of him stopped short and the plaintiff stopped as well. The defendant driver failed to stop and collided with the rear of the plaintiff's vehicle.

The plaintiff contended that the defendant negligently failed to observe traffic and slow or stop behind the plaintiff causing a collision with the rear of the plaintiff's vehicle. The plaintiff alleged that the force of the impact resulted in permanent injuries. The plaintiff's primary injury was low back disc herniation which resulted in discectomy surgery.

The jury found in favor of the plaintiff and awarded damages in the amount of $185,210 broken down as follows: $85,210 for past medical expenses and $100,000 for pain, suffering, and loss of enjoyment of life.

REFERENCE

Jackson vs. Acosta, et al. Docket no. L -001889-20; Judge Jane Weiner, 02-27-24.

Attorney for plaintiff: James M. Pocchia, Esq. in Englewood, NJ. Attorney for plaintiff: John J. Pisano, Esq. in Cranford, NJ. Attorney for defendant: Colin Hackett of Lewis Brisbois Bisgaard & Smith, LLP in Newark, NJ.

$80,000 ARBITRATION AWARD

Motor vehicle negligence – Rear end collision – Plaintiff's vehicle struck in rear by defendant's vehicle while stopped at intersection – Cervical disc bulges – Cervical radiculopathy – Lumbar disc bulge with osteophytes at L4-5 – Neck, back, and elbow injury – Surgery required.

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

On December 13, 2019, the plaintiff's vehicle was traveling southbound on 10th street, at its intersection with Jackson Street in Camden, New Jersey. At this time, the plaintiff's vehicle was stopped in the roadway at the aforementioned intersection. At the same time, the defendant's vehicle was also traveling southbound on 10th Street, directly behind the plaintiff's vehicle. 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 keep a proper lookout, failing to exercise due care, failing to remain adequately attentive, failing to observe traffic conditions, failing to observe the plaintiff's stopped vehicle, failing to keep the vehicle under proper and adequate control, 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 cervical disc bulges, cervical radiculopathy, lumbar disc bulge with osteophytes at L4-5, as well as neck, back, and elbow injury. The plaintiff's injuries required surgery to repair, including a spinal decompression surgery, as well as an anterior transposition surgery of the ulnar nerve roots for the injured elbow.

The arbitrators found in favor of the plaintiff and reported an award for $80,000.

REFERENCE

Brown Terry vs. Rolax Lamar. Docket no. L000192-21; Judge Judith S. Charny, 03-02-24.

Attorney for plaintiff: Thomas Flynn, III of Flynn & Associates in Cherry Hill, NJ. Attorney for defendant: Jeffrey Francis Talbot of Travelers Insurance.

$45,500 ARBITRATION AWARD

Motor vehicle negligence – Rear end collision – Plaintiff's vehicle struck in rear passenger side by defendant's vehicle while making right turn – Disc bulges at C2-3, C3-4, C5-6, and C6-7 – Rotator cuff tear of left shoulder.

Passaic County, NJ

In this motor vehicle negligence action, the plaintiff's vehicle was struck in the rear passenger side by the defendant's vehicle while making a right turn, causing the plaintiff to become injured. The defendant generally denied negligence.

On August 17, 2019, the plaintiff's vehicle was traveling westbound on Route 46, at or near its intersection with Huyler Street. At this time, the plaintiff was preparing to turn right onto Huyler Street. At the same time, the defendant's vehicle was also traveling westbound on Route 46, alongside the plaintiff's vehicle in another right turning lane. The defendant was also preparing to turn right onto Huyler Street. At the time of the incident, as the plaintiff was turning, her vehicle was struck in the rear passenger side 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 properly and safely execute a right turn. Consequently, the plaintiff sustained injuries, including disc bulges at C2-3, C3-4, C5-6, and C6-7, as well as a rotator cuff tear of the left shoulder.

A doctor for the defendant opined that the plaintiff did not sustain a permanent injury. The defendant denied all allegations of negligence, maintaining that any injuries or damages sustained by the plaintiff were the result of the plaintiff's own negligence. The defendant also maintained a different account of the accident, claiming that he was making a right turn onto Huyler Street slightly in front of the plaintiff, and that during the course of her turn, the plaintiff sideswiped the defendant's vehicle.

The arbitrator in this case found the defendant 70% liable for the accident, and the plaintiff 30% liable. The arbitrator reported an award for the plaintiff in the amount of $45,500. Following arbitration, the defendant's counsel requested a trial de novo. However, on April 10, 2024, the parties entered into a settlement for an amount not specified on the docket. A stipulation of settlement was entered the same day, and a stipulation of dismissal was entered on June 6, 2024.

REFERENCE

Ana Fernandez Medina vs. Michael Cupak. Docket no. PASL001499-21; Judge Adam E. Jacobs, 04-10-24.

Attorney for plaintiff: Andrew Venturelli of Andrew Venturelli, PC in Passaic, NJ. Attorney for defendant: Walter H. Schneider of Law Offices of Bobbi J. Vilachá in Parsippany, NJ.

$30,000 ARBITRATION AWARD

Motor vehicle negligence – Rear end collision – Plaintiff's vehicle struck in rear by defendant's vehicle at high rate of speed – Neck and back injury – Cervical disc herniations – Lumbar disc bulges.

Bergen County, NJ

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

On January 8, 2021, the plaintiff's vehicle was traveling northbound on Route 17 North in Hasbrouck Heights, New Jersey. At the same time, the defendant's vehicle was also traveling northbound on Route 17 North, directly behind the plaintiff's vehicle. At the time of the incident, the plaintiff's vehicle was proceeding on Route 17 North and was appropriately accommodating traffic conditions, when it was suddenly struck in the rear by the defendant's vehicle at a significant rate of speed.

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 neck and back injury, cervical disc herniations, and lumbar disc bulges.

The arbitrators found in favor of the plaintiff and reported an award for $30,000.

REFERENCE

Cabrera Elvalina vs. Lee Gregory. Docket no. L006873-22; Judge Nicholas Ostuni, 05-20-24.

Attorney for plaintiff: Mark Yampaglia of Mark Yampaglia, Esq. in Rutherford, NJ. Attorney for defendant: James George Gelenitis of Bennett, Bricklin & Saltzburg, LLC in Livingston, NJ.

DEFENDANT'S VERDICT

Motor vehicle negligence – Rear end collision – Herniated lumbar disc – Lumbar radiculopathy – Damages only.

Burlington County, NJ

The plaintiff in this vehicular negligence action maintained that he suffered injuries to his low back when his vehicle was negligently struck in the rear by the defendant. The defendant stipulated liability but denied the nature and extent of the plaintiff's injuries.

On August 31, 2017, the male plaintiff was traveling westbound on Sunset Road in Burlington Township, New Jersey. The defendant was operating a vehicle directly behind the plaintiff when the defendant struck the plaintiff's vehicle in the rear.

The plaintiff maintained that the defendant was negligent in the operation of the vehicle and failed to maintain a proper distance and lookout. The plaintiff suffered a herniated nucleus pulpous at L5-S1 along with subacute chronic left L5 radiculopathy. The defendant admitted liability but denied that the plaintiff sustained any serious or permanent injury. The defense argued that the plaintiff sustained only sprain and strains with no objective evidence of radiculopathy.

An arbitration was held in March of 2023 with the arbitrator finding in favor of the defense. A request for de novo trial was made by the plaintiff and the court scheduled a trial. A jury trial was held, and the jury found for the defendant in February of 2024.

REFERENCE

Chedric W. Waters vs. Daniel R. Stackhouse and Robin L. Stackhouse. Docket no. BURL001439-19; Judge James J. Ferrelli, 02-01-24.

Attorney for plaintiff: Adam Malamut of Malamut & Associates in Cherry Hill, NJ. Attorney for defendant: Brad A. Parker of Parker, Young & Antinoff, LLC in Marlton, NJ.

Right Turn Collision

$90,000 ARBITRATION AWARD

Motor vehicle negligence – Right turn collision – Plaintiff's vehicle struck by defendant's vehicle attempting to make abrupt right turn from left lane of roadway – Multiple disc herniations – Carpal tunnel syndrome – Surgery required.

Camden County, NJ

In this motor vehicle negligence action, the plaintiff's vehicle was struck by the defendant's vehicle attempting to make an abrupt right turn from the left lane of the roadway, causing her to sustain injuries. The defendant denied all

allegations of negligence and maintained that the accident was caused by the actions of the plaintiff or others for whom the defendant had no control.

On November 13, 2021, the plaintiff's vehicle was traveling southbound in the right lane of Haddonfield Road in Camden County, New Jersey. At the same time, the defendant, operating her vehicle in the scope of her employment with a food delivery service, was also traveling southbound on Haddonfield Road in the left lane, directly next to the plaintiff's vehicle. At the time of the incident, the defendant suddenly attempted to make a right turn into a parking lot at 400 Haddonfield Road from the left lane. The defendant turned directly in front of the plaintiff's vehicle, causing the 2 vehicles to collide violently.

The plaintiff maintained that the defendant driver was negligent in failing to keep a proper lookout, failing to remain in the correct lane of travel, in negligently attempting to turn right from the wrong lane, and failing to wait for clearance before turning. The plaintiff also maintained that the defendant Doordash was vicariously liable for the actions of the defendant driver. Consequently, the plaintiff sustained injuries, including multiple disc herniations, as well as carpal tunnel syndrome, which required surgery to repair.

The arbitrators found in favor of the plaintiff and awarded the $90,000 in March of 2024. Following arbitration, a trial de novo was requested by the plaintiff's attorney. An early April 2024 docket entry indicates the case was "Settled Prior to Hearing".

REFERENCE

Barbara Cavanagh vs. Abc Corporation A-Z. Docket no. L002130-22; Judge Steven J. Polansky, 04-08-24.

Attorney for plaintiff: Hannah J. Moliotoris of Morgan & Morgan Philadelphia, PLLC in Philadelphia, PA. Attorney for defendant: Lane M. Ferdinand of Lane M. Ferdinand Law Office in Springfield, NJ.

MUNICIPAL LIABILITY

$62,500 ARBITRATION AWARD

Municipal liability – Plaintiff trips and falls on uneven asphalt while crossing street – Failure to keep roadway in safe condition – Ankle fracture – Surgery.

Bergen County, NJ

In this municipal liability action, the plaintiff tripped and fell over uneven asphalt while crossing the street, causing her to become injured. The defendants generally denied all allegations of negligence.

On August 20, 2019, the plaintiff was a pedestrian walking in the area of Lawrence Avenue and Boulevard in Hasbrouck Heights, New Jersey. Specifically, the plaintiff was attempting to cross Lawrence Avenue at the northwest corner of Lawrence Avenue and Boulevard. At this time, the roadway was owned, operated, and maintained by the defendant borough. While the plaintiff was crossing the street, she suddenly tripped over an uneven bit of asphalt in the roadway. The plaintiff then fell.

The plaintiff maintained that the defendants were negligent in failing to keep the roadway in a safe and proper condition, failing to inspect the roadway, failing to repair a hazardous section of the roadway, failing to remove or repave uneven asphalt, failing to prevent a tripping hazard, failing to prevent hazardous or unsafe conditions in the area in general, failing to warn of a tripping hazard, and failing to provide safe passage for pedestrians walking on the subject roadway. Consequently, the plaintiff sustained injuries, including an ankle fracture, which required surgery to repair.

The arbitrators found in favor of the plaintiff and reported an award for $62,500.

REFERENCE

Cagiao Lorraine vs. Borough of Hasbrouck. Docket no. L005199-21; Judge Kevin P. Kelly, 05-04-24.

Attorney for plaintiff: Brian J. Duff of Kalavruzos, Mumola, Hartman Lento & Duff, LLC in Hamilton, NJ. Attorney for defendant: Mark Anthony Lamartina of Cleary, Giacobbe, Alfieri & Jacobs in Oakland, NJ.

PREMISES LIABILITY

Fall Down

$150,000 ARBITRATION AWARD

Premises liability – Fall down – Plaintiff trips and falls on exterior steps on premises of defendant medical facility – Fracture of distal radius/ulna – Surgery required.

Middlesex County, NJ

In this premises liability action, the plaintiff tripped and fell on a set of exterior steps on the premises of the defendant medical facility, causing her to become injured. The defendants generally denied all allegations of negligence.

On August 3, 2021, the plaintiff was a lawful visitor and business invitee at the defendant medical facility, located on the premises of 466 New Brunswick Avenue in Perth Amboy, New Jersey. On this day, the premises was owned, operated, and maintained by the defendants. While leaving the premises, the plaintiff was attempting to descend a set of outdoor stairs that led away from the building entrance. While descending the stairs, the plaintiff tripped over a broken or uneven condition and fell.

The plaintiff maintained that the defendants were negligent in failing to maintain safe and adequate conditions on the premises, failing to inspect the premises, failing to ensure the safety of the exterior stairs, failing to hire adequate maintenance staff, failing to repair or replace exterior stairs, failing to prevent a tripping hazard, failing to prevent hazardous or unsafe conditions on the premises in general, failing to warn of broken, uneven, or otherwise defective exterior stairs, failing to provide safe passage, and failing to regard for the health and safety of business invitees on the premises including the plaintiff. Consequently, the plaintiff sustained injuries, including fractures of the left distal radius and ulna, which required open reduction and internal fixation surgery to repair.

The arbitrators found in favor of the plaintiff and awarded $150,000.

REFERENCE

Valdez-Castillo Ana vs. Hackensack Meridian Heal. Docket no. L006537-21; Judge Alberto Rivas, 04-27-24.

Attorney for plaintiff: Howard Duff of Nemergut & Duff in Woodbridge, NJ. Attorney for defendant: Robert Anthony Ballou of Garvey Ballou in Wall, NJ.

$63,000 ARBITRATION AWARD

Premises liability – Fall down – Plaintiff slips and falls on ice at defendant pharmacy – Fractured elbow – 2 lumbar disc bulges.

Bergen County, NJ

In this premises liability action, the plaintiff was injured when he slipped and fell on ice at the defendant pharmacy. The defendants generally denied all allegations of negligence.

On December 19, 2020, the plaintiff was a lawful visitor at the defendant pharmacy, located on the premises of 7401 River Road in North Bergen, New Jersey. At this time, the plaintiff was visiting the pharmacy in the scope of his employment as a delivery person, and was traversing near the delivery doors on the premises. On this day, there had been a significant snowstorm, causing the premises to become covered with snow. While the plaintiff was traversing near the delivery doors, he encountered a patch of ice, which he could not see, as it was buried underneath the snow. The plaintiff then slipped on the ice and fell, causing him to become injured.

The plaintiff maintained that the defendants were negligent in failing to maintain safe and adequate conditions on the premises, failing to remove ice and snow from the premises, failing to place salt or other measures to melt the ice/snow, failing to prevent a slipping hazard on the premises, failing to warn of a slipping hazard on the premises, failing to prevent hazardous or unsafe conditions in general, failing to provide safe passage on the premises, and failing to regard for the health and safety of visitors and patrons on the premises including the plaintiff. Consequently, the plaintiff sustained injuries, including a fractured elbow, as well as 2 lumbar disc bulges.

The arbitrators found in favor of the plaintiff and reported an award for $63,000.

REFERENCE

Berich vs. Walgreens. Docket no. L001880-22; Judge Michael N. Beukas, 04-12-24.

Attorney for plaintiff: Stephen A. Mennella, Esq. of Brandon J. Broderick, LLC in River Edge, NJ. Attorney for defendant: James P. Lisovicz of Kinney Lisovicz Reilly & Wolff, PC in Parsippany-Troy Hills, NJ.

$49,000 ARBITRATION AWARD

Premises liability – Fall down – Plaintiff trips and falls onto stump of sign post on premises of defendant transportation facility – Buttock impaled on sign post – Gluteal laceration – Fibula fracture.

Bergen County, NJ

In this premises liability action, the plaintiff tripped and fell onto the stump of a sign post on the premises of the defendant transportation facility, causing him to become injured. The defendants generally denied all allegations of negligence on the grounds that the sign and sign post did not belong to the defendant facility, and that the post should have been removed by the defendant township.

On March 28, 2020, the plaintiff was a lawful visitor and business invitee at the defendant transportation logistics facility, located on the premises of 50 Moonachie Avenue in Moonachie, New Jersey. At this time, the plaintiff was traversing outdoors on the premises, near the road. While traversing in this area, the plaintiff tripped over the stump of a metal sign post, which had been left in the ground after the sign was removed. The plaintiff then fell and landed on the metal stump.

The plaintiff maintained that the defendants were negligent in failing to maintain safe and adequate conditions on the premises, failing to inspect the premises, failing to remove a hazardous sign post, failing to remove the post stump from the ground, failing to prevent a tripping hazard, failing to repair a tripping hazard, failing to warn of the presence of the stump, failing to prevent hazardous or unsafe conditions on the premises in general, failing to hire adequate maintenance staff, failing to provide safe passage on the premises, and failing to regard for the health and safety of visitors and business invitees on the premises including the plaintiff. Consequently, the plaintiff sustained injuries, including his buttock being impaled on the sign post, which resulted in a gluteal laceration that required wound exploration. The plaintiff also sustained a fibula fracture.

The arbitrators found in favor of the plaintiff and reported an award for $49,000.

REFERENCE

Burtis vs. Xpo Logistics. Docket no. L001104-22; Judge John D. Odwyer, 04-23-24.

Attorney for plaintiff: Rosemarie Arnold of Law Offices of Rosemarie Arnold, LLP in Fort Lee, NJ. Attorney for defendant: John C. Lane of Law Offices of John C. Lane in Sparta, NJ.

Falling Object

$70,000 SETTLEMENT

Premises liability – Falling object – Minor plaintiff injured when fireplace mantle falls onto her while visiting defendants' property – Fracture of left proximal radius diaphysis.

Mercer County, NJ

In this premises liability action, the minor plaintiff was injured when a fireplace mantle fell onto her while she was visiting the defendants' home. The defendants generally denied all allegations of negligence.

On February 6, 2023, the minor plaintiff, accompanied by her family, was a lawful visitor at the defendants' home, located on the premises of 34 Berrien Avenue in West Windsor, New Jersey. At this time, the minor plaintiff was traversing inside the living room on the property, near a fireplace. While the minor plaintiff was in the living room, the fireplace mantle suddenly and without warning collapsed and fell onto her, causing her to become injured.

The plaintiffs maintained that the defendants were negligent in failing to ensure the safety of the fireplace mantle, failing to remove the mantle, and failing to prevent a hazardous condition related to a falling object. Consequently, the minor plaintiff sustained injuries, including a fracture of the left proximal radius diaphysis, which was treated conservatively.

The parties entered into a friendly conference on March 13, 2024, and reported to the court that they had arrived at a settlement for $70,000. On the same day, the Honorable R. Brian McLaughlin ordered a judgment for the plaintiffs in the same amount. On April 1, 2024, a warrant of satisfaction was submitted by the defendants' counsel.

REFERENCE

Emma Chastain vs. Gita Surie. Docket no. MERL000146-24; Judge R. Brian McLaughlin, 03-13-24.

Attorney for plaintiff: Gabriel R. Lependorf of Lependorf & Silverstein, PC in Princeton, NJ. Attorney for defendant: Gerald Kaplan of Methfessel & Werbel, Esqs. in Edison, 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

$7,000,000 VERDICT – MEDICAL MALPRACTICE – HOSPITAL NEGLIGENCE – REHABILITATION FACILITY – PLAINTIFF UNDERGOES OPEN REDUCTION WITH INTERNAL FIXATION SURGERY AT DEFENDANT HOSPITAL THEN DISCHARGED TO REHABILITATION FACILITY UNDER CARE OF DEFENDANT PHYSICIAN AND RADIOLOGIST WHO FAILED TO DIAGNOSE MIGRATION OF INTRAMEDULLARY ROD AND EROSION OF GAMMA NAIL – RE-FRACTURE OF LEFT HIP – SECOND SURGERY TO REPAIR – EXTENDED CONVALESCENCE AND PERMANENT DISABILITY.

Onondaga County, NY

In this medical malpractice case, the plaintiff asserted that the defendant hospital, physician specializing in rehabilitation care, and radiologist breached the standard of care in treatment of the plaintiff resulting in damages to the plaintiff. The plaintiff claimed that her complaints were ignored and no tests, radiographic studies, or other diagnostic tests were ordered or administered to determine the cause of the plaintiff's extreme pain and decreased ability. The defendants denied any negligence or malpractice.

On June 14, 2014, the plaintiff sustained a fracture of her left pertrochanteric femur after which she was admitted to the defendant hospital for medical care and treatment. On June 15th, the plaintiff underwent open reduction, internal fixation with a gamma nail and intramedullary rod, among other surgical hardware, were implanted to stabilize the plaintiff's femur fracture. On June 19, 2014, the plaintiff was deemed to be weight-bearing as tolerated and transferred to an acute care rehabilitation facility to take part in a comprehensive multidisciplinary rehabilitation program which included physical therapy and occupational therapy.

At the rehabilitation facility, she came under the treatment of the defendant rehabilitation physician and radiologist. The plaintiff asserted that she voiced repeated complaints of increased pain and decreased ability to ambulate. Finally, a radiographic study of the plaintiff's left hip was performed and was read as normal by the defendant radiologist despite the fact the study clearly showed a disruption of the hardware, that the intramedullary rod had migrated through the top of the plaintiff's femur, and the gamma nail had eroded and was protruding through the acetabulum. The plaintiff was subsequently transferred to a nursing home where a repeat radiographic study showed that the gamma nail had transfixed the intertrochanteric fracture and that the left hip had re-fractured in several places.

The jury found no negligence on the part of the surgeon who performed the original surgery on the plaintiff and no negligence by the defendant radiologist. The jury returned a verdict in favor of the plaintiff and against the defendant rehabilitation physician in the amount of $7,000,000 broken down as follows: $5,000,000 for the plaintiff's pain and suffering, loss of enjoyment of life, and mental anguish; and $2,000,000 for the plaintiff husband's claim for loss of consortium.

REFERENCE

Pace vs. Crouse Health Hospital, Inc., et al. Index no. 2015EF4726; Judge Robert E. Antonacci, 12-22-23.

Attorney for plaintiff: Noel Pace of Chapman Law Group in Sarasota, FL. Attorneys for plaintiff: Jordan Redavid and John Fischer of Fischer Redavid, PLLC in Atlanta, GA. Attorneys for defendant rehabilitation physician and radiologist: Zachary Mattison and Sarah Kelly of Sugarman Law Firm, LLP in Syracuse, NY. Attorney for defendant hospital: Max Gale of Gale, Gale & Hunt, LLC in Syracuse, NY.

$2,500,000 VERDICT – MEDICAL MALPRACTICE – NURSING HOME NEGLIGENCE – PLAINTIFF RESIDENT OF DEFENDANT SKILLED NURSING FACILITY ALLOWED TO FALL SUFFERING INJURIES THAT LED TO DECLINE IN HEALTH – HEAD AND FACIAL TRAUMA – SURVIVAL ACTION.

Miami-Dade County, FL

In this medical malpractice action, the estate of the decedent maintained that their plaintiff, who died during the pendency of this action, was admitted to the defendant facility and on the same day of admittance was allowed to use the bathroom unattended where she fell and suffered injuries. The plaintiff suffered trauma to her head and face. She was taken to the hospital and treated. Her injuries from the fall resulted in a drastic decline in her health and she died 2 years later after struggling to recover from her injuries sustained in the fall. The defendant facility generally denied all allegations of negligence.

The plaintiff maintained that the defendant was the defendant was negligent in failing to obtain an adequate care plan so that the plaintiff was prevented from falling, failing to implement a proper fall prevention plan, failing to use proper safety measures to prevent the plaintiff from falling, failing to properly supervise the plaintiff's decedent and providing substandard care to the plaintiff.

The jury found that there was negligence on the part of the defendant which was a legal cause of loss, injury or damage to the plaintiff's decedent. The jury awarded the plaintiff 500,000 and medical expense damages and 2 million and compensatory damages for a total verdict of $2,500,000. The defense has filed motions for a new trial and remittitur.

REFERENCE

Donna Ladet Representative of Constance Poppenhager vs. Kendall Health Care Properties dba The Palace at Kendall Assisted Living Facility. Case no. 2022-008462-CA-01; Judge Pedro P. Echarte, Jr. 05-01-24.

Attorney for plaintiff: John E. Hughes of McLuskey & McDonald, PA in Miami, FL. Attorney for defendant: Constantine Georgalis Nickas of Wicker Smith in Coral Gables, FL.

$200,000 SETTLEMENT – MEDICAL MALPRACTICE – TREATMENT FACILITY NEGLIGENCE – DEFENDANT TREATMENT CENTER WRONGFULLY DISCHARGES PLAINTIFF'S DECEDENT TO UNSUPERVISED HOME WHERE DECEDENT OVERDOSES AND DIES – FAILURE TO PROVIDE DECEDENT WITH PROPER DRUG TREATMENT AND REHABILITATION SERVICES – WRONGFUL DEATH OF 26-YEAR-OLD FEMALE.

Allegheny County, PA

The parents of the decedent in this medical malpractice case brought this wrongful death suit against the defendant treatment facility alleging that the defendant wrongfully discharged their child from their center to an unsupervised home whereupon the decedent overdosed and died. The defendant facility denied all allegations of negligence.

During transport, the decedent was able to contact her father, who then contacted the facility and begged them not to return his daughter to an empty house. The decedent's father begged the facility to take the decedent to her sponsor's home. Despite the protests from the decedent and her father, she was dropped off at her parents' house alone despite the defendants knowing she was at a high risk for relapse. The decedent acquired drugs and overdosed and died just hours after she was discharged from the defendant facility.

The decedent was 26 years old when she died.

The parties settled for $200,000.

REFERENCE

The Estate of Alexandra Slane by Kevin Slane vs. Spiritlife Incorporated. Docket no. GD-18-011515; Judge Paul F. Lutty, 02-22-22.

Attorney for plaintiff : Max Petrunya in Pittsburgh, PA. Attorney for defendant : Robert J. Behling in Pittsburgh, PA.

MOTOR VEHICLE NEGLIGENCE

$40,000,000 VERDICT – MOTOR VEHICLE NEGLIGENCE – RIGHT TURN COLLISION – WRONGFUL DEATH – PLAINTIFF ESTATE OF DECEDENT CONTENDS DEFENDANT DRIVER RECKLESSLY OPERATED VEHICLE SUCH THAT HE CAUSED COLLISION WITH PLAINTIFF'S DECEDENT'S VEHICLE WHEREIN DECEDENT SUCCUMBED TO INJURIES AND DIED LEAVING 13-YEAR-OLD DAUGHTER.

Broward County, FL

In this wrongful death case, the plaintiff estate of the decedent, on behalf of his 13-year-old daughter, asserted that the defendant driver struck the decedent's vehicle with such force that it caused fatal injuries to the plaintiff's decedent. The defendant stipulated liability but contested the plaintiff's damages.

The defendant argued that the plaintiff's loss was devastating but that the plaintiff was inflating the loss to an exorbitant and unnecessary level. The defendant pointed to the fact that the plaintiff has had success in school, with friendships, and has close family relationships. The defendant asserted that the plaintiff is adapting and moving on with her life. The defendant suggested that the jury award a total of $1 million.

The jury awarded damages in the amount of $40,000,000 broken down as follows: $20,000,000 for past pain and suffering and $20,000,000 for future pain and suffering.

REFERENCE

Estate of Ruiz vs. Holt. Case no. CACE18022186; Judge Michele Towbin Singer.

Attorneys for plaintiff: Jose A. Raposo and John C. Lukacs, Jr. of Raposo & Lukacs, PLLC in Coral Gables, FL. Attorney for defendant: Patrick Spellacy of Kirwan, Spellacy, Danner, Watkins & Brownstein, P.A. in Fort Lauderdale, FL.

$7,558,000 GROSS VERDICT – MOTOR VEHICLE NEGLIGENCE – TRUCK/PEDESTRIAN COLLISION – PLAINTIFF CLAIMS CRUSH INJURIES FROM DEFENDANTS' TRUCK BACKING INTO HIM AND PINNING HIM AGAINST HIS OWN VEHICLE – MENISCUS TEAR OF ANTERIOR CRUCIATE LIGAMENT IN LEFT KNEE WITH CYST FORMATION AND PATELLA TILTING – 3 SURGERIES TO RECONSTRUCT AND REPLACE KNEE – DEFENDANT DENIES NEGLIGENCE AND CHALLENGES PLAINTIFF'S DAMAGES.

Bronx County, NY

In this motor vehicle negligence case, the plaintiff, a 58-year-old pedestrian, asserted that the defendant truck driver, while in the course and scope of his employment for the defendant company, struck the plaintiff with his vehicle with such force that it caused significant, permanent injury. As a result of the collision, the plaintiff sustained a meniscus tear of the anterior cruciate ligament in the left knee with cyst formation and patella tilting. The plaintiff initially treated conservatively with physical therapy, anti-inflammatory medication and a brace and physical therapy. The plaintiff did not improve and ultimately underwent 3 knee surgeries including reconstruction and full replacement. The defendant denied negligence and asserted that the plaintiff was at least partially at fault for the accident and challenged the nature, causation, and extent of the plaintiff's injuries.

The plaintiff had significant, permanent scarring from the surgery and claimed that he would require future surgeries as well. The defendant testified that, at the time of the accident, he was in the process of parking the vehicle and that he checked the mirrors repeatedly, but did not see anyone standing behind his truck.

The jury found in favor of the plaintiff and against the defendant and awarded damages in the amount of $7,558,000 broken down as follows: $1,029,000 in past lost earnings; $1,029,000 in future lost earning;$1,500,000 in future medical expenses; $2,000,000 in past pain and suffering and $2,000,000 in future pain and suffering.

REFERENCE

Arroyo vs. A Royal Flush of NY II, et al. Index no. 24910/2017E; Judge Paul L. Alpert, 08-16-23.

Attorney for plaintiff: Bradley R. Lawrence of Ginarte Gonzalez Winograd, L.L.P. in New York, NY. Attorney for defendant: Robert Meyerson of Goetz Schenker Blee & Weiderhorn, LLP in New York, NY.

$2,903,984 VERDICT – MOTOR VEHICLE NEGLIGENCE – STOPPED VEHICLE COLLISION – PLAINTIFF'S VEHICLE STRUCK IN REAR BY PRIMARY DEFENDANT'S VEHICLE WHILE PLAINTIFF STOPPED IN SHOULDER – FACIAL LACERATION – FRACTURES OF FIBULA/ TIBIA – TEMPORAL BONE FRACTURE – FACIAL FRACTURES – HEARING LOSS – LEFT KNEE INJURY – INJURY TO FEMUR AND PELVIS – SPINAL INJURIES – SURGERY.

Palm Beach County, FL

In this motor vehicle negligence action, the plaintiff's vehicle was struck in the rear by the primary defendant's vehicle while the plaintiff's vehicle was stopped in the shoulder of the road. Consequently, the plaintiff sustained injuries, including fractures of the tibia and fibula which required surgery with the placement of hardware to repair. Additionally, the plaintiff also sustained facial lacerations, temporal bone fracture, facial fractures, hearing loss, left knee injury, injuries to the femur and pelvis, and spinal injuries. The defendants generally denied all allegations of negligence.

The plaintiff maintained that the primary defendant was negligent in failing to keep a proper lookout, failing to exercise due care, failing to remain adequately attentive, failing to observe both the plaintiff's and the secondary defendant's vehicles, failing to observe the accident ahead, failing to observe and accommodate traffic conditions, failing to keep the vehicle under proper and adequate control, 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.

The jury found in favor of the plaintiff and awarded $2,903,983.60.

REFERENCE

Capps vs. McCloud. Case no. 50-2020-CA-001174; Judge Reid P. Scott, 03-28-24.

Attorney for plaintiff: William T. Abel of McLaughlin & Stern, LLP in West Palm Beach, FL.

PREMISES LIABILITY

$35,179,208.00 VERDICT – PREMISES LIABILITY – HAZARDOUS PREMISES – PLAINTIFF SUSTAINS SEVERE, PERMANENT INJURIES AFTER GLASS DOOR SHATTERS ON HER WHILE LEAVING DEFENDANT OFFICE BUILDING – TRAUMATIC BRAIN INJURY – TRAUMATIC ANOSMIA – CONCUSSION AND POST-CONCUSSION SYNDROME – MIGRAINE HEADACHES – LIGHT SENSITIVITY – VESTIBULAR DISORDER – PHOTOPHOBIA – SEVERE COGNITIVE IMPAIRMENT.

New York County, NY

In this premises liability action, the plaintiff sustained severe and permanent injuries, including traumatic brain injury, traumatic anosmia, concussion and post-concussion syndrome, headaches and migraines, light sensitivity, eyeball pain, vestibular disorder, photophobia, and diminished cognitive function and severe cognitive impairment, including traumatic brain injury, traumatic anosmia, concussion and post-concussion syndrome, headaches and migraines, light sensitivity, eyeball pain, vestibular disorder, photophobia, and severe cognitive impairment, after a large glass door shattered on her while she was exiting the defendant office building. The defendants generally denied all allegations of negligence.

The plaintiff maintained that the defendants were negligent in failing to maintain safe and adequate conditions on the premises, failing to inspect the premises in a routine and frequent manner, failing to inspect the subject door and related glass pane, which had been replaced only 9 months prior, failing to ensure the structural integrity of the door and related glass pane, failing to ensure that replacement glass was properly installed, failing to prevent the door from shattering, and failing to regard for the health and safety of visitors and business

The jury found in favor of the plaintiff and awarded $35,179,208.

REFERENCE

Meghan Brown vs. 271 Madison Co., Fox Glass Of Brooklyn, Inc., Bronx Westchester Tempering, Inc. Index no. 152267/2015; Judge James Edward D'Auguste, 04-30-24.

Attorney for plaintiff: Robert Futterman of Kramer, Dillof, Livingston & Moore in New York, NY. Attorney for defendant: Jeffrey Spiro of Margaret G. Klein & Associates in New York, NY.

$3,318,183 GROSS VERDICT – PREMISES LIABILITY – NEGLIGENT MAINTENANCE – DEFENDANT ALLOWS LARGE, OLD, HEAVY GARAGE DOOR TO BECOME IN SERIOUS STATE OF DISREPAIR RESULTING IN DOOR FALLING ON PLAINTIFF – LISFRANC FRACTURE – SURGERY – PERMANENT DISABILITY.

Middletown County, CT

In this action for premises liability, the plaintiff was lawfully on the premises owned and controlled by the defendant and a garage Bay at the invitation of the defendant period suddenly and without warning, the garage door fell from the up position striking the plaintiff. Consequently, the plaintiff sustained serious injuries to the muscles, ligaments and nerves of his left shoulder, left bicep, left knee, left fibula and Lis Franc injury of the left foot. He required multiple surgeries on his foot and is disabled from employment due to his injuries. The defendant denied all allegations of negligence and maintained that it was the actions of the plaintiff that

The plaintiff maintained that the defendant was negligent in failing to properly maintain the garage door, failing to make reasonable and proper inspections of the garage door and failing to have the requisite safety mechanisms in place for the garage to prevent the door from crashing to the ground. The defendant argued that if the plaintiff injured himself as alleged in his complaint it was the result of his own negligence and carelessness in failing to keep a reasonable and proper lookout for his own safety, misusing the garage door, creating a condition that interfered with the proper functioning of the garage door and disregarding or ignoring warnings or instructions concerning the use and operation of the garage door.

The jury found in favor of the plaintiff and awarded the plaintiff economic damages in the amount of $818,183.23 and non-economic damages in the amount of $2,500,000 for a total of $3,318,183. The jury also determined that the plaintiff was 5% comparatively negligent, reducing the award to $2,840,500.

REFERENCE

Thomas Mitoraj vs. Belamose Business Park LLC. Case no. MMX-CV21-6032285; Judge Edward Domnarski, 09-25-23.

Attorneys for plaintiff: Kevin C. Ferry, Monique S. Foley of Law Office of Kevin C. Ferry in New Britain, CT. Attorney for defendant: Catherine L. Creager of Coles, Baldwin, Kaiser & Creager in Fairfield, CT.

$1,047,000 VERDICT – PREMISES LIABILITY – FALL DOWN – PLAINTIFF TRIPS AND FALLS ON THE DEFENDANT'S IMPROPERLY MAINTAINED STAIRCASE – CONCUSSION – POST-CONCUSSION SYNDROME – ANKLE FRACTURE.

Philadelphia County, PA

The plaintiff in this premises liability action maintained that she suffered a broken ankle and a concussion when she tripped and fell down the stairs at the defendant's healthcare facility. The plaintiff stated that the defendant improperly maintained the premises.

In addition, the plaintiff maintained that the defendants failed to make a reasonable inspection of the premises, which would have revealed the dangerous condition created by the defendant, failed to give warning of the dangerous condition, failed to erect barricades or to take any other precautions to prevent injury to the plaintiff and failed exercise reasonable prudence and due care to keep the premises in a safe condition. The fall resulted in the plaintiff suffering a concussion and post-concussive syndrome, and an ankle fracture with ligament tears.

The jury found all 3 defendants to be negligent. The jury apportioned liability at 40% against WM Operating dba Meadowview Rehabilitation and Healthcare Center, and 30% against both 9209 Realty and Premier Healthcare Management, LLC. The jury awarded the plaintiff economic damages in the amount of $547,000 and non-economic damages in the amount of $500,000 for a total of $1,047,000.

REFERENCE

Seneathia Holland vs. WM Operating, LLC, 9209 Realty, LLC, Premier Healthcare Management, LLC. Case no. 220302710; Judge Ann Butchart, 05-08-24.

Attorney for plaintiff: Thomas F. Sacchetta of Sacchetta & Baldino in Media, PA. Attorney for defendant: Christine Dantonio of Burns White in Conshohocken, PA.

$480,000 ARBITRATION AWARD – PREMISES LIABILITY – FALL DOWN – PLAINTIFF SLIPS AND FALLS ON WET EXTERIOR STAIRS AT DEFENDANT RESTAURANT – FRACTURE OF MEDIAL MALLEOLUS OF RIGHT ANKLE – NON-DISPLACED FRACTURE OF RIGHT FIBULA.

Monmouth County, NJ

In this premises liability action, the plaintiff slipped and fell on wet exterior stairs at the defendant restaurant. Consequently, the plaintiff sustained injuries, including a fracture of the medial malleolus of the right ankle, as well as a non-displaced fracture of the right fibula.

The plaintiff maintained that the defendants were negligent in failing to maintain safe and adequate conditions on the premises, failing to inspect the exterior stairs, failing to clean or remove fluid from the exterior stairs, failing to place signs or otherwise warn of a wet floor, and failing to regard for the health and safety of visitors and business invitees on the premises including the plaintiff.

The arbitrators found in favor of the plaintiff and reported and award for $480,000.

REFERENCE

Mermini vs. Mccloones Robinson Alehouse. Docket no. L000988-21; Judge Lourdes Lucas, 03-28-24.

Attorney for plaintiff: Brian D. Drazin of Drazin & Warshaw, P.C. in Red Bank, NJ. Attorney for defendant: Keith Harris of Braff, Harris & Sukoneck in Florham Park, NJ.

ADDITIONAL VERDICTS OF PARTICULAR INTEREST

Civil Rights

$14,500,000 VERDICT – CIVIL RIGHTS – WRONGFUL PROSECUTION AND CONVICTION – DEFENDANTS RELENTLESSLY PURSUE PLAINTIFF AS SUSPECT IN SEXUAL ASSAULT AND MURDER OF MINOR FEMALE FABRICATING EVIDENCE THAT CAUSED PLAINTIFF TO BE JAILED FOR PERJURY – INCARCERATION FOR OVER A YEAR.

U.S.D.C. - Western District of Michigan

The plaintiff in this civil rights violation action maintained that the defendants relentlessly pursued him as a suspect in a sexual assault and murder of a local minor child. The defendants detained and excessively interrogated the plaintiff and even fabricated evidence in order to get a closure on the "cold case" murder of the minor. The defendants' actions turned the town against the plaintiff, and he was forced to move away. The defendants denied all allegations of negligence and argued that the plaintiff made inconsistent comments during interrogations and failed a polygraph raising suspicions.

On March 20, 2015, the Court sentenced the plaintiff to serve a sentence of 20 months to 20 years in the Michigan Department of Corrections. In August 2015, just 5 months after plaintiff's sentencing hearing, Daniel Furlong lured a 10-year-old female into his garage. This child was able to fight Furlong off and get away. After the attack, police began looking at Furlong for the murder of the child they accused the plaintiff of murdering. DNA evidence linked Furlong to the murder. On October 18, 2015, Furlong confessed to the murder.

All defendants were terminated prior to trial except Officer Fuller. The jury found that the defendant did deprive the plaintiff of his constitutional rights and awarded the plaintiff compensatory damages in the amount of $12,500,000 and punitive damages in the amount of $2,000,000 for a total of $14,500,000.

REFERENCE

Raymond E. McCann, II vs. Village of Constantine, Michael Shane Criger, Marcus Donker, Bryan Fuller, State of Michigan, Lonnie Palmer and County of St. Joseph. Case no. 19-cv-01032; Judge Paul L. Maloney, 09-19-23.

Attorneys for plaintiff: Anne Prossnitz, Frank Newell, Jonathan Loevy, Rachel Brady of Loevy & Loevy in Chicago, IL. Attorney for defendant: Eric Michael Jamison of Michigan Department of Attorney General in Lansing, MI.

County Liability

$11,069,517 VERDICT – COUNTY LIABILITY – MOTOR VEHICLE NEGLIGENCE – LEFT TURN COLLISION – DEFENDANT SHERIFF TURNS LEFT IN FRONT OF PLAINTIFF AT INTERSECTION CAUSING COLLISION – CERVICAL AND LUMBAR DISC INJURIES – CERVICAL FUSION SURGERY REQUIRED – DAMAGES ONLY.

San Bernardino County, CA

The plaintiff in this action maintained he suffered serious injuries to his neck and back necessitating a cervical fusion surgery when the defendant county employee, in the course of his employment with the defendant county, made a left turn in front of the plaintiff causing a collision. The defense stipulated liability but denied the nature and extent of the plaintiff's injuries.

The plaintiff maintained that the defendant was negligent in failing to yield the right-of-way, failing to maintain a proper lookout, making a negligent left hand turn and failing to have the vehicle under proper and adequate control. The plaintiff also maintained that the defendant sheriff's office was vicariously liable for the actions of the defendant driver.

The plaintiff claims to have suffered disc injuries to his cervical and lumbar spine along with radiculopathy necessitating a need for a cervical fusion procedure. The plaintiff continues to experience pain and is unable to pursue recreational activities as he once did.

The plaintiff's passengers' claims were settled out of court. The defendants stipulated liability but maintained that the plaintiff's injuries were not caused by the accident but were degenerative in nature.

The jury awarded the plaintiff past medical expenses in the amount of $255,000 and future medical expenses in the amount of $814,517. The jury then awarded $10 million in compensatory damages for a total verdict of $11,069,517. The defense motioned the court for a new trial or remittitur which the court denied.

REFERENCE

Florencio Munguia vs. The County of San Bernardino and Michael Andrade. Case no. CIVDS1900106; Judge Gilbert C. Ochoa, 08-22-23.

Attorneys for plaintiff: Daniel Kramer and Brandon Salumbides of Kramer Trial Lawyers in Los Angeles, CA. Attorney for defendant: Tarek Muhtaseb of San Bernardino County Counsel in San Bernardino, CA.

Sports & Recreation

$9,000,000 VERDICT – SPORTS & RECREATION – RECREATIONAL FACILITY NEGLIGENCE – PLAINTIFF LACERATES LOWER EXTREMITY WHEN HE FALLS INTO POOL OF WATER PARK ATTRACTION SLICING LEFT FOOT AND ANKLE ON SUBMERGED SHARP PART OF CABLE ATTACHING FLOATING DISC TO POOL FLOOR – FOOT AND ANKLE LACERATION WITH NERVE DAMAGE – EXACERBATION OF LUMBAR SPINE INJURIES.

Middletown County, CT

The plaintiff in this liability action maintained that he suffered serious injuries to his lower left extremity which exacerbated a lumbar condition when he sliced his leg on an underwater cable at the defendant's recreational water park facility. The defense denied all allegations of negligence and injury and maintained that the incident was caused because the plaintiff failed to follow instructions concerning the use of the Lily pads and was inattentive and failed to keep a proper lookout for his own safety.

The plaintiff maintained that the defendant was negligent in failing to provide a safe circular disc or Lily Pad, failing to take proper steps to repair or remedy the attachment, failing to conduct proper inspections of the Lily Pad attraction to discover unsafe conditions and failing to adequately warn the plaintiff of the dangerous condition of these circular discs. Consequently, the plaintiff sustained a laceration to his left foot and ankle with nerve damage to the left foot and ankle, extensive scarring of the left foot and ankle and severe infection of the left foot and ankle.

The jury found in favor of the plaintiff and awarded the plaintiff past economic damages of $3,000,000 and future economic damages of $6,000,000.

REFERENCE

Charles Beyer vs. Brownstone Exploration & Discovery Park, LLC. Case no. MMX-CV17-6017720; Judge Rupal Shah, 05-03-24.

Attorney for plaintiff: Kenneth G. Bartlett of Finkelstein & Partners, LLP in Madison, CT. Attorney for defendant: Rachel M. Bradford of Howd & Ludorf, LLC in Hartford, CT.

Toxic Tort

$725,500,000 VERDICT – TOXIC TORT – CORPORATE NEGLIGENCE – PLAINTIFF EXPOSED TO KNOWN CARCINOGEN BENZENE WHILE WORKING FOR DEFENDANT GAS COMPANY – FAILURE TO WARN ABOUT HEALTH RISKS OF BENZENE, WHICH U.S. ENVIRONMENTAL PROTECT AGENCY CLASSIFIED AS KNOWN CARCINOGEN – ACUTE MYELOID LEUKEMIA – COLON CANCER.

Philadelphia County, PA

The plaintiff in this case maintained that he was exposed to the defendant's gasoline while working as a mechanic and that his exposure caused his leukemia and colon cancer. The defendants denied all allegations of negligence.

The male plaintiff was employed as a mechanic and gas station attendant at a Mobil service station in Philadelphia from 1975-1980. While in course and scope of his employment, the plaintiff used gasoline and other solvents everyday to clean car parts with his bare hands which exposed him to benzene through his skin and inhalation.

The plaintiff maintained that the defendant knew for decades that their product causes cancer and they failed to warn the public or take precautions to limit exposure. The plaintiff was diagnosed with Acute Myeloid Leukemia in 2019 and the colon cancer that metastasized to his liver. The defendant denied the plaintiff's allegations.

After a 7-day trial, the jury found in a 10-2 verdict that the defendant was liable for failing to warn about its "defective products" and found those "defective products" to be a "substantial contributing factor" in causing the plaintiff's cancer. The jury awarded the plaintiff $725,000,000 and his wife $500,000.

REFERENCE

Paul Gill and Diane Gill vs. ExxonMobil, et al. Case no. 200501803; Judge Carmello Jacquinto, 05-10-24.

Attorney for plaintiff: Andrew Dupont of Locks Law in Philadelphia, PA. Attorneys for plaintiff: Patrick Wigle and Rajeev Mittal of Waters Kraus & Paul in Dallas,TX. Attorneys for defendant: Chad D. Mountain and Howard J. Jarvis of Maron Marvel in Philadelphia, PA.