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

$25,000,000 VERDICT – STATE LIABILITY –HISTORIC LANDMARK CASE UNDER NEW JERSEY'S CHILD VICTIMS ACT – PLAINTIFF ENTERED NEW JERSEY'S FOSTER CARE SYSTEM AT AGE 5 DUE TO PARENTAL DRUG ABUSE AND NEGLECT – BETWEEN 1990 AND 1993 PLAINTIFF ENDURED SEXUAL ABUSE IN 3 DIFFERENT FOSTER HOMES BY 4 PERPETRATORS, 2 NOW IN PRISON – FAILURE TO PROVIDE NECESSARY SUPERVISION WHICH COULD HAVE PREVENTED ABUSE – PSYCHOLOGICAL HARM; PHYSICAL INJURIES; PAIN AND SUFFERING; EMOTIONAL DISTRESS.

Middlesex County, NJ

This First New Jersey Child Victim's Act action was filed by the plaintiff against the defendants, New Jersey Department of Children and Families; New Jersey Division of Child Protection and Permanency; and John Does 1-10 (fictitious names), for injuries sustained during sexual abuse in foster homes as a child.

The plaintiff, now age 39, alleged that while in the custody of DCF in the 1990s, she endured years of sexual abuse in the foster homes where she was placed, including by a father and son, 9 years her senior, who molested the plaintiff 2 to 3 times a week for more than 2 years. The plaintiff alleged DCF failed to give her proper care after her first sexual assault at the age of 6; and further alleged that although records showed that psychotherapy was recommended after the first sexual assault it was never provided.

The plaintiff alleged DCPP, formerly known as DYFS, failed to provide necessary psychotherapy and supervision, which could have prevented the abuse; and further alleged the defendant deprived the plaintiff of the protective aspects of psychotherapy where she would have an opportunity to talk within a safe space." The plaintiff alleged that by depriving her of psychotherapy which could have helped her understand she didn't do anything wrong to cause the abuse and that she could establish boundaries with other people, it resulted in continuing the abuse. The plaintiff pled injuries of psychological harm, physical injuries, pain and suffering, emotional distress and mental anguish. The defendant contended that the failure to provide the plaintiff with therapy was not a proximate cause of her sexual abuse; and further argued that psychotherapy has varying outcomes such that there was no guarantee that meeting with a therapist would have benefited the plaintiff.

Gross verdict: $25,000,000. Awards: $15,000,000 for past pain and suffering; $10,000,000 for future pain and suffering. The unanimous jury found DCPP 99% responsible, attributing gross negligence as the proximate cause of abuse.

REFERENCE

Niema Jones vs. New Jersey Department of Children and Families; New Jersey Division of Child Protection and Permanency; and John Does 1-10 (fictitious names). Docket no. MID-L-8424-19; Judge Patrick Bradshaw, 03-12-24.

Attorney for plaintiff: Matthew Bonanno of Rebenack Aronow Mascolo, LLP in New Brunswick, NJ. Attorney for plaintiff: Vincent Nappo of Pfau, Cochran, Vertetis & Amala, PLLC in Seattle, WA. Attorney for defendant: Charles Vaccaro of Greenbaum Rowe Smith & Davis, LLP in Iselin, NJ.

COMMENTARY

The Child Victims Act was passed in 2019 to temporarily lift the statute of limitations for civil lawsuits related to child sexual abuse to allow survivors of sexual abuse to file. There have been volumes of suits filed; however, few have gone to trial. As a teenager, the plaintiff who was doing poorly in school was taken in by a pastor's family where her whole life turned around and she finished high school in just 3-years, earned bachelor's and master's degrees and for a period worked at the DCF, before filing this lawsuit in 2019. Party lawyers reached a high-low agreement with parameters of $4 million and $12 million just before closing arguments. The plaintiff will receive the $12 million award pursuant to the high-low agreement, which also calls for a waiver of all appeals.

Matthew Bonanno Rebenack Aronow & Mascolo, plaintiff's attorney: After the jury apportioned 99% of liability to the state, "My client and I looked at each other, and we said that's justice, before the number came down. And the number came down, and it was obviously life-changing. So her dream is to open a non-profit for girls who have been sexually abused like she was. Now, this gives her the opportunity to do that."

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$17,000,000 SETTLEMENT – MEDICAL MALPRACTICE – OB/GYN NEGLIGENCE – DELAY IN SCHEDULING HIGH RISK C-SECTION RESULTS IN UTERINE RUPTURE LEAVING BABY OXYGEN DEPRIVED – HYPOXIC-ISCHEMIC ENCEPHALOPATHY AND CEREBRAL PALSY-PLAINTIFF DIAGNOSED WITH PLACENTA PERCRETA – PLAINTIFF MAINTAINED CONDITION REQUIRED 34 TO 36-WEEK-GESTATION FOR SAFE DELIVERY.

Ocean County, NJ

This medical malpractice action filed October 2021 by Jenna Doucette, on behalf of her daughter Shea, against the defendants Dr. Abdulla Al-Khan, Center for Abnormal Placentation at Hackensack University Medical Center, Hackensack Meridian Health and Dr. Jesus Rafael Alvarez-Perez, for severe birth injuries sustained from a delayed cesarean section. The defendant argued that their approach adhered to standards of accepted medical practices.

The plaintiff alleged Jenna Doucette was diagnosed with placenta percreta and was scheduled for a C-section at 37 weeks; and further alleged that that because of the high-risk condition the C-section should have been scheduled between 34 and 36-weeks of gestation. The plaintiff alleged before the scheduled procedure Doucette suffered a uterine rupture; and further alleged the uterine rupture resulted in oxygen deprivation at Shea's birth and was the proximate cause of Shea developing hypoxic-ischemic encephalopathy and cerebral palsy.

The plaintiff alleged medical negligence in scheduling the delivery too late at 37 weeks; and further alleged this negligence contributed to these complications causing an emergency cesarean section. The plaintiff alleged multiple blood transfusions, intensive care hospitalization for placental abruption and massive abdominal bleeding. The defendant argued that a stable patient with this condition without placenta previa could be delivered at 37 weeks.

The parties reached a settlement of $17,000,000.

REFERENCE

Doucette vs. Al-Khan et al. Docket no. L-002591-21; Judge James Den Uyl, 01-03-25.

Attorney for plaintiff: Daryl L. Zaslow of Eichen Crutchlow Zaslow in Edison, NJ. Attorney for defendant: William Buckley of Schenk, Price, Smith & King in Florham Park, NJ.

COMMENTARY

Placenta percreta is a form of placenta accreta spectrum where the placenta grows too deeply into the uterine wall making it difficult to separate at birth resulted in Shea, now 4 years old, being deprived of oxygen. The plaintiff's attorney said he consulted 22 experts in the case and served 15 expert reports. "Although the numerous experts were necessary, throughout the litigation, I argued that this case was unlike most traditional birth cases that involve extraordinarily complex medical issues, including the interpretation of fetal heart rate tracings, infection, neuroradiology and genetics. I was steadfast in my argument that, as complex as the medicine surrounding placenta accreta spectrum may be, this case really boiled down to a scheduling error."

"Although this case was vociferously disputed on the issue of liability, everyone was acutely aware of the devastating damages sustained by Shea, her parents, and to Shea's entire family." According to Zaslow, a portion of the settlement will be used to purchase annuities, which guarantee payments of more than $18 million but are anticipated to pay over $28 million. The total settlement will ultimately be worth between $26.9 and $37.1 million", Zaslow said.

$11,000,000 VERDICT – MEDICAL MALPRACTICE – OTOLARYNGOLOGIST NEGLIGENCE – 66-YEAR-OLD UNDERGOES SURGERY ON ESOPHAGUS TO TREAT ZENKER'S DIVERTICULUM – CALLS REGARDING POST-SURGERY SYMPTOMS GO UNDOCUMENTED BY MEDICAL PERSONNEL – PLAINTIFF IN EXTREME PAIN GOES TO EMERGENCY ROOM SEEKING RELIEF – DELAY IN DIAGNOSING PERFORATED ESOPHAGUS CAUSES BACTERIAL INFECTION TO ENTER CERVICAL SPINE – OSTEOMYELITIS REQUIRING DISC EXCISION AND FUSION AT C6-C7 – NASOGASTRIC TUBE; HIGH LEVEL OF PAIN AND SUFFERING.

Camden County, NJ

This medical malpractice action was filed by the plaintiff, a 66-year-old teaching assistant, against the defendant, Aftab, et al. for injuries sustained during the post-operative treatment of her perforated esophagus. The defendant denied all allegations of negligence and maintained that the standard of care was met.

The plaintiff alleged that in May 2016, the plaintiff underwent surgery to repair her Zenker's diverticulum; and further alleged otolaryngologist Saba Aftab, of Advocare, LLC, performed the surgery. The plaintiff alleged 2 days after the surgery the plaintiff began experiencing pain in her neck, trapezius area, right shoulder and right arm; and further alleged the plaintiff's husband contacted the defendant's and conveyed the plaintiff's symptoms to defendant's office personnel.

The plaintiff alleged the defendant Aftab nor the personnel documented these complaints in the plaintiff's medical records nor followed up delaying timely diagnoses; and further alleged that the plaintiff experiencing extreme pain went to an urgent -care facility and a emergency room and eventually to an orthopedic group where the plaintiff was diagnosed with a microperforation to her esophagus. The plaintiff alleged the diagnosis was that this had caused a bacterial infection to enter her cervical spine. The plaintiff pled injuries of being fed through a nasogastric tube, high level of pain and suffering. The defendant argued a cervical infection would not have been suspected subsequent to the plaintiff's surgery because she had no fever or other symptoms typically associated with infection.

Gross verdict: $11,000,000. Awards: $10,000,000 in compensatory damages for pain and suffering; $1,000,000 for loss of consortium. The jury found the defendant medical practice negligent, but found the surgeon was not negligent.

REFERENCE

Eggleston vs. Aftab et al. Docket no. 24-SM-CV-02741; Judge Michael J. Kassel, 09-10-24.

Attorney for plaintiff: Michael J. Glassman of MJ Glassman & Associates, LLC in Voorhees, NJ. Attorney for defendant: Mark Alan Petraske of Dughi, Hewit & Domalewski in Cranford, NJ.

COMMENTARY

The esophagus is a soft tube that runs from the mouth and transports food to the stomach. Sometimes, a tiny pouch or bubble can form in the wall near the throat; this pouch is called a Zenker's diverticulum. If food or saliva gets stuck it can make it hard to swallow, cause coughing or cause feelings of something stuck in the throat. The plaintiff's expert testified at trial that the surgeon did not breach the standards of care in performing the surgery but did breach the standards of care in the follow-up care. The expert proffered that there were signs and symptoms of a microperforation of the esophagus that were not acted on appropriately by the surgeon who had a duty to further access and investigate the plaintiff's symptoms. The expert testified because of the delay in the diagnoses and treatment, it led the plaintiff to developing discitis/osteomyelitis that required a disc excision as well as an anterior/posterior approach for fusion at C6 and C7 and is at risk for adjacent-level disease in her cervical spine, which could require potential future surgery.

DEFENDANTS' VERDICT – PLAINTIFF FILES LEGAL MALPRACTICE LAWSUIT FOR ALLEGED BAD ADVICE – PLAINTIFF PURCHASED $1,600,000 PROPERTY IN NEW JERSEY, WITH INTENTIONS TO RENOVATE – AFTER PURCHASE, PLAINTIFF DECIDES TO RAZE STRUCTURE AND CONSTRUCT MODULAR HOME – PLAINTIFF HIRES ARCHITECT AND ATTORNEYS TO NEGOTIATE CONTRACT WITH ARCHITECTS – ATTORNEY ADVISED PLAINTIFF TO CANCEL CONTRACT – ARBITRATION AWARD TO ARCHITECT – LEGAL MALPRACTICE FOR PREMATURE CANCELLATION OF CONTRACT.

Passaic County, NJ

This legal malpractice action was filed by the plaintiff against the defendants, Joseph S. Aboyoun, Esq., Aboyoun & Heller, LLC and Nagel Rice, LLP, Randee Matloff, Esq. and Bruce Nagel, Esq., for the defendant's representation in the matter captioned Focazio v. northeast Modular Homes, Inc. & George A Tsairis Architects, P.C.

The plaintiff alleged that in December 2007, the plaintiff purchased a residential property in Wayne, New Jersey. for approximately $1,600,000 that the plaintiff initially intended to renovate; and further alleged instead of renovating the plaintiff decided to raze the structure and construct a new modular home. The plaintiff alleged he hired Tsairis Architects, and its affiliated construction firm to design and build

the new home; and further alleged the defendant law firm was retained to represent the plaintiff in his contract negotiations with Tsairis.

The plaintiff alleged under the contract he agreed to pay Tsairis $2,300,000; and further alleged he paid deposits totaling $969,000. The plaintiff alleged that $400,000 was intended to be set aside by Tsairis to purchase a modular home; and further alleged Tsairis paid the modular home manufacturer only $5,000 of that amount and retained the rest. The plaintiff further alleged the contract required Tsairis to conduct a zoning study; and further alleged said study opined the proposed construction would comply with local land development ordinances and no variances or waivers were needed.

The plaintiff alleged after Tsairis razed the existing home, the municipality stopped work on the project because a required environmental protection waiver had not been obtained; and further alleged because the permits were not obtained, work never commences under the project. The plaintiff alleged as the entire project was to be completed within 300 days of the "date of commencement" which was defined as the date on which necessary permits were obtained, defendant, Aboyoun, esq. prematurely advised the plaintiff to canceled the contract with Tsairis, prepared for litigation with Tsairis to recover the deposit; and further alleged Aboyoun, esq assisted defendants, Nagel Rice, LLP, Randee Matloff, Esq. and Bruce Nagel, Esq., whom the plaintiff also hired for a breach of contract, breach of good faith and fair dealing, unjust enrichment, conversion and consumer fraud against Tsairis.

In March 2013, the plaintiff was in arrears in paying Nagel and in May 2013, the court granted Nagel's motion to be relieved as counsel. The plaintiff alleged he hired a third attorney, George Abdy, Esq., after Nagel's withdrawal, who advised the plaintiff that under the terms of the construction contract, the date of commencement of work did not begin until the final municipal permits and approvals were obtained, and that the contract had been prematurely terminated. The plaintiff alleged in December 2016, the arbitrator ruled in favor of Tsairis, finding the plaintiff improperly terminated the contract and ordered him to pay $164,470 plus interest and counsel fees. The plaintiff alleged failed residential construction damages in excess of $4,000,000. The defendant argued the negligence of George Tsairis personally and George Tsairis Architects, PC, was the proximate cause of the plaintiff's damages; and further contended the contract was terminated because of the deadline, which was 300 days.

The court reached a full defense verdict.

REFERENCE

William J. Focazio, M.D., et al. vs. Joseph S. Aboyoun, Esq., Aboyoun & Heller, LLC, Nagel Rice, LLP, Randee Matloff, Esq. and Bruce Nagel, Esq. Docket no. L-2643-16; Judge Vicki A. Citrino.

Attorney for plaintiff: Kenneth S. Thyne of Simon Law Group, LLP in Morristown, NJ. Attorney for defendant: Adam J. Adrignolo of McElroy Deutsch Mulvaney & Carpenter in Morristown, NJ.

COMMENTARY

After filing the legal malpractice action, the plaintiff entered into a security agreement with Tsairis in which the plaintiff assigned a portion of his anticipated recovery in this action, after first paying his litigation costs and attorneys' fees, to satisfy the arbitration award. During jury selection, the defendants move for and were granted a motion to dismiss arguing the plaintiff lacked standing because he impermissibly assigned his tort claim to third parties prior to judgment.

The trial court agreed and determined plaintiff lacked standing because he improperly assigned his interest in this malpractice action to third parties. The court found the plaintiff assigned the entirety of his right of recovery in this action and "will receive the benefit of the judgment in name only." The court further found an assignment of a future monetary recovery by an injured plaintiff in tort litigation is tantamount to an impermissible assignment of a tort claim to a third party and that the plaintiff is "merely seeking a judgment that is to be paid directly to third parties." Legal malpractice claims are tort claims which in New Jersey cannot be assigned prior to judgment, with exceptions.

Editor's note: "The law is a system that protects everyone who can afford to hire a good lawyer" - Mark Twain.

Verdicts By Category

COUNTY LIABILITY

DEFENDANT'S VERDICT

County liability – While rollerblading on paved pedestrian pathway in Van Saun County Park, plaintiff falls, suffering injuries – Plaintiff alleged defendant County negligent for worn asphalt.

Bergen County, NJ

The plaintiff filed this negligence action on December 13, 2022, against County of Bergen, the defendant, for negligence resulting in injury. The defendant contended the plaintiff failed to state a claim under Rule 4:6-2(e) and further asserted immunity under the Landowners Liability Act (LLA), N.J.S.A. 2A:42A-2 to -10. Further, the County argued the LLA presumptively entitle the defendant to immunity as "there were no facts alleged in the plaintiff's complaint that her injury was caused by the County's willful or malicious conduct.

The plaintiff alleged that while rollerblading on a paved pedestrian pathway in Van Saun County Park, in Bergen County, she fell where the asphalt was worn away and arguably, in need of repair. The plaintiff alleged severe permanent injuries, both temporary and permanent in nature, permanent consequential limitations of use of body organs and members, pain, emotional distress. The defendant argued the LLA provides certain owners, lessees, and occupants of property owe no duty to persons injured while using such property for recreational activities and are immune from suit. The plaintiff argued (1) the LLA does not apply because there are buildings in the park and (2) the LLA was intended to apply to rural and semi-rural tracts of land and not to residential and suburban neighborhoods.

The trial court found "no basis to conclude that the County created the condition of the worn asphalt" and that the plaintiff "did not allege that the County may be held liable for willful or malicious failure to guard or warn against the dangerous condition and certainly did not allege any facts that could support such a conclusion." The Court held there was no exception to immunity under the LLA, thereby rendering a verdict for the defendant. The decision of the trial court was affirmed on June 14, 2024, by the Appellate Division.

REFERENCE

Andris Arias vs. County of Bergen. Docket no. L-6633-22; Judge Robert M. Vinci.

Attorney for plaintiff: Alex S. Capozzi of Brach Eichler, L.L.C. in Roseland, NJ. Attorneys for defendant: David Mateen and Thomas J. Duch of Bergen County Counsel in Hackensack, NJ.

LANDLORD NEGLIGENCE

$60,000 ARBITRATION AWARD

Landlord negligence – Plaintiff tenant trips and falls over uneven flooring in the hallway of apartment building – Displaced multi-part humeral neck fracture – Laceration above right eye – Shoulder, neck, and back pain.

Essex County, NJ

In this landlord negligence action, the plaintiff tenant tripped and fell over uneven flooring in the hallway of her apartment building, causing her to sustain injuries. The defendants generally denied all allegations of negligence.

On September 4, 2021, the plaintiff was lawfully traversing inside the apartment building where she was a resident, located on the premises of 555 East Hazelwood Avenue in Rahway, New Jersey. On this day, the premises was owned, operated, and maintained by the defendants. At the time of the incident, the plaintiff was walking down a hallway toward her residence, when she tripped over uneven flooring and fell.

The plaintiff maintained that the defendants were negligent in failing to provide safe passage on the premises, failing to repair uneven ground, and failing to warn of a tripping hazard in the apartment building. Consequently, the plaintiff sustained injuries, including a displaced multi part humeral neck fracture, which was inoperable due to the plaintiff's age. Additionally, the plaintiff sustained a laceration above the right eye, as well as shoulder, neck, and back pain.

The arbitrator in this case found the defendants 75% liable for the accident and the plaintiff 25% liable. The arbitrator reported a net award for the plaintiff in the amount of $60,000. Following arbitration, the defendants' counsel requested a trial de novo, which was scheduled to begin on December 2, 2024. However, the parties entered into a settlement on October 28, 2024. A stipulation of dismissal was submitted on the same day.

REFERENCE

Joyce Davis vs. Rosegate Associates. Docket no. ESXL000354-23; Judge Mayra V. Tarantino, 10-28-24.

Attorney for plaintiff: Kecia M. Clarke of Law Firm of Kecia M. Clarke in West Orange, NJ. Attorney for defendant: Brian W. Brown of Lewis Brisbois Bisgaard & Smith, LLP in Newark, NJ.

MOTOR VEHICLE NEGLIGENCE

Auto/Pedestrian Collision

$200,000 ARBITRATION AWARD

Motor vehicle negligence – Auto/pedestrian collision – Plaintiff pedestrian struck by defendant's vehicle while crossing street – Lumbar disc herniation – Left knee tear.

Bergen County, NJ

In this motor vehicle negligence action, the plaintiff pedestrian was struck by the defendant's vehicle while crossing the street, causing the plaintiff to sustain injuries. The defendant generally denied all allegations of negligence.

On September 27, 2021, the plaintiff was a pedestrian lawfully crossing Harding Place, at or near its intersection with Bergen Boulevard in Fairview, New Jersey. At the same time, the defendant, operating a vehicle in the scope of his employment, was traveling on Bergen Boulevard and was preparing to make a left turn onto Harding Place. As the plaintiff was crossing the street, the defendant attempted to turn left and struck the plaintiff pedestrian.

The plaintiff maintained that the defendant was negligent in failing to remain adequately attentive, failing to safely and properly execute a left turn, and failing to yield to pedestrians. Consequently, the plaintiff sustained injuries, including lumbar disc herniations, as well as a left knee tear. The plaintiff's lumbar spine injuries were treated with epidural steroid injections. A doctor for the defendant opined that the plaintiff's injuries were degenerative in nature.

The arbitrator in this case found the defendant 100% liable for the accident and reported an award for the plaintiff in the amount of $200,000. Following arbitration, the parties entered into a settlement for the same amount. A stipulation of dismissal was submitted on April 15, 2025.

REFERENCE

Ana Lazo Moreno vs. Real Deal Motors, LLC, Albert Napolitano. Docket no. BERL002086-23; Judge David V. Nasta, 04-14-25.

Attorney for plaintiff: Adam B. Lederman, Esq. of Davis, Saperstein & Salomon, P.C. in Teaneck, NJ. Attorney for defendant: Stephen J. Alexander, Esq. of Capehart & Scatchard, P.A. in Mount Laurel, NJ.

Head-on Collision

$200,000 SETTLEMENT

Motor vehicle negligence – Head-on collision – Plaintiff's vehicle struck head-on by defendant's vehicle making 3-point turn – Disc herniations from C4-6 – Disc herniations from L2-5 – Disc bulge at C6-7 – Shoulder injury – Surgery.

Essex County, NJ

In this motor vehicle negligence action, the plaintiff's vehicle was struck head-on by the defendant's vehicle making a 3-point turn, causing the plaintiff to become injured. The defendant generally denied all allegations of negligence.

On July 6, 2021, the plaintiff's vehicle was traveling in a straight direction on West Hobart Gap Road in Livingston, New Jersey. At the same time, the defendant had been parked on West Hobart Gap Road and was making a 3-point turn out of a parking spot. As the defendant was making a 3-point turn, her vehicle entered the path of the plaintiff's vehicle. The defendant's vehicle then struck the plaintiff's vehicle head on.

The plaintiff maintained that the defendant was negligent in failing to observe the plaintiff's vehicle and failing to wait for clearance before making a 3 point turn. Consequently, the plaintiff sustained injuries, including cervical disc herniations from C4-6, lumbar disc herniations from L2-5, a disc bulge at C6-7, and shoulder injury. The plaintiff's injuries were treated with a percutaneous discectomy procedure at L3-4, ablations at L3-4 and L4-5, as well as lumbar epidural steroid injections. A doctor for the defendant disputed causation and permanency.

The arbitrator in this case found the defendant 100% liable for the accident and reported an award for the plaintiff in the amount of $200,000. Following arbitration, the parties entered into a settlement for the same amount. The case was dismissed on April 3, 2025.

REFERENCE

Nazario Santos vs. Mcgough Grace. Docket no. ESXL002745-23; Judge Robert H. Gardner, 04-03-25.

Attorney for plaintiff: Karim Arzadi of Law Offices of Karim Arzadi in Perth Amboy, NJ. Attorney for defendant: Donald S. Dedio, Esq. of Dwyer Connell & Lisbona, LLP in Fairfield, NJ.

Intersection Collision

$41,250 ARBITRATION AWARD

Motor vehicle negligence – Intersection collision – Plaintiff's vehicle is struck by defendant's vehicle after defendant runs red light – Cervical disc herniation at C4-5 – Lumbar disc herniations at L4-5 and L5-S1 – Left elbow and knee sprains.

Essex County, NJ

In this motor vehicle negligence action, the plaintiff sustained injuries when her vehicle was struck by the defendant's vehicle after the defendant ran a red light. The defendant generally denied negligence.

On September 7, 2022, the plaintiff's vehicle was traveling westbound on Main Street in East Orange, New Jersey. At this time the plaintiff was preparing to proceed straight through the intersection of Main Street and N Clinton St. with a green light in her favor. At the same time, the defendant's vehicle was traveling southbound on N Clinton St., toward the same intersection. As the plaintiff's vehicle was proceeding through the intersection, the defendant ran a red light at the intersection and struck the plaintiff's vehicle.

The plaintiff maintained that the defendant was negligent in failing failing to yield the right-of-way, and failing to obey a red light. Consequently, the plaintiff sustained injuries, including a cervical disc herniation at C4-5, lumbar disc herniations at L4-5 and L5-S1, as well as left elbow and knee sprains. The defendant denied all allegations of negligence, maintaining that he in fact had the green light, and that the plaintiff had run the red.

The arbitrator in this case found the defendant 55% liable for the accident and the plaintiff 45% liable. The arbitrator reported an award for the plaintiff in the amount of $41,250. Following arbitration, the parties entered into a settlement for the same amount. A stipulation of dismissal was submitted on May 12, 2025.

REFERENCE

Carol Thorne vs. Reginal Bellamy. Docket no. ESXL006574-23; Judge Mayra V. Tarantino, 04-24-25.

Attorney for plaintiff: Nicolette Giuliana Desimone of Nicolette G. DeSimone, Esq. Attorney for defendant: Allan E. Kreil, Jr. of Law Offices of Leslie A. DeTorres in West Orange, NJ.

$14,750 SETTLEMENT

Motor vehicle negligence – Intersection collision – Plaintiff's vehicle struck by defendant's vehicle after defendant runs stop sign – Cervical disc bulges at C3-4, C5-6, and C6-7 with radiculopathy at C6 – Lumbar disc bulges at L3-4 and L4-5 – Left carpal tunnel syndrome.

Burlington 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, resulting in the plaintiff sustaining injuries. The defendant generally denied all allegations of negligence.

On December 16, 2021, the plaintiff's vehicle was traveling on Church Street, at its intersection with Maple Avenue in Moorestown, New Jersey. At this time, the defendant's vehicle was traveling on Maple Avenue, toward the same intersection. At the time of the incident, the plaintiff was proceeding straight through the subject intersection on Church Street. As the plaintiff was proceeding through, the defendant ran the stop sign on Maple Avenue and collided with the plaintiff's vehicle.

The plaintiff maintained that the defendant was negligent in failing to obey a stop sign and failing to remain adequately attentive. Consequently, the plaintiff sustained injuries, including cervical disc bulges at C3-4, C5-6, and C6-7 with radiculopathy at C6, as well as lumbar disc bulges at L3-4 and L4-5, and left carpal tunnel syndrome.

The arbitrator in this case found in favor of the plaintiff and awarded $14,750. Following arbitration, the parties entered into a settlement conference with a judge on April 16, 2025. The parties entered into a settlement, and the case was dismissed on May 20, 2025.

REFERENCE

Angel Tucker-Fisher vs. Jose Perez. Docket no. BURL001777-23; Judge James J. Ferrelli, 04-16-25.

Attorney for plaintiff: Marc F. Greenfield of Spear, Greenfield, Richman, Weitz & Taggart, P.C. in Marlton, NJ. Attorney for defendant: Stephen D. Williams of Brennan & Sponder in Princeton, NJ.

Lane Change Collision

$75,000 ARBITRATION AWARD

Motor vehicle negligence – Lane change collision – Plaintiff's vehicle sideswiped by defendant's vehicle after defendant entered into plaintiff's lane – Neck and back injury – Knee tear.

Union County, NJ

In this motor vehicle negligence action, the plaintiff's vehicle was sideswiped by the defendant's vehicle after the defendant made an improper lane change into the plaintiff's lane of travel, causing the plaintiff to become injured. The defendant denied allegations of negligence.

On September 1, 2022, the plaintiff's vehicle was traveling northbound in the right lane on Highway 36 North in Keyport, New Jersey. At the same time, the defendant's vehicle was also traveling northbound on Highway 36, in a lane directly next to the plaintiff's vehicle. At the time of the incident, the defendant made a sudden attempt to switch lanes, and entered the plaintiff's lane of travel. The defendant's vehicle then sideswiped the plaintiff's vehicle in the rear driver's side.

The plaintiff maintained that the defendant was negligent in failing to remain in the correct lane of travel, and failing to wait for clearance before changing lanes. Consequently, the plaintiff sustained injuries, including neck and back injury, as well as a knee tear. The plaintiff's neck and back injuries were treated with epidural steroid injections. A doctor for the defendant opined that the plaintiff's injuries were pre-existing.

The arbitrator in this case found the defendant 100% liable for the accident and reported an award for the plaintiff in the amount of $75,000. The arbitration amount was amicably adjusted between the parties and a stipulation of dismissal was submitted on September 6, 2024.

REFERENCE

Giovanni Vargas vs. Jaafar Ali. Docket no. UNNL003259-22; Judge Daniel R. Lindemann, 09-06-24.

Attorney for plaintiff: John J. Pisano of John J. Pisano, Esq. in Cranford, NJ. Attorney for defendant: Andrew M. Horun of Gregory P. Helfrich & Associates in Summit, NJ.

$25,000 ARBITRATION AWARD

Motor vehicle negligence – Lane change collision – Plaintiff's vehicle sideswiped by defendant's vehicle changing lanes – Soft tissue cervical and thoracic injuries – Other soft tissue injuries.

Bergen County, NJ

In this motor vehicle negligence action, the plaintiff's vehicle was sideswiped by the defendant's vehicle as the defendant attempted to change lanes, causing both the plaintiff driver and the plaintiff passenger to become injured. The defendant denied negligence.

On May 23, 2021, the plaintiff's vehicle was traveling westbound on US Interstate 80, near milepost 35 in Rockaway, New Jersey. At this time, the plaintiff's vehicle was traveling in the right lane. At the same time, the defendant's vehicle was also traveling westbound on I80, roughly parallel to the plaintiff's vehicle. At the time of the incident, the defendant attempted to change lanes and sideswiped the plaintiff's vehicle.

The plaintiffs maintained that the defendant was negligent in failing to remain in the correct lane of travel, failing to safely and properly change lanes, and failing to yield. Consequently, the plaintiff driver sustained injuries, including soft tissue and thoracic injuries. The plaintiff passenger also sustained other soft tissue injuries, which were treated with physical therapy. A doctor for the defendant opined that both plaintiffs' injuries were degenerative in nature.

The arbitrator in this case found the defendant 100% liable for the accident and reported a net award for the plaintiffs in the amount of $25,000, including $20,000 for the plaintiff driver and $5,000 for the plaintiff passenger. Following arbitration, the parties entered into a settlement for the same amount. A stipulation of dismissal was submitted on April 22, 2025.

REFERENCE

Eric Spann vs. Erick Sierra-Trejo. Docket no. BERL002713-23; Judge Gregg A. Padovano, 04-22-25.

Attorney for plaintiff: Edward Weil of Cacciola & Weil in Clifton, NJ. Attorney for defendant: Tejal Forrar, Esq. of Gregory P. Helfrich & Associates in Summit, NJ.

Parking Lot Collision

$45,000 ARBITRATION AWARD

Motor vehicle negligence – Parking lot collision – Plaintiff's vehicle sideswiped by defendant commercial vehicle in parking lot – Left ankle fracture.

Bergen County, NJ

In this motor vehicle negligence action, the plaintiff's vehicle was sideswiped by the defendant commercial vehicle in a parking lot, causing the plaintiff to become injured. The defendant generally denied negligence.

In this motor vehicle negligence action, the plaintiff was seated in his vehicle, which was parked in a parking lot on the premises of 250 Bergen Turnpike in Little Ferry, New Jersey. At the same time, the defendant was operating a commercial vehicle in the same parking lot, in the same vicinity as the plaintiff's vehicle. At the time of the incident, the defendant commercial vehicle allegedly sideswiped the plaintiff's vehicle.

The plaintiff maintained that the defendant was negligent in failing to maintain a safe distance from other vehicles, failing to observe the plaintiff's vehicle, and failing to remain adequately attentive. Consequently, the plaintiff sustained injuries, including a left ankle fracture, which was treated conservatively. A doctor for the defendant opined that the plaintiff did not sustain an injury related to the accident. The defendant denied all allegations of negligence, maintaining that he was not even involved in the accident at all, and cited his commercial vehicle's GPS location as evidence.

The arbitrator in this case found the defendant 100% liable for the accident and reported an award for the plaintiff in the amount of $45,000. Following arbitration, the defendant's counsel requested a trial de novo. However, the parties entered into a settlement conference instead, where they arrived at a settlement on April 14, 2025.

REFERENCE

Bong Lee vs. All Cartage Express Corp., John Doe. Docket no. BERL006017-22; Judge David V. Nasta, 04-14-25.

Attorney for plaintiff: Andrew Park of Law Offices of Andrew Park, PC in New York, NY. Attorney for defendant: Carl Mazzie of Foster & Mazzie, LLC in Totowa, NJ.

Rear End Collision

$125,000 ARBITRATION AWARD

Motor vehicle negligence – Rear end collision – Plaintiff's vehicle struck in rear by defendant's vehicle while slowing for traffic – Cervical disc herniations – 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 the plaintiff was slowing for traffic, causing the plaintiff to become injured. The defendant generally denied all allegations of negligence.

On February 15, 2020, the plaintiff's vehicle was traveling eastbound on I-80 towards Saddle Brook in Bergen, New Jersey. At the same time, the defendant's vehicle was also traveling eastbound on I-80 towards Saddle Brook, directly behind the plaintiff's vehicle. At the time of the incident, the plaintiff began to slow her vehicle to accommodate traffic ahead. As the plaintiff's vehicle was slowing down, 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 maintain a safe distance from other vehicles, failing to obey traffic conditions, failing to observe the plaintiff's vehicle, failing to remain adequately attentive, failing to wait, 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, which required surgery as well as injections to repair.

The arbitrators found in favor of the plaintiff and reported an award for $125,000.

REFERENCE

Rossi Nicole vs. Schudrich Rachel. Docket no. L008265-21; Judge Nicholas Otsuni, 04-19-24.

Attorney for plaintiff: Robert S. Maider of Birkhold & Maider, LLC in Nutley, NJ.

$17,500 ARBITRATION AWARD

Motor vehicle negligence – Rear end collision – Plaintiff's vehicle struck in rear by defendant's vehicle while stopped at intersection – Cervical disc herniation at C5-6 – Cervical disc bulge at C4-5 – Lumbar disc bulge at L5-S1 – Mild concussion.

Hudson County, NJ

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

On April 27, 2019, the plaintiff's vehicle was traveling westbound on Kearny Avenue, at or near its intersection with Laurel Avenue in Kearny, New Jersey. At this time, the plaintiff's vehicle was stopped for a red traffic light at the aforementioned intersection. At the same time, the defendant's vehicle was also traveling westbound on Kearny Avenue, toward the same intersection. While the plaintiff's vehicle was stopped at the red light, it was suddenly struck in the rear by the defendant's vehicle.

The plaintiff maintained that the defendant was negligent in failing to obey traffic signals, failing to remain adequately attentive, and failing to maintain a safe distance from other vehicles. Consequently, the plaintiff sustained injuries, including cervical disc herniation at C5-6, cervical disc bulge at C4-5, and lumbar disc bulge at L5-S1, as well as a mild concussion. A doctor for the defendant opined that the plaintiff's injuries were not permanent in nature.

The arbitrator in this case found the defendant 50% liable for the accident and the plaintiff 50% liable. The arbitrator reported a $35,000 award for the plaintiff in gross damages, which was reduced to $17,500 in net damages after the application of liability. Following arbitration, the defendant's counsel requested a trial de novo, which was scheduled to take place on June 26, 2023. However, the parties entered into a settlement conference on March 28, 2023, at which time they arrived at a settlement for an unspecified amount. A stipulation of dismissal was submitted on April 11, 2023.

REFERENCE

Rachel Nieto vs. Monica Sobrido. Docket no. L005017-19; Judge Christine M. Vanek.

Attorney for plaintiff: Carlos H. Acosta, Jr. of Mescall & Acosta, PC in Union City, NJ. Attorney for defendant: Kristina Sapaskis of Law Office of Eric H. Bennett in Hackensack, NJ.

Stopped Vehicle Collision

DEFENDANT'S JUDGMENT

Motor vehicle negligence – Stopped vehicle collision – Plaintiff's vehicle, stopped on side of road, struck by defendant's vehicle turning right – Cervical disc herniations from C4-7 – Disc bulge at L1-L3 – Left shoulder and right knee pain.

Essex County, NJ

In this motor vehicle negligence action, the plaintiff's vehicle was stopped on the side of the road and was struck by the defendant's vehicle turning right, resulting in the plaintiff sustaining injuries. The defendant generally denied all allegations of negligence.

On July 9, 2021, the plaintiff's vehicle was stopped facing southbound on the side of the road on Lyons Avenue, near its intersection with Fabian Lane in Newark, New Jersey. At this time, the plaintiff was seated in the driver's seat in the stopped vehicle. At the same time, the defendant's vehicle was traveling southbound on Lyons Avenue, toward the same intersection. At the time of the incident, the defendant's vehicle attempted to make a right turn from Lyons Lane onto Fabian Lane and struck the plaintiff's vehicle while turning.

The plaintiff maintained that the defendant was negligent in failing to maintain a safe distance from other vehicles, failing to safely and properly execute a right turn, and failing to keep the vehicle under proper and adequate control. Consequently, the plaintiff sustained injuries, including cervical disc herniations from C4-7, disc bulge at L1-L3, and left shoulder and right knee pain. A doctor for the defendant disputed causation and permanency.

The arbitrator in this case found the defendant 100% liable for the accident and reported an award for the plaintiff in the amount of $50,000. Following arbitration, the defendant's counsel requested a trial de novo, which took place from April 21, 2025, to April 24, 2025. At this time, the jury returned a verdict of no cause for action in favor of the defendant. The Honorable Annette Scoca ordered that the verdict be entered as a judgment on May 2, 2025.

REFERENCE

Bolaji Shittu vs. Koreana Nixon. Docket no. ESXL000011-22; Judge Annette Scoca, 04-24-25.

Attorney for plaintiff: Laura A. Rabb of Rabb Hammil, PA in Woodbridge, NJ. Attorney for defendant: Glenn T. Dyer of Dyer & Peterson, PC in Parsippany, NJ.

Truck/Auto Collision

$67,500 NET ARBITRATION AWARD

Motor vehicle negligence – Truck/auto collision – Defendant truck driver struck plaintiff's vehicle while making left turn at intersection – Disc herniations at C4-5 and C5-6 – Radiculopathy at C5-6.

Essex County, NJ

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

On January 20, 2021, the plaintiff's vehicle was stopped at a red light at the intersection of 20th Avenue and Madison Avenue in Paterson, New Jersey. At this time, the defendant, operating a truck, was traveling westbound on Madison Avenue toward the same intersection. At the time of the incident, the defendant truck driver attempted to make a left turn onto 20th Avenue in front of the plaintiffs stopped vehicle. As the defendant was turning left, the truck struck the plaintiff's vehicle.

The plaintiff maintained that the defendant was negligent in failing to safely and properly execute a left turn, in failing to wait for clearance before making a left turn, and in failing to remain in the correct lane of travel. Consequently, the plaintiff sustained injuries, including disc herniations at C4-5 and C5-6, as well as radiculopathy at C5-6. The plaintiff's injuries were treated with a cervical epidural steroid injection at C5-6, as well as a discogram and medial branch blocks in the lumbar spine. The defendant denied all allegations of negligence, maintaining that the plaintiff drove into his truck.

The arbitrator in this case found the defendant 50% liable for the accident and the plaintiff 50% liable. The arbitrator reported a net award for the plaintiff in the amount of $67,500. Following arbitration, a trial was scheduled for April 7, 2025. However, the parties entered into a settlement on April 3 2025, before the trial could begin. A stipulation of dismissal was submitted on May 9, 2025.

REFERENCE

Belkis Morla-Deespinosa vs. Clarence Montgomery. Docket no. ESXL007384-22; Judge Robert H. Gardner.

Attorney for plaintiff: Damon A. Vespi of The Vespi Law Firm, LLC in Totowa, NJ. Attorney for defendant: Marc B. Zingarini, Esquire of BBC Law, LLP in Mt. Laurel, NJ.

U-Turn Collision

$296,827 VERDICT

Motor vehicle negligence – U-turn collision – Plaintiff's vehicle struck by defendant's vehicle making u-turn – Left shoulder rotator cuff tear and labral tear – Left bicep tenosynovitis – Cervical radiculopathy.

Essex County, NJ

In this motor vehicle negligence action, the plaintiff's vehicle was struck by the defendant's vehicle as the defendant attempted to make a u-turn, causing the plaintiff to become injured. The defendant generally denied all allegations of negligence.

On November 15, 2021, the plaintiff's vehicle was traveling eastbound on Port Street in Newark, New Jersey. At the same time, the defendant's vehicle was also traveling eastbound on Port Street, behind the plaintiff's vehicle. While traveling in a straight direction, the defendant suddenly attempted to make a u-turn. As the defendant was attempting a u-turn, his vehicle struck the plaintiff's vehicle.

The plaintiff maintained that the defendant was negligent in failing to safely and properly execute a u-turn, failing to wait for clearance before turning, and failing to remain in the correct lane of travel. Consequently, the plaintiff sustained injuries, including left shoulder rotator cuff tear, left bicep tenosynovitis, and cervical radiculopathy. A doctor for the defendant opined that the plaintiff's injuries were pre-existing.

The arbitrator in this case found the defendant 100% liable for the accident and reported an award for the plaintiff in the amount of $75,000. Following arbitration, the defendants' counsel requested a trial de novo, which took place from April 22, 2025 to April 24, 2025. At this time, the jury returned a verdict for $281,250 with an interest of $15,576.76, for a total award of $296,826.76. The Honorable Jeffrey B. Beacham ordered that the verdict be entered as a judgment in favor of the plaintiff on May 16, 2025.

REFERENCE

Annie Rogers vs. Nabil Haidi. Docket no. ESXL005602-22; Judge Jeffrey B. Beacham, 04-24-25.

Attorney for plaintiff: Mitchell Goldstein of Greenberg Minasian, LLC in West Orange, NJ. Attorney for defendant: Sergio D. Reyes Sierra, Esq. of Port Authority Law Department in New York, NY.

PREMISES LIABILITY

Fall Down

$124,811 SETTLEMENT

Premises liability – Fall down – Plaintiff slips and falls on black ice in parking lot at defendant hardware store – Failure to remove ice/snow from premises – Disc bulges at T10-11 and L4-5 – Disc herniation at L5-S1 – Compression fractures from L1-3 – Right knee Grade I MCL sprain.

Essex County, NJ

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

On February 6, 2021, the plaintiff was a lawful visitor and business invitee at the defendant hardware store, located on the premises of 60 Orange Street in Bloomfield, New Jersey. At this time, the plaintiff was traversing the parking lot on the premises. While walking in the parking lot, the plaintiff encountered black ice on the ground. The plaintiff then slipped and fell on the ice.

The plaintiff maintained that the defendants were negligent in failing to remove ice and snow from the premises, failing to place salt or other measures to melt ice, and failing to provide safe passage on the premises. Consequently, the plaintiff sustained injuries including a disc bulge at T10-11, disc bulge at L4-5, disc herniation at L5-S1, compression fractures from L1-3, and right knee Grade I MCL sprain. The plaintiff's injuries were treated with injections. A doctor for the defendants opined that the plaintiff's injuries were degenerative in nature.

The arbitrator in this case found the defendants 90% liable for the accident, and the plaintiff 10% liable. The arbitrator reported a net award for the plaintiff in the amount of $124,811.00. Following arbitration, the parties entered into a settlement for the same amount.

REFERENCE

Daniel Ferguson vs. The Home Depot Store #0928. Docket no. ESXL002344-22; Judge Keith E. Lynott, 04-22-25.

Attorney for plaintiff: Nicholas Barone of Peter N. Davis & Associates in Paterson, NJ. Attorney for defendant: Cynthia M Moline of Law Office of Steven J. Tegrar in Warren, NJ.

DEFENDANT'S JUDGMENT

Premises liability – Fall down – Plaintiff slips and falls on black ice in parking lot at defendant shopping mall – Failure to remove ice and snow from premises – Disc herniations and disc bulges in neck and back.

Essex County, NJ

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

On February 17, 2021, the plaintiff was a lawful visitor and business invitee at the defendant shopping mall, located on the premises of 701 Route 440 S in Hudson, New Jersey. At this time, the plaintiff was traversing the mall parking lot. While walking in the parking lot, the plaintiff encountered black ice on the ground. The plaintiff slipped on the ice and fell.

The plaintiff maintained that the defendants were negligent in failing to remove ice and snow from the premises, failing to place salt or other ice melting measures in the parking lot, and failing to provide safe passage on the premises. Consequently, the plaintiff sustained injuries, including disc herniations and bulges in the neck and back. A doctor for the defendants disputed causation and permanency.

The arbitrator in this case found the defendants 100% liable for the accident 80% liable for the accident and the plaintiff 20% liable. The arbitrator reported a net award for the plaintiff in the amount of $100,000. Following arbitration, the defendants motioned for summary judgment, which was granted by the honorable Mayra V. Tarantino on March 28, 2025.

REFERENCE

Balthazar Joshua vs. Urban Edge Propertie S. Docket no. ESXL000571-23; Judge Jennifer C. Critchley, 03-28-25.

Attorney for plaintiff: Joshua Rosenbluth of Joshua Rosenbluth in South Orange, NJ. Attorney for defendant: Danielle M. DeGeorgio, Esq. of Tyson & Mendes, LLP in Jersey City, NJ.

Hazardous Premises

$70,000 SETTLEMENT

Premises liability – Hazardous premises – Plaintiff injured when right foot falls through floorboards at open house sponsored by defendants – Disc bulges at L3-4 and L5-S1 – Right hip trochanteric bursitis with clinical gluteus medius tendinosis – Right hip sprain/strain with muscle avulsion – Abrasions to lower leg.

Camden County, NJ

In this premises liability action, the plaintiff was injured when his right foot fell through the floorboards at an open house sponsored by the defendants. The defendants generally denied all allegations of negligence.

On May 16, 2021, the plaintiff was a lawful visitor at an open house, located on the premises of 610 Oak Avenue in Woodbury, New Jersey. On this day, the premises was controlled and managed by the defendant realty company. At the time, the plaintiff was traversing inside the house. While he was walking in one of the rooms, the flooring suddenly collapsed underneath him. The plaintiff's right leg fell through the floor, causing him to fall and land on the ground in a seated position.

The plaintiff maintained that the defendants were negligent in failing to ensure the safety of the flooring in the house, failing to inspect the flooring, and failing to provide safe passage on the premises. Consequently, the plaintiff sustained injuries, including disc bulges at L3-4 and L5-S1, right hop trochanteric bursitis with clinical gluteus medius tendinosis, right hip sprain/strain with muscle avulsion, and abrasions to the lower leg. The plaintiff's injuries were treated conservatively.

The arbitrator in this case found the defendants 100% liable for the accident and reported an award for the plaintiff in the amount of $70,000. Following arbitration, the parties entered into a settlement for the same amount. A stipulation of dismissal was submitted on April 16, 2025.

REFERENCE

Manuel Quinones vs. Keyvest, LLC. Docket no. CAML001330-23; Judge Steven J. Polansky, 04-16-25.

Attorney for plaintiff: John D. Borbi of Borbi Clancy & Patrizi, LLC in Marlton, NJ. Attorney for defendant: Arianeh Hamzelou, Esq. of Goldberg Segalla, LLP in Newark, NJ.

TRANSIT AUTHORITY LIABILITY

$50,000 ARBITRATION AWARD

Transit Authority liability – Bus negligence – Plaintiff's vehicle sideswiped by public transit bus at traffic light – 2 lumbar disc herniations – Lumbar disc bulge – Lumbar sprain/strain.

Camden County, NJ

In this transit authority negligence action, the plaintiff's vehicle was sideswiped by a public transit bus at a traffic light, causing the plaintiff passenger to become injured. The defendant generally denied all allegations of negligence.

On December 22, 2022, the plaintiff was a restrained front seat passenger in the host vehicle, which was traveling on Market Street and JFK Blvd in Philadelphia, PA. At this time, the host vehicle was stopped in the straight lane at the light. At the same time, the defendant, operating a public transit bus, attempted to maneuver the bus from the straight lane into the right turn lane. While attempting to change lanes, the bus sideswiped the host vehicle.

The plaintiff maintained that the defendant was negligent in failing to safely and properly change lanes, in failing to wait for clearance before changing lanes, and in failing to maintain a safe distance from other vehicles. Consequently, the plaintiff passenger sustained injuries, including 2 lumbar disc herniations, a lumbar disc bulge, and lumbar sprain/strain.

The arbitrator in this case found the defendant 100% liable for the accident and reported an award for the plaintiff in the amount of $50,000. Following arbitration, the parties entered into a settlement on April 29, 2025.

REFERENCE

Josette Clark vs. Jean Orcel, NJ Transit. Docket no. CAML003175-23; Judge Michael J. Kassel, 04-28-25.

Attorney for plaintiff: Marc I. Simon of Simon & Simon, P.C. in Camden, NJ. Attorney for defendant: Jillian Eisner of Swartz Campbell, LLC in Philadelphia, PA.

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

$17,100,000 VERDICT – MEDICAL MALPRACTICE – HOSPITAL NEGLIGENCE – DEFENDANTS FAIL TO PROPERLY TREAT PLAINTIFF'S INTRAHEPATIC CHOLESTASIS PREGNANCY RESULTING IN STILLBIRTH DELIVERY OF BABY GIRL.

Stamford County, CT

In this action for medical malpractice, the plaintiff, approximately 6 months pregnant, presented to the defendant hospital with severe whole body itching. The defendants diagnosed the plaintiff with cholestasis of pregnancy which they failed to properly manage resulting in the stillbirth of a baby girl. The defendants maintained they provided proper care, and that the plaintiff was non-compliant.

the plaintiff returned to the defendant hospital with headache and facial numbness. She was discharged following testing. Several days later she returned to the hospital with continued complaints of itching. The Ursodiol was restarted. This treatment did not resolve the cholestasis. On June 21st, 2015, the plaintiff presented back to the defendant hospital and a fetal heartbeat was unable to be detected. The plaintiff delivered a stillborn girl. The individual doctors were dismissed from this action. The defendant hospital denied all allegations of negligence and injury and argued that the plaintiff was contributorily negligent for failing to follow the defendants' instruction, obtain the recommended testing and seek appropriate medical care.

The plaintiff maintained the defendants were negligent in discontinuing the Ursodiol under the circumstances that existed, failed to recognize the significant of abnormal liver functions test results, failed to continue the Ursodiol, failed to immediately restart the Ursodiol in the setting of rising liver function tests, failed to order repeat bile acids in a timely fashion and failed to manage the plaintiff's prenatal care.

The jury found for the plaintiff and awarded the plaintiff $10,600,000 in her role as administrator and $6,500,000 in her personal capacity.

REFERENCE

Plaintiff's finance and economics expert: Gary Crakes, Ph.D. from CT. Plaintiff's maternal fetal medicine expert: Alexander Rhea Smythe. II, M.D. from Columbia, SC. Defendant's maternal fetal medicine expert: Joseph G. Ouzounian, M.D. from Mission Hills, CA.

Jacqueline Rodezno Individually and as Administratrix of the Estate of Sarai Santiago vs. Greenwich Hospital, Northeast Medical Group, Annette Boad, M.D., Diana Adams, M.D. Case no. FST-CV17-6033083; Judge Robert Genuario, 08-08-24.

Attorney for plaintiff: Stephanie Z. Roberge of Kennedy, Johnson, Schwab & Roberge, P.C. in New Haven, CT. Attorneys for defendant: Carol Doty and Rachel S. Pearson of Kaufman Borgeest & Ryan, LLP in Stamford, CT.

$2,400,000 SETTLEMENT – MEDICAL MALPRACTICE – PRIMARY CARE NEGLIGENCE – PLAINTIFF'S DECEDENT DIAGNOSED AND TREATED FOR SINUSITIS WHEN DECEDENT SUFFERING FROM AORTIC VALVE INFECTION/SEPSIS – FAILURE TO ORDER APPROPRIATE DIAGNOSTIC TESTS – WRONGFUL DEATH OF 59-YEAR-OLD MALE.

Bucks County, PA

In the medical malpractice action, the estate of the decedent alleged the defendants failed to appreciate the decedent's medical history and his current symptoms and wrongfully diagnosed the decedent with sinusitis when the decedent was suffering sepsis from an aortic valve prosthetic infection. The defendants generally denied all allegations of negligence.

The plaintiff's decedent underwent aortic valve replacement surgery in 2001 and received a prosthetic heart valve at the time. The decedent was scheduled for aortic prosthetic valve replacement surgery to be performed at the defendant hospital He underwent a battery of preoperative procedures and tests.

On December 14, 2016, the decedent presented to the defendant physician's assistant at the doctor's office complaining of abdominal pain, nausea, dry

heaving, fever, headaches, sinus congestion and cough with bloody phlegm. The defendant physician's assistant diagnosed the plaintiff with bacterial sinusitis and prescribed him a 10-day course of Ceftin. The decedent was told to seek further medical attention after completion of the 10-day course if his symptoms did not resolve.

On December 26, 2016, the decedent presented to the emergency department at the defendant hospital complaining of fever, cough and gastrointestinal issues. He was discharged from the emergency department later that day after having his blood cultures drawn. He was then called and asked to return for additional treatment on December 27th. The decedent was admitted to the hospital and diagnosed with an infection of his prosthetic aortic valve by the bacteria Staphylococcus aureus sepsis. He was transferred to another campus in preparation for emergency prosthetic aortic valve replacement surgery which took place on January 20, 2017. Following the procedure, the decedent went into cardiac arrest and died.

The decedent is survived by his wife and 4 adult children. The parties settled for $2,400,000.

REFERENCE

The Estate of David Roy Bohrer by Jill Bohrer vs. St. Luke's Hospital & Health Network, St. Luke's University Health Network, St Luke's Quakertown Medicine Associates, Nicole Kyriakos and Csaba Berces, M.D. Case no. 2018-07305; Judge C. Theodore Fritsch, 02-21-25.

Attorney for plaintiff: Adam Gomez of Grant & Eisenhofer in Wilmington, DE. Attorney for plaintiff: Mark Zolfaghari of Chief Legal Officer St. Lukes in Quakertown, PA.

PRODUCT LIABILITY

$976,000,000 VERDICT INCLUDING $800,000,000 IN PUNITIVE DAMAGES – PRODUCT LIABILITY – DEFECTIVE DESIGN – FAILURE OF SEATBELT IN MITSUBISHI 3000GT ROLLOVER COLLISION – 58-YEAR-OLD MALE RENDERED QUADRIPLEGIC.

Philadelphia County, PA

This product liability lawsuit was filed November 20, 2018 against the defendant, Mitsubishi Motors North America, Inc., for life-altering injuries sustained from the failure of his seatbelt to remain secure during a vehicle rollover incident. The defendant contended lack of causation and argued the dynamics of the rollover crash itself was the proximate cause of the plaintiff's injuries and no by any defect in the seatbelt and the vehicle complied with federal safety regulations at the time it was designed and manufactured.

The plaintiff alleged that on November 11, 2017, in an accident involving the plaintiff's 1992 Mitsubishi 3000GT, the plaintiff became a quadriplegic when the vehicles seatbelt malfunctioned. The plaintiff alleged that the vehicles seatbelt featured a "rip-stitch" design intended to manage crash forces by allowing the seatbelt to elongate and that the design permitted an excessive four inches of slack during the rollover, causing his head to strike the vehicle's roof resulting in a cervical spine injury that left him paralyzed.

The jury awarded the plaintiff $976,000,000 including $175,500,000 in compensatory damages and $800,000,000 in punitive damages.

REFERENCE

Soomi Amagasu, et al. vs. Mitsubishi Motors North America, Inc. Case no. 2023-02406; Judge Sierra Thomas-Street.

Attorney for plaintiff: Wesley Todd Ball Farrar of Lynch Farrar & Ball in Houston, TX. Attorneys for plaintiff: Daniel Sherry, Jr., Nancy Winkler and Jessica Colliver of Eisenberg, Rothweiler, Winkler, Eisenberg & Jeck, P.C. in Philadelphia, PA.

MOTOR VEHICLE NEGLIGENCE

$35,793,475 VERDICT – MOTOR VEHICLE NEGLIGENCE – TRACTOR-TRAILER NEGLIGENCE – SEMI TRUCK TURNING LEFT IN FOGGY CONDITIONS – PLAINTIFF'S VEHICLE COLLIDES WITH UNDERSIDE OF TRUCK – TRAUMATIC BRAIN INJURY – FACIAL FRACTURES – MULTIPLE SURGERIES.

Linn County, IA

The plaintiff in this motor vehicular collision was 18 years old at the time and maintained she was operating her vehicle Southbound on Highway 151 near the intersection in Iowa when the defendant caused an accident in which the plaintiff struck the underneath of the defendant's tractor trailer. Consequently, the plaintiff suffered facial fractures, traumatic brain injury and underwent numerous surgeries. The defendant West SideTransport, Inc. and Clifford Takes denied negligence and alleged the plaintiff was negligent.

Jury Instruction 16 was titled Fault of Clifford Takes, wherein the plaintiffs must prove all 3 propositions to find Clifford Takes at fault. The propositions were fail-

ing to yield right of way upon a left turn; or failure to maintain a proper lookout; or failure to discontinue operation of a vehicle under hazardous conditions; that the negligence was a cause of damage to Margaret McQuillen and the amount of damages.

The jury found that West Side Transport, Inc./Clifford Takes was mostly at fault and awarded the plaintiff $35,793,475. They found West Side Transport, Inc./Clifford 73% liable and Margaret McQuillen 27% liable. An appeal is currently pending on the docket.

REFERENCE

Matthew McQuillen and Elizabeth McQuillen, as Limited Co-Guardians and Co-Conservators of Margaret G. McQuillen vs. West Side Transport, Inc. and Clifford Takes. Case no. LACV099133; Judge Justin A. Lightfoot, 06-10-24.

Attorney for plaintiff: Chantal Trujillo of Rodriguez & Associates in Bakersfield, CA. Attorney for plaintiff: Joel Andreesen of Rodriguez & Associates in Bakersfield, CA. Attorney for plaintiff: Daniel Rodriguez of Rodriguez & Associates in Bakersfield, CA. Attorney for defendant: Richard Kirschman of Whitfield & Eddy Law in Des Moines, IA.

$1,800,000 VERDICT – MOTOR VEHICLE NEGLIGENCE – TRUCK/BICYCLE COLLISION – PLAINTIFF RIDING BICYCLE BETWEEN BUILDINGS STRUCK BY DEFENDANT DRIVER OPERATING CO-DEFENDANT EMPLOYER'S TRUCK – C3-C4, C5, L3-L4 AND L4-L5 DISC BULGES AND HERNIATIONS AND COMPLEX TEAR OF POSTERIOR HORN OF MEDIAL MENISCUS – EPIDURALS; FACET MEDIAL BRANCH BLOCK INJECTIONS; MULTIPLE LUMBAR RADIOFREQUENCY ABLATIONS; RHIZOTOMY ON RIGHT SIDE AT 3 LEVELS AND ON LEFT SIDE AT 3 LEVELS; L3-L4, L4-L5 PERCUTANEOUS DISCECTOMY.

Kings County, NY

In this motor vehicle negligence case, the plaintiff bicyclist, a 59-year-old building manager, asserted that the defendant driver struck the plaintiff with the co-defendant's vehicle with such force that it caused significant, permanent injury. As a result of the collision, the plaintiff claimed C3-C4, C5, L3-L4 and L4-L5 disc bulges and herniations and a complex tear of the posterior horn of the medial meniscus. The plaintiff underwent epidurals; facet medial branch block injections; multiple lumbar radiofrequency ablations; rhizotomy on the right side at 3 levels and on the left side at 3 levels; L3-L4, L4-L5 percutaneous discectomy; and physical therapy. The defendants contested the plaintiff's damages. The defendants argued that some of the plaintiff's injuries were pre-existing and none were permanent in nature.

The plaintiff maintained that before the accident he was very physically active and able to do most any task. After the accident, the owner of the buildings that plaintiff managed had to use workers at the buildings to perform the work the plaintiff could no longer do.

The jury found in favor of the plaintiff and awarded damages in the amount of $1,800,000 broken down as follows: $1,000,000 for future medical expenses; $400,000 for past pain and suffering; and $400,000 for future pain and suffering.

REFERENCE

Lozano vs. U.S. Merchandise, Inc., et al. Index no. 522124/2018; Judge Francois A. Rivera.

Attorneys for plaintiff: Scott Goldman and Carlos Calderon of Scott Goldman, P.C. in Bronx, NY. Attorney for plaintiff: Brian J. Isaac of Pollack Pollack Isaac & Decicco in New York, NY. Attorney for defendant: Matthew Marino of Desena & Sweeney, LLP in Bohemia, NY.

$500,000 ARBITRATION AWARD – MOTOR VEHICLE NEGLIGENCE – INTERSECTION COLLISION – PLAINTIFF PASSENGER INJURED WHEN HOST VEHICLE STRUCK BROADSIDE BY DEFENDANT AFTER DEFENDANT RUNS STOP SIGN – ANNULAR TEAR AT C2-3 – DISC BULGES FROM C4-7 – HERNIATION AT L5-S1 – RIGHT SHOULDER TENDINOPATHY – ACL EDEMA TO LEFT KNEE – SURGERY REQUIRED.

Middlesex County, NJ

In this motor vehicle negligence action, the plaintiff passenger was injured when the host vehicle was struck broadside by the defendant's vehicle after the defendant ran a stop sign. The plaintiff's injuries included an annular tear at C2-3, as well as disc bulges from C4-7. These injuries required the plaintiff to undergo anterior cervical discectomy and fusion surgery. The plaintiff also sustained a disc herniation at L5-S1, right shoulder tendinopathy, and an ACL edema to the left knee. The plaintiff's injuries were treated with physical therapy, as well as 4 lumbar epidural steroid injections and 2 cervical epidural steroid injections. The defendant generally denied all allegations of negligence.

The plaintiff maintained that the defendant was negligent in failing to obey a stop sign, failing to yield the right-of-way, and failing to remain adequately attentive. A doctor for the defendant disputed causation and permanency.

The arbitrator in this case found the defendant 100% liable for the accident and reported an award for the plaintiff in the amount of $500,000. Following arbitration, the defendant's counsel requested a trial de novo, which was scheduled to begin on September 9, 2024. However, the parties entered into a settlement on September 5, 2024, before the trial could begin.

REFERENCE

Katheryn Paulino vs. Giana Spinelli. Docket no. MIDL003326-22; Judge Gary K. Wolinetz, 09-05-24.

Attorney for plaintiff: Brandon A. Granda of Rebenack, Aronow & Mascolo, LLP in New Brunswick, NJ. Attorney for defendant: Eric Kuper of Martin, Kane & Kuper in East Brunswick, NJ.

PREMISES LIABILITY

$1,870,000 VERDICT – PREMISES LIABILITY – FALL DOWN – PLAINTIFF WEDDING ATTENDEE ON DEFENDANT'S PREMISES TRIPPED AND FELL FORWARD ONTO FIREPLACE, LANDING ON HER FACE – TRAUMATIC BRAIN INJURY – HOSPITALIZATION – KNEE PAIN – NON-DISPLACED FRACTURES ON NOSE – NON-DISPLACED RIGHT HUMERUS FRACTURE – AGGRAVATION OF PRE-EXISTING CONDITIONS – SURGERY.

Middlesex County, NJ

This premise liability action was filed by the plaintiff against the defendant, Cranbury Inn, for injuries sustained when the plaintiff fell attending a wedding on November 4, 2017. The defendant contended the plaintiff's injuries were not as severe as pled and argued the standards established by the ASTM and ADA were voluntary and not legally binding in Cranbury, New Jersey.

The plaintiff alleged that she tripped and fell forward onto a fireplace, landing on her face, resulting in non-displaced fractures on her nose and a non-displaced right humerus fracture and further alleged the defendant negligently extended the hearth extension that caused the plaintiff's fall, which was raised 1.375 inches. The plaintiff's injuries included traumatic brain injury, hospitalization, knee pain, non-displaced fractures on her nose, non-displaced right humerus fracture, aggravation of pre-existing conditions, and surgery.

The jury reached a $1,870,000 verdict after a 2-week trial. The award included $1,350,000 for pain and suffering, $402,596 for loss of earning capacity and $120,000 to her husband for loss of consortium.

REFERENCE

Debra Forman vs. Cranbury Inn. Docket no. MID-L-792-19; Judge Christopher D. Rafano.

Attorney for plaintiff: Evan J. Lide of Stark & Stark in Lawrenceville, NJ. Attorney for defendant: William O. Crutchlow of Eichen Crutchlow Zaslow in Edison, NJ.

$13,964,000 VERDICT – CIVIL ASSAULT – PLAINTIFF CLAIMS DEFENDANT CONVENIENCE STORE'S EMPLOYEE VERBALLY AND PHYSICALLY ASSAULTED HIM WHILE CUSTOMER IN STORE – HEAD INJURY AND LACERATIONS – NEUROLOGICAL TESTING – TREATMENT AND STAPLES TO CLOSE LACERATIONS – PTSD.

Miami-Dade County, FL

In this civil assault case, the plaintiff asserted that the defendant franchise store owner and his employee caused significant, permanent injury to the plaintiff when she was on the premises of the defendant's convenience store. The plaintiff made claims against various defendants for assault, battery, intentional infliction of emotional distress, negligent infliction of emotional distress and negligent hiring. On summary judgment motion, the court dismissed all claims against the defendant convenience store and the matter proceeded only as to the store franchisee and the store employee. The defendants failed to appear for trial and were found liable as a matter of law. The trial proceeded as to apportionment of liability and amount of damages.

The plaintiff contended that the defendant store employee, who was acting within the course and scope of his employment, began calling the plaintiff, who is an African American, several racial slurs and epithets. The defendant employee made a racially charged statement to the plaintiff before grabbing one of the store's cpu scanners and violently striking the plaintiff across the head. The blow from the cpu scanner caused the plaintiff to fall to the floor and briefly lose consciousness.

As a result of the incident, the plaintiff was taken via ambulance to the Emergency Room in Miami Beach where he received treatment for his injuries including lacerations and traumatic head injury. The plaintiff received staples to close a laceration on his head and followed up with neurological testing and neurological treatment as well as chiropractic treatment. The plaintiff also claimed emotional damages and treatment including depression, PTSD, paranoia, and anxiety.

The jury found each defendant 50% at fault and awarded damages in the amount of $13,964,000 broken down as follows: $1,050,000 for past lost earnings; $2,700,000 for future lost earning capacity; $38,000 for past medical expenses; $175,000 for future medical expenses; $1,500,000 for past pain and suffering; $3,500,000 for future pain and suffering; $1,500,000 for past loss of capacity for the enjoyment of life; $3,500,000 for future loss of capacity for the enjoyment of life; and $1,000 for property damage.

REFERENCE

Crespo vs. 7-Eleven, Inc., et al. Case no. 2016-011390-CA-01; Judge Jose M. Rodriguez, 01-28-25.

Attorney for plaintiff: Andrew Williams of The Williams Law Group, PLLC in Miami, FL.

ADDITIONAL VERDICTS OF PARTICULAR INTEREST

Civil Assault

$13,964,000 VERDICT – CIVIL ASSAULT – PLAINTIFF CLAIMS DEFENDANT CONVENIENCE STORE'S EMPLOYEE VERBALLY AND PHYSICALLY ASSAULTED HIM WHILE CUSTOMER IN STORE – HEAD INJURY AND LACERATIONS – NEUROLOGICAL TESTING – TREATMENT AND STAPLES TO CLOSE LACERATIONS – PTSD.

Miami-Dade County, FL

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REFERENCE

Crespo vs. 7-Eleven, Inc., et al. Case no. 2016-011390-CA-01; Judge Jose M. Rodriguez, 01-28-25.

Attorney for plaintiff: Andrew Williams of The Williams Law Group, PLLC in Miami, FL.

Construction Site Negligence

$68,500,000 VERDICT – CONSTRUCTION SITE NEGLIGENCE – WRONGFUL DEATH ACTION – DECEDENT WORKING ON BALCONY STUMBLES AND BUMPS INTO TEMPORARY WOODEN GUARD RAIL THAT GIVES WAY – 50-FOOT FALL FROM FIFTH FLOOR TO GROUND CAUSING DEATH – VIOLATIONS OF OSHA 1910.29.

Philadelphia County, PA

This wrongful death action was filed by the plaintiff as Administratrix of the Estate of Siarhei Marhunou, deceased, and in her own right, against the defendant Fitler Construction Group, LLC, for negligence in the maintenance and installation of safety measures at the construction site managed by the defendant, resulting in death. The defendants denied all allegations of negligence and wrongful death.

The plaintiff alleged on December, 2021, the decedent was working on a balcony during the construction of new townhouses in Philadelphia, Pennsylvania, lost his balance and fell 50 feet through a temporary wooden railing from a fifth-floor balcony to the ground; and further alleged the guard rails were grossly inadequate, defectively installed, and violated multiple safety regulations, including OSHA 1910.29; and said rails were the proximate cause of the decedent's death.

The jury awarded the plaintiff $68,500,000 including $13,500,000 for Survival Statute Damages, $55,000,000 for Wrongful Death Statute Damages (wife), $25,000,000 in Loss of Consortium (son) and $30,000,000 for Loss of Nurturing and Companionship.

REFERENCE

Hanna Marhunova, as Administratrix of the Estate of Siarhei Marhunou, Deceased, and in her own right vs. Fitler Construction Group, LLC. Case no. 220501520; Judge Angelo Foglietta, 06-28-24.

Attorneys for plaintiff: Adrian B. Carickhoff and Jeffrey P. Goodman of Salz, Mongeluzzi, & Bendesky, P.C. in Philadelphia, PA. Attorney for defendant: Peter Kulp of O'Hagan Meyer in Philadelphia, PA. Attorney for defendant: Elizabeth Horneff of Margolis Edlestein in Philadelphia, PA.

Transit Authority Liability

$4,930,000 GROSS VERDICT – TRANSIT AUTHORITY LIABILITY – BUS/PEDESTRIAN COLLISION – PLAINTIFF PEDESTRIAN STRUCK BY METROPOLITAN TRANSIT BUS WHILE CROSSING STREET – EPIDURAL HEMATOMA REQUIRING CRANIOTOMY AND RESULTING IN POST-TRAUMATIC HEADACHES, SCARRING AND NEED FOR FUTURE TREATMENT – JURY ASSIGNS 70% LIABILITY TO DEFENDANT AND 30% TO PLAINTIFF.

Kings County, NY

In this case, the plaintiff pedestrian, a 26-year-old man, asserted that the defendant transit authority bus driver struck the plaintiff with his bus while the plaintiff was crossing in a crosswalk and that the impact caused significant, permanent injury. As a result of the accident, the plaintiff was caused to undergo a craniotomy on March 23, 2019. The plaintiff suffered an epidural hematoma and claimed permanent scarring from the craniotomy; post-traumatic headaches; the need for future neurological care and future surgery. The plaintiff also sustained cervical sprain/strain and left foot sprain. The defendants denied negligence and the bus driver testified that they had the green light at the time of the accident.

On March 21, 2019, at approximately 6:00 a.m., the plaintiff pedestrian was crossing Fulton Street at its intersection with Flatbush Avenue in Brooklyn. The defendants contended that the plaintiff was not on the crosswalk when the impact with the bus occurred. The defendants also pointed to the plaintiff's statements to the responding police officer who appeared at the scene of the accident that "he was not paying attention and did cross street at said location and walk in front of moving city bus."

The jury found the defendant 70% liable and the plaintiff 30% liable with gross damages of $4,930,000 reduced to $3,451,000 for plaintiff's comparative negligence. The jury awarded damages in the amount of $1,250,000 for past pain and suffering reduced to $875,000; and $3,680,000 for future pain and suffering reduced to $2,576,000.

REFERENCE

Dicarlo vs. Metropolitan Transit Authority. Index no. 511848/2019; Judge Heela D. Capell, 02-07-24.

Attorney for plaintiff: Nicholas Liakas of Liakas Law, P.C. in New York. Attorney for defendant: Michele P. Rannie of Rozario Touma, P.C. in New York, NY.