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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.

$1,328,659 VERDICT – Premises liability – Slip and fall at Walmart – Inclement weather of sleet, snow and rain – Plaintiff fell in "very slushy" parking lot – Disc herniations in lumbar spine – Microdiscectomy; future lumbar fusion surgery – Pain and suffering 2

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FEATURED CASES

$1,328,659 VERDICT – PREMISES LIABILITY – SLIP AND FALL AT WALMART – INCLEMENT WEATHER OF SLEET, SNOW AND RAIN – PLAINTIFF FELL IN "VERY SLUSHY" PARKING LOT – DISC HERNIATIONS IN LUMBAR SPINE – MICRODISCECTOMY; FUTURE LUMBAR FUSION SURGERY – PAIN AND SUFFERING.

Union County, NJ

This premises liability action was filed by the plaintiff against the defendant, Walmart Stores East, L.P., for injuries sustained on January 3, 2015, at approximately 1:30 p.m., when the plaintiff slipped and fell at the defendant's store in Union. Walmart contended they took all reasonable precautions of acceptable industry standards.

The plaintiff alleged dangerous condition, negligent supervision, negligent maintenance, negligent hiring and retention. The plaintiff alleged inclement weather of sleet, snow and rain on the day of the accident; and further alleged to defendant's parking lot was "very slushy" and as the plaintiff exited the car, walked was "being very careful because it was very slushy, then slipped and fell on "slushy ice snow."

The plaintiff alleged injuries of disc herniations in her lumbar spine, microdiscectomy, future surgeries requiring lumbar fusion, pain and suffering for the rest of life, emotional distress. Walmart contended the New Jersey's ongoing storm doctrine, i.e., a property owner or business does not have to remove snow or ice from the property until a reasonable amount of time after a storm ends and the plaintiff slipped during an ongoing snowstorm.

Gross verdict: $1,328,658.59. Awards: $1,127,941 including $500 for pain and suffering, $213,941 for past medical expenses and $414,000 for future medical expenses.

REFERENCE

Haydee Gallardo vs. Walmart, et al. Docket no. L-3524-16; Judge John D. Hudak.

Attorney for plaintiff: Paul K. Caliendo of Gill & Chamas, LLC in Woodbridge, NJ. Attorney for defendant: Matthew Vodak of Fowler Hirtzel McNulty & Spaulding, LLC in Philadelphia, PA.

COMMENTARY

A meteorologist opined "as soon as someone steps on . . . slushy snow, it's very high- water content, and it immediately goes right into ice" and causes people to slip and fall on surfaces where it builds up and testified about the parking lot photographs that there was a "slushy buildup", noting further that "there was no snow accumulation on the ground" the night before the accident. Walmart argued the plaintiff presented no evidence of a pre-existing condition that increased the danger to invitees. The plaintiff's expert in snow and ice management opined there "formation of ice on the property that went untreated until the slip and fall of plaintiff". He further described the ice as an "unreasonably dangerous condition" and concluded the condition caused the plaintiff's fall.

On appeal the court vacated the judgment and remanded for a new trial, finding expert Weist offered an opinion based on personal belief and not objective standards that "applying salt to a snow or ice-covered surface creates black ice and increases the risk to people walking on it". The court found this implicated the net opinion rule, a corollary of N.J.R.E. 703) which forbids the admission into evidence of an expert's conclusions that are not supported by factual evidence or other data. The court further opined the trial court should have instructed the jury on the ongoing storm doctrine.

$594,000 SETTLEMENT – MOTOR VEHICLE NEGLIGENCE – AUTO/PEDESTRIAN COLLISION – PLAINTIFF JOGGER STRUCK BY DEFENDANT'S VEHICLE TURNING LEFT AT INTERSECTION – PULMONARY CONTUSION – LEFT CLAVICLE FRACTURE – RIB FRACTURES – NONDISPLACED HIGH PARIETAL CALVARIAL FRACTURE WITH OVERLYING SCALP SWELLING AND HEMATOMA – TRAUMATIC BRAIN INJURY.

Camden County, NJ

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

On February 8, 2022, the plaintiff was a pedestrian jogging on Haddon Avenue at its intersection with Collings Avenue in Collingswood, New Jersey. At this time, the plaintiff was crossing Collings Avenue at the intersection, in the crosswalk and in a straight direction on Haddon Avenue. At the same time, the defendant's vehicle was traveling northbound on

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Haddon Avenue, and was preparing to make a left turn onto Collings Avenue. As the defendant turned left, the vehicle struck the plaintiff jogger.

The plaintiff maintained that the defendant was negligent in failing to yield to pedestrians, failing to wait for clearance before making a left turn, and failing to remain adequately attentive. Consequently, the plaintiff sustained injuries, including pulmonary contusion, left clavicle fracture, rib fractures, nondisplaced high parietal calvarial fracture with overlying scalp swelling and hematoma, as well as a traumatic brain injury.

The arbitrator in this case found the defendant 90% liable for the accident and the plaintiff 10% liable. The arbitrator reported a net award for the plaintiff in the amount of $540,000, as well as an award for $54,000 to the plaintiff's spouse, resulting in an overall net award of $594,000. Following arbitration, the plaintiff's counsel requested a trial de novo, which was scheduled to begin on May 19, 2025. However, the parties settled on April 11.

REFERENCE

Jonathan Davis, Maryanne Davis vs. Christopher Dezutti. Docket no. CAML001275-23; Judge Daniel A. Bernardin, 04-11-25.

Attorney for plaintiff: Karl Friedrichs of Dansky Katz Ringold in Marlton, NJ. Attorney for defendant: Christopher J. Marcucci of Margolis Edelstein in Mount Laurel, NJ.

COMMENTARY

Following the accident in this case, the plaintiff's injuries, especially his traumatic brain injury, continued to significantly impact his life. The plaintiff sustained neurodegeneration and cognitive dysfunction related to post concussive syndrome. An expert neuropsychologist testified that the plaintiff showed impaired auditory and verbal memory as a result of the brain injury, with significant weakness of the body and impaired executive function. The plaintiff's cognitive and executive dysfunction rendered him unable to perform the usual duties of his job in IT, and resulted in his termination as an employee. As such, the plaintiff suffered a loss of income at roughly $30,000 per year, even with a new occupation. The settlement amount in this case was likely determined by the prolonged and permanent nature of the plaintiff's injuries and their effects on his physical and mental ability.

DEFENDANT'S VERDICT – MOTOR VEHICLE NEGLIGENCE – LEFT TURN COLLISION – PLAINTIFF'S ALLEGED DIVERSE PERSONAL INJURIES, BOTH OF INTERNAL AND EXTERNAL NATURE AND OF BOTH PERMANENT AND TEMPORARY NATURE, ENDURED AND WILL ENDURE GREAT PAIN, AND COMPELLED TO EXPEND LARGE SUMS OF MONEY FOR PHYSICIANS AND OTHER MEDICAL TREATMENT – DEFENDANT ARGUED PLAINTIFF'S CAR NOT MOVING, APPEARED DISABLED AND HE WAS TRYING TO PASS HER VEHICLE .

Camden County, NJ

The plaintiffs in this motor vehicle negligence case, Linda D. Smith and Louise M. Ferguson filed this automobile accident between Linda Smith, driver, and the defendant, John R. Colacci. At the time of the accident, Louise M. Ferguson was a passenger in Linda Smith's vehicle. In 2019, both plaintiffs sued the defendant for injuries and the defendant, John Colacci, filed a third-party complaint against both plaintiff's and the trial court consolidated all cases. The defendants, John H. Doria, Ellen S. Morabito, Michael C. Benedetti, Carlo A. Benetti were dismissed from the action prior to trial.

The defendant's deposition testimony contended the plaintiff was "just stopped" in the roadway with "no lights, no red lights and no directionals" on to indicate her car "was incapacitated". He further contended he sat behind her car "stopped for about 3 or 4 minutes" before he "began to pass on the left, very slowly and carefully, and that's when he got hit" by her car. The plaintiff's alleged diverse personal injuries, both of an internal and external nature and of both a permanent and temporary nature, endured and will endure great pain, has and will be compelled to expend large sums of money for physicians and other medical treatment, and prevented from attending to normal life activities, work and general affairs.

At trial and before jury selection ended, the trial judge inquired if counsel wished to exercise any additional peremptory challenges to which the plaintiff's counsel stated, "Your Honor, plaintiffs are satisfied with its jury." Once the remaining venire was excused from the courtroom, however, the plaintiff's attorney lodged an objection to the jury pool stating only 2 unselected members of the venire were Black. Both the plaintiffs are black and the judge stated he "fully understood the plaintiff's concerns, but it was beyond his purview to order a new jury pool on those grounds" and the case proceeded to trial. A no cause verdict was entered against the plaintiffs and on April 6, 2023 judgment was entered in favor of John's estate.

The jury found that John "was not negligent and bore no liability for the August 7, 2017, accident. The plaintiff's motioned for a new trial and plaintiff's counsel contended jury selection was based on "an unconstitutional jury pool", which "had an effect on the case." The trial judge denied the motion "on the basis of the way that Camden County gets jurors…"

The jury reached a full defense verdict.

REFERENCE

Linda D. Smith vs. John H. Doria, Ellen S. Morabito, Michael C. Benedetti, Carlo A. Benetti and the Estate of John R. Colacci. Docket no. L-1421-19 and L-2490-19; Judge Michael J. Kassekl.

Attorney for plaintiff: Evan Garber of Garber Law in Cherry Hill, NJ. Attorney for defendant: Christopher Marcucci of Margolis, Edelstein attorneys in Mount Laurel, NJ.

COMMENTARY

The plaintiff's consolidated appeal from the May 16, 2023, order denying their motion for new trial alleged they "were denied their constitutional right to a jury pool that represented a cross-section of their community." The plaintiff's argue on appeal: they "have a constitutional right to a trial by an impartial jury drawn from a representative cross-section of their community, even in a civil case; (2) they " were deprived of this constitutional right to a representative jury"; (3) they "belong to a constitutionally-cognizable group"; (4) Camden County has underrepresented black residents as jurors over a significant period of time and to an empirically measurable degree"; (5) "the strength of the showing of racial disparity, as well as the use of racially non-neutral selection procedures, proves discriminatory purpose"; and (6) this discrimination resulted in plaintiff's receiving an unfair trial". The court citing the plain language of Rule 1:8-3(b) ruled the plaintiff's challenge to the composition of the venire was untimely and improperly made and that the record also fails to show actual prejudice resulted from the composition of the venire. The Superior Court of New Jersey, Appellate Division affirmed the trial court's ruling and considering its denial on the plaintiff's motion for a new trial declined to address plaintiff's additional arguments.

$577,500 ARBITRATION AWARD – EMPLOYER LIABILITY – PLAINTIFF SLIPS AND FALLS ON BLACK ICE IN PARKING LOT WHILE WORKING FOR DEFENDANT RETAILER WAREHOUSE – LEFT SHOULDER LABRUM AND SUPRASPINATUS TEARS WITH IMPINGEMENT – LEFT SHOULDER TENDONITIS – SURGERY REQUIRED.

Camden County, NJ

In this employer liability action, the plaintiff employee slipped and fell on black ice in a parking lot while working at the defendant retail warehouse, causing him to become injured. The defendants generally denied negligence. The defendants generally denied all allegations of negligence, maintaining that the plaintiff knew of the risk of ice and snow on the premises.

On February 14, 2022, the plaintiff was traversing in the area of the defendant retail warehouse, located on the premises of 300 Creekview Avenue in Logan, New Jersey. At this time, the plaintiff was performing duties of his employment at the warehouse. At the time of the incident, the plaintiff attempted to exit the building and walk across the parking lot on the premises. While exiting the building, the plaintiff slipped on black ice. He reached for a door to steady himself, but his feet slipped out from under him and he fell to the ground, causing him to become injured.

The plaintiff maintained that the defendants were negligent in failing to remove ice and snow from the premises, failing to warn the plaintiff and other employees that the usual snow and ice removal company had not come, and failing to provide safe passage on the premises. Consequently, the plaintiff sustained injuries, including left shoulder labrum and supraspinatus tears with impingement, as well as left shoulder tendonitis. The plaintiff's injuries required decompression and re-sectioning surgery to repair.

The arbitrator in this case found the defendants 70% liable for the accident and the plaintiff 30% liable. Following arbitration, the plaintiff's counsel requested a trial de novo, which was scheduled to begin on June 16, 2025. However, the parties entered into a settlement on April 4, 2025, prior to the initial hearing.

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REFERENCE

Joseph McKenna vs. Target Corp. Docket no. CAML000506-23; Judge Donald J. Stein, 04-04-25.

Attorney for plaintiff: David A. Rosenbaum of Rosenbaum & Associates in Cherry Hill, NJ. Attorney for defendant: Lars J. Lederer, Esq. of Obermayer Rebmann Maxwell & Hippel, LLP in Mt Laurel, NJ.

COMMENTARY

Following the accident in this case, the plaintiff continued to experience pain and limited range of motion in his left shoulder. The initial decompression and re-sectioning surgery he underwent was deemed "unsuccessful," leading to complications. The plaintiff was then required to seek further medical and surgical care in the form of a full shoulder replacement procedure, which he underwent in December 2022.

Since then, the plaintiff continues to experience pain and difficulty performing daily activities, and remains unable to return to work full time. The settlement amount in this case was likely determined by the severity of the plaintiff's injuries, as well as his prolonged need for medical and surgical care.

$265,000 ARBITRATION AWARD – LANDLORD NEGLIGENCE – HAZARDOUS PREMISES – PLAINTIFF TENANT STEPS ON STORM GRATE AT HOUSING COMPLEX AND STORM GRATE BREAKS, CAUSING PLAINTIFF TO FALL – RIGHT SHOULDER INJURY – SCARRING TO RIGHT LEG AND ANKLE – SURGERY REQUIRED.

Morris County, NJ

In this action, the plaintiff tenant was walking on the premises of the defendant housing complex when she stepped onto a storm grate, which broke and caused her to fall. This caused the plaintiff to become injured. The defendants generally denied all allegations of negligence.

On September 6, 2019, the plaintiff was lawfully traversing around the defendant housing complex, where she was a resident. The housing complex was located on the premises of 44 Center Grove Road in Randolph, New Jersey, and was owned, operated, and maintained by the defendants. While walking around the premises, the plaintiff encountered a storm grate at the edge of a roadway. At the time of the incident, the plaintiff stepped onto the storm grate, which broke underneath her and partially fell through.

The plaintiff maintained that the defendants were negligent in failing to repair or replace a hazardous storm grate, failing to warn of the storm grate's hazardous nature, and failing to warn of hazardous conditions on the premises. Consequently, the plaintiff sustained injuries, including right shoulder injury, scarring to the right leg and ankle, and an ankle injury which required arthroscopic surgery to repair. A doctor for the defendants disputed the extent of the plaintiff's ankle injury.

The arbitrator in this case found the defendants 100% liable for the accident and reported an award for the plaintiff in the amount of $265,000. Following arbitration, the defendants' counsel requested a trial de novo, which was scheduled to begin on November 4, 2024. However, the parties entered into a settlement on September 10, 2024. A stipulation of dismissal was submitted the same day.

REFERENCE

Kamalakshi Tripathy vs. Gateways of Randolph. Docket no. MRSL001751-21; Judge Noah Franzblau, 09-10-24.

Attorney for plaintiff: Meghan L. Steingall of Laddey, Clark & Ryan, LLP in Sparta, NJ. Attorney for defendant: John M. Sapata of Tango, Dickinson, Lorenzo, McDermott & McGee, LLP in Millburn, NJ.

COMMENTARY

Following the accident in this case, the plaintiff continues to suffer severe injuries from her fall. After her intial treatment, the plaintiff sought further medical care for continued pain in her right leg, which included an MRI imaging procedure in 2023. The MRI showed an anterior talofabular ligament tear, as well as a peroneal tendon injury causing "drop foot," which is a condition causing immobility of the front part of the foot. The plaintiff was given an orthotic device to help her ambulate, which she still finds difficult. The settlement amount in this case was likely determined by the severity and prolonged nature of the plaintiff's injuries.

Verdicts By Category

DOG BITE

$135,000 ARBITRATION AWARD

Dog bite – Plaintiff bitten by defendant's dog while delivering package to defendant's home – Failure to leash dog – Left leg wound – Scarring – Left knee meniscus tear – Left ankle sprain.

Passaic County, NJ

In this dog bite action, the plaintiff was bitten by the defendant's dog while delivering a package to the defendant's home. The plaintiff became injured as a result. The defendants generally denied all allegations of negligence.

On December 4, 2020, the plaintiff was lawfully on the premises of the defendant's home, located in Clifton, New Jersey, performing duties of his employment, delivering a package. At this time, the defendant's dog was outside, and the defendant owner was not home. Instead, the dog was being watched and cared for by the primary defendant. As the plaintiff was delivering a package, he was approached by the dog, which began to attack and bite his left leg.

The plaintiff maintained that the defendants were negligent in failing to leash the dog, and failing to keep the dog inside the house while the plaintiff was performing his job. Consequently, the plaintiff sustained injuries, including a left leg wound with scarring, a left knee meniscus tear, and left ankle sprain. 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 $135,000. Following arbitration, the parties entered into a settlement, and the case was dismissed on September 16, 2024.

REFERENCE

Jaron Norris vs. Marcy Megariotis, Michael Marc-Aurele. Docket no. PASL002257-22; Judge William E. Marsala, 09-16-24.

Attorney for plaintiff: Brian A. Klein of Law Offices Rosemarie Arnold in Fort Lee, NJ. Attorney for defendant: Anthony Coppola of Gregory P. Helfrich & Associates in Summit, NJ.

EMPLOYER LIABILITY

$122,500 ARBITRATION AWARD

Employer liability – Hazardous premises – Plaintiff employee injured when door automatically closes onto hand while working at defendant hospital – Lacerations to hand – Nerve damage to hand.

Bergen County, NJ

In this employer liability action, the plaintiff employee was injured when a door automatically closed onto her hand while working at the defendant hospital.

On February 4, 2021, the plaintiff was working at the defendant hospital, located on the premises of 30 Prospect Street in Hackensack, New Jersey. On this day, the plaintiff was cleaning a bathroom in the scope of her employment with L&J Services. As she was exiting the bathroom, the plaintiff placed her hand on a door frame. While the plaintiff's hand was placed there, the bathroom door suddenly snapped shut automatically, closing onto the plaintiff's hand. The defendants denied negligence, maintaining that the plaintiff had placed her hand in a location where it could be assumed the door would shut onto it.

The plaintiff maintained that the defendants were negligent in failing to ensure the safety of bathroom doors, failing to warn that the bathroom doors shut automatically, and failing to prevent hazardous conditions on the premises. Consequently, the plaintiff sustained injuries, including lacerations to the hand, as well as nerve damage to the plaintiff's dominant hand. The plaintiff's injuries required wound closure repair procedure under anesthesia.

The arbitrator in this case found the defendants 70% liable for the accident and the plaintiff 30% liable. The arbitrator reported a net award for the plaintiff in the amount of $122,500. Following arbitration, the defendants' counsel requested a trial de novo; however, the parties entered into a settlement on April 9, 2025, and a stipulation of dismissal was submitted the same day.

REFERENCE

Carmen Lema vs. Hackensack Hospital Association, Hackensack Meridian Health. Docket no. BERL004648-22; Judge Thomas A. Sarlo, 04-15-25.

Attorney for plaintiff: Christopher T. Karounos, Esq. of Brandon J. Broderick, LLC in River Edge, NJ. Attorney for defendant: Douglas F. Ciolek, Esq. of Rosenberg Jacobs Heller & Fleming, PC in Morris Plains, NJ.

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LANDLORD NEGLIGENCE

$175,000 ARBITRATION AWARD

Landlord negligence – Plaintiff tenant trips and falls on darkened staircase during power outage while trying to access residence – Failure to ensure working condition of generator on premises – Olecranon fracture – Ulnar nerve compression – Fracture of superior and inferior pubic ramos – Surgery required.

Union County, NJ

In this action, the plaintiff tenant tripped and fell on a darkened staircase during a power outage while trying to access her residence, causing her to become injured. The defendants generally denied all allegations of negligence, maintaining that an employee had told the plaintiff not to use the stairs.

On August 4, 2020, the plaintiff was returning to her fifth floor apartment residence, located on the premises of 712 North Broad Street in Elizabeth, New Jersey. On this day, the premises was owned, operated, and maintained by the defendant condominium association. When the plaintiff returned to the building, she was informed by an employee that there had been a power outage. The power had been restored by a generator, but wanting to avoid taking the elevator, the plaintiff chose to walk up the stairs to her apartment. While the plaintiff was walking up the stairs, the generator failed and the power went back out, rendering the area of the stairs completely dark. In the dark, the plaintiff tripped and fell.

The plaintiff maintained that the defendants were negligent in failing to ensure the safety and working condition of the generator on the premises, failing to provide other lighting measures in the stairwell, and failing to provide safe passage on the premises. Consequently, the plaintiff sustained injuries, including an olecranon fracture, ulnar nerve compression, and a fracture of the superior and inferior pubic ramos. The plaintiff's injuries required surgical procedures to repair, including nerve decompression, as well as open reduction and internal fixation of the olecranon fracture, which included the placement of metal hardware.

The arbitrator in this case found the defendants 70% liable for the accident and the plaintiff 30% liable. The arbitrator reported a net award for the plaintiff in the amount of $175,000. Following arbitration, the parties entered into a settlement conference with a judge on September 9, 2024. The parties arrived at a settlement the same day. A stipulation of dismissal was submitted on September 9 as well.

REFERENCE

Nubia Perez vs. Polonaise Condominium Association. Docket no. UNNL000760-22; Judge John M. Deitch, 09-09-24.

Attorney for plaintiff: Edward F. Szep of Garces Grabler & LeBrocq, PC in Plainfield, NJ. Attorney for defendant: Patrick M. Caruana, Esq. of Brody, O'Connor & O'Connor, Esqs. in New York, NY.

$27,000 ARBITRATION AWARD

Landlord negligence – Plaintiff tenant injured when window in apartment residence falls out of frame and onto her – Neck and back injuries – Multiple spinal disc lesions.

Passaic County, NJ

In this action, the plaintiff tenant was injured when a window in her apartment residence fell out of its frame and onto her. The defendant landlord generally denied all allegations of negligence.

On October 8, 2020, the plaintiff was lawfully inside her apartment residence, located on the premises of 243-247 Paxton Street in Paterson, New Jersey. On this day, the premises was owned, operated, and maintained by the defendant. At the time, the plaintiff was sitting on her couch in front of a window which was falling out of its frame. The plaintiff had previously notified the defendant landlord about the window's hazardous condition, and had taken measures to tape the window in place to prevent it from falling. At the time of the incident, the window fell from its frame and onto the plaintiff's head.

The plaintiff maintained that the defendant was negligent in failing to repair the broken window in a timely manner, failing to repair or prevent hazardous conditions on the premises, and in negligently allowing a hazard to exist in the plaintiff's residence for a prolonged period of time. Consequently, the plaintiff sustained injuries, including neck and back injuries, as well as multiple spinal disc lesions. The plaintiff's injuries were treated conservatively.

The arbitrator in this case found the defendant 100% liable for the accident and reported an award for the plaintiff in the amount of $27,000. Following arbitration, the defendant's counsel requested a trial de novo, which was scheduled to begin on September 24, 2024. However, a notice of settlement was submitted the same day. A stipulation of dismissal was submitted on May 8, 2025.

REFERENCE

Martha Acosta vs. Antonio Granata. Docket no. PASL002494-22; Judge Scott J. Bennion, 09-24-24.

Attorney for plaintiff: Efrain Rivera of Timothy L. Madden & Associates in Clifton, NJ. Attorney for defendant: Jared Paul Miller of Powell, Kugelman & Postell, LLC in Old Bridge, NJ.

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MOTOR VEHICLE NEGLIGENCE

Auto/Bicycle Collision

$150,000 ARBITRATION AWARD

Motor vehicle negligence – Auto/bicycle collision – Plaintiff bicyclist struck by defendant's vehicle after defendant enters intersection – Neck and back injury – Shoulder injury – Surgery required.

Bergen County, NJ

In this motor vehicle negligence action, the plaintiff bicyclist was struck by the defendant's vehicle after the defendant entered an intersection, resulting in the plaintiff sustaining injuries. The defendant generally denied all allegations of negligence.

On October 10, 2020, the plaintiff was a bicyclist traveling southbound on Werimus Road, at its intersection with Woodcliffe Avenue in Woodcliff Lake, New Jersey. At this time, the plaintiff was attempting to proceed forward on Werimus Road. At the same time, the defendant's vehicle was traveling eastbound on Woodcliff Avenue, toward the same intersection. As the plaintiff was proceeding south, the defendant's vehicle entered the intersection, causing a collision between the plaintiff bicyclist and the defendant's vehicle.

The plaintiff maintained that the defendant was negligent in failing to yield the right of way, failing to observe the plaintiff bicyclist, and failing to remain adequately attentive. Consequently, the plaintiff sustained injuries, including neck and back injury, as well as a shoulder injury that required surgery.

The arbitrator in this case found the defendant 100% liable for the accident and the plaintiff 0% liable. The arbitrator reported an award for the plaintiff in the amount of $150,000. Following arbitration, the case was dismissed on April 17, 2025.

REFERENCE

Daniel Assfalg vs. Robert Monaghan. Docket no. BERL002701-22; Judge John D. Odwyer, 04-01-25.

Attorney for plaintiff: Rajat Bhardwaj of Garces Grabler & LeBrocq, PC in Hackensack, NJ. Attorney for defendant: Moira T. Dillaway of Gregory P. Helfrich & Associates in Summit, NJ.

Driveway Exit Collision

$200,000 ARBITRATION AWARD

Motor vehicle negligence – Driveway exit collision – Plaintiff's vehicle struck by defendant's vehicle backing out of residential driveway – Cervical and lumbar disc herniations – Aggravation of prior cervical disc injuries.

Bergen County, NJ

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

On December 13, 2021, the plaintiff's vehicle was traveling southbound on Prospect Avenue in Hackensack, New Jersey. At the same time, the defendant was attempting to back out of the driveway at their residence, located at 345 Prospect Avenue. As the plaintiff's vehicle was passing the defendant's residence, it was struck by the defendant's vehicle backing out of the driveway.

The plaintiff maintained that the defendant was negligent in failing to remain adequately attentive, failing to observe the plaintiff's vehicle, and failing to wait for clearance before backing out. Consequently, the plaintiff sustained injuries, including cervical and lumbar disc herniations as well as aggravation to 5 prior cervical disc injuries.

The arbitrator in this case found the defendant 100% liable for the accident and reported an award for the plaintiff in the amount of $200,000. Following arbitration, the plaintiff's counsel requested a trial de novo, which was scheduled to begin on June 3, 2025. However, the parties entered into a settlement on April 25, 2025.

REFERENCE

Adalberto Braga vs. Ankitha Mangalam. Docket no. BERL002766-23; Judge Kevin P. Kelly, 04-25-25.

Attorney for plaintiff: Paul A. Krauss, Esq. of Brandon J. Broderick, LLC in River Edge, NJ. Attorney for defendant: Emad Isakros of Law Offices of Eric H. Bennett in Hackensack, NJ.

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Intersection Collision

$85,000 ARBITRATION AWARD

Motor vehicle negligence – Intersection collision – Plaintiff's vehicle struck broadside by defendant after defendant runs red light – Post-traumatic headaches.

Monmouth County, NJ

In this motor vehicle negligence action, the plaintiff's vehicle was struck broadside by the defendant after the defendant ran a red light, resulting in the plaintiff sustaining injuries. The defendant generally denied all allegations of negligence.

On August 21, 2020, the plaintiff's vehicle was traveling on Sycamore Avenue, at its intersection with Route 537 in Tinton Falls, New Jersey. At this time, the plaintiff was preparing to proceed straight through the subject intersection with a green light in her favor. At the same time, the defendant's vehicle was traveling northbound on Route 537, toward the same intersection. At the time of the incident, the defendant's vehicle ran a red light at the intersection and struck the plaintiff's vehicle broadside.

The plaintiff maintained that the defendant was negligent in failing to obey a red light, failing to yield the right-of-way, and failing to remain adequately attentive. Consequently, the plaintiff sustained injuries, including post-traumatic headaches.

The arbitrator in this case found the defendant 100% liable for the accident and reported an award for the plaintiff in the amount of $85,000. Following arbitration, the parties entered into a settlement for the same amount. A stipulation of dismissal was submitted on September 12, 2024.

REFERENCE

Ana Dias vs. George Dusichka. Docket no. MONL002198-22; Judge Kathleen A. Sheedy, 09-12-24.

Attorney for plaintiff: Erik Anderson of Reardon Anderson, LLC in Tinton Falls, NJ. Attorney for defendant: David J. Leone of Carton Law Firm, LLC in Manasquan, NJ.

$30,000 ARBITRATION AWARD

Motor vehicle negligence – Intersection collision – Plaintiff's vehicle struck broadside by defendant's vehicle after defendant runs red light – Lumbar disc herniation at L5-S1 – Shoulder strain.

Hudson County, NJ

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

On September 6, 2020, the plaintiff's vehicle was traveling in a southerly direction on Garfield Avenue, near its intersection with Danforth Avenue in Jersey City, New Jersey. At this time, the plaintiff was preparing to proceed straight through the intersection with a green light in his favor. At the same time, the defendant's vehicle was traveling westbound on Danforth Avenue, toward the same intersection. At the time of the incident, the defendant's vehicle ran a red light and entered the intersection, striking the plaintiff's vehicle.

The plaintiff maintained that the defendant was negligent in failing to obey a red light, failing to yield, and failing to remain adequately attentive. Consequently, the plaintiff sustained injuries, including a lumbar disc herniation at L5-S1, as well as shoulder strain. The plaintiff's injuries were treated conservatively.

The arbitrator in this case found the defendant 100% liable for the accident and reported an award for the plaintiff in the amount of $30,000. Following arbitration, the defendants' counsel requested a trial de novo, which was scheduled to begin on September 16, 2024. However, the parties entered into a settlement prior to the initial hearing. A stipulation of dismissal was submitted on September 13, 2024.

REFERENCE

Mattie Pegues vs. James Dodd. Docket no. HUDL000363-22; Judge Susanne Lavelle, 09-13-24.

Attorney for plaintiff: Frank Lerner of Lerner Piermont & Riverol, PA in Jersey City, NJ. Attorney for defendant: Ellen L. Camburn of Chasan Lamparello Mallon & Cappuzzo, PC in Secaucus, NJ.

Left Turn Collision

$102,067 ARBITRATION AWARD

Motor vehicle negligence – Left turn collision – Plaintiff's vehicle struck by defendant's vehicle making left turn at intersection – Surgery.

Bergen County, NJ

In this motor vehicle negligence action, the plaintiff's vehicle was struck by the defendant's vehicle as the defendant made a left turn at an intersection, resulting in the plaintiff sustaining injuries. The defendant generally denied all allegations of negligence.

On December 10, 2020 when the plaintiff's vehicle was traveling northbound on Bergen Boulevard, at or near its intersection with East Edsall Boulevard in Palisades Park, New Jersey. At this time, the plaintiff was preparing to proceed straight past East Edsall Blvd, and did not have a stop sign or other reason to stop at the intersection. At the same time, the defendant's vehicle was traveling south on Bergen Boulevard, and was preparing to turn left onto East Edsall. The defendant then turned left just as the plaintiff was proceeding forward and struck the plaintiff's vehicle.

The plaintiff maintained that the defendant was negligent in failing to wait for clearance before making a left turn, failing to yield the right-of-way, and failing to observe the plaintiff's vehicle. Consequently, the plaintiff sustained injuries, including a right wrist fracture, which required surgery to repair, leaving the plaintiff with scarring and limited range of motion.

The arbitrator in this case found the defendant 100% liable for the accident and reported an award for the plaintiff in the amount of $102,066.98. Following arbitration, the plaintiff's counsel requested a trial de novo, which was scheduled to take place on April 7, 2025. However, the parties entered into a settlement on the same day, and a stipulation of dismissal was submitted on May 5, 2025.

REFERENCE

Brianna Deleon vs. Joel Groves. Docket no. BERL003544-22; Judge Thomas A. Sarlo, 04-07-25.

Attorney for plaintiff: Angela Cervelli Bennett, Esq. of Davis, Saperstein & Salomon, PC in Teaneck, NJ. Attorney for defendant: Carl Mazzie of Foster & Mazzie, LLC in Totowa, NJ.

DEFENDANT'S JUDGMENT

Motor vehicle negligence – Left turn collision – Plaintiff's vehicle struck by defendant's vehicle making left turn out of parking lot – 2 cervical disc herniations – 2 cervical disc bulges – Lumbar disc herniation – 2 lumbar disc bulges.

Bergen County, NJ

In this motor vehicle negligence action, the plaintiff's vehicle was struck by the defendant's vehicle as the defendant made a left turn out of a parking lot, resulting in the plaintiff sustaining injuries. The defendant generally denied all allegations of negligence.

On January 12, 2020, the plaintiff's vehicle was traveling westbound on Fair Lawn Avenue in Fair Lawn, New Jersey. At this time, the defendant's vehicle was attempting to pull out of a parking lot and make a left turn onto the eastbound lane of Fair Lawn Avenue. At the time of the incident, the defendant's vehicle turned left in front of the plaintiff's vehicle, causing a collision.

The plaintiff maintained that the defendant was negligent in failing to wait for clearance before making a left turn, failing to yield the right-of-way, and failing to remain adequately attentive. Consequently, the plaintiff sustained injuries, including 2 cervical disc herniations, 2 cervical disc bulges, a lumbar disc herniation, and 2 lumbar disc bulges. The plaintiff's injuries were treated with multiple epidural steroid injections.

The arbitrator in this case found the defendant 50% liable for the accident and the plaintiff 50% liable. The arbitrator reported an award for the plaintiff in the amount of $45,000. Following arbitration, the plaintiff's counsel requested a trial de novo, which took place from April 15, 2025, to April 17, 2025, at which time the Honorable Michael N. Beukas ordered that a judgment of no cause for action be entered in favor of the defendant.

REFERENCE

Kenneth Fatovic vs. Irina Sheynin. Docket no. BERL007389-21; Judge Kelly A. Conlon, 04-17-25.

Attorney for plaintiff: Meghan I. Steingall, Esq. of Laddey Clark & Ryan, LLP in Sparta, NJ. Attorney for defendant: Miriam Acevedo of Romanek & Associates in Oklahoma City, OK.

Rear End Collision

$120,000 VERDICT

Motor vehicle negligence – Rear end collision – Neck and back spinal injuries and orthopedic injuries to plaintiff driver and passenger – Damages only.

Morris County, NJ

The plaintiffs in this motor vehicle negligence action maintained they suffered various, significant orthopedic injuries when their vehicle was struck in the rear by the defendant driver. The defendant stipulated negligence but denied the plaintiffs' allegations of injuries.

On November 22, 2019, the male plaintiff was operating a vehicle in which his wife was a front seat passenger. They were traveling N on route 206 in Mount Olive Township, New Jersey. Suddenly and without warning, the plaintiffs' vehicle was struck in the rear by the defendant driver.

The plaintiffs maintained that the defendant driver was negligent in failing to keep a proper lookout, and failing to make a proper application of the brakes. The plaintiffs also maintained that the defendant vehicle owner negligently entrusted the vehicle to the defendant driver who was unfit or incapable of driving a vehicle safely. The plaintiff driver alleged he suffered injuries to his lumbar and cervical spine as well as injuries to his left shoulder and left knee which required arthroscopic surgery. The female plaintiff maintained she suffered injuries to her lumbar and cervical spine and left shoulder and underwent arthroscopic surgery of the left shoulder as well as epidural injections in the lumbar spine. The defendant stipulated liability but contested the nature and extent of the plaintiffs' injuries.

The plaintiff driver was awarded $70,000 and the plaintiff passenger $50,000 for a total award of $120,000.

REFERENCE

Mekhrob Dzhuraev and Nataliya Kovtsun (h/w) vs. Evelyn I. and Walter Cmielewski. Docket no. MRSL000556-21; Panel Arbitration.

Attorney for plaintiff: Stacey I. Benson of Guberman Benson and Calise, LLC in Lincroft, NJ. Attorney for defendant: Mario A. Batelli of Foster & Mazzie, LLC in Totowa, NJ.

$70,000 SETTLEMENT

Motor vehicle negligence – Rear end collision – Plaintiff's vehicle struck in rear by defendant's vehicle while stopped in traffic – Multiple disc herniations – Multiple disc bulges – Soft tissue injury of right knee.

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

On September 3, 2019, the plaintiff's vehicle was traveling on Teaneck Road, at or near its intersection with Circle Driveway in Teaneck, New Jersey. At the same time, the defendant's vehicle was also traveling on Teaneck Road, directly behind the plaintiff's vehicle. At the time of the incident, the plaintiff's vehicle was stopped in significant traffic. While the plaintiff's vehicle was stopped, it was suddenly struck in the rear by the defendant's vehicle.

The plaintiff maintained that the defendant was negligent in failing to maintain a safe distance from other vehicles, failing to remain adequately attentive, and failing to obey traffic conditions. Consequently, the plaintiff sustained injuries, including multiple disc herniations, multiple disc bulges, and soft tissue injury to the right knee. The plaintiff's spinal injuries were treated with epidural steroid injections. A doctor for the defendant opined that the plaintiff's disc herniation injuries were from a prior accident.

The arbitrator in this case found the defendant 100% liable for the accident and reported an award for the plaintiff in the amount of $50,000. Following arbitration, the plaintiff's counsel requested a trial de novo, which was scheduled to take place on December 18, 2023. However, on October 26, 2023, the plaintiff's counsel submitted an offer of judgment in the amount of $70,000, which the defendant's counsel accepted. On February 20, 2024, a stipulation of dismissal was submitted due to the matter having been settled prior to a hearing.

REFERENCE

Carlos Macon vs. Charles Rivera. Docket no. BERL002450-21; Judge Mary F. Thurber, 02-12-24.

Attorney for plaintiff: Kelly A. Conlon of Davis, Saperstein & Salomon, P.C. in Teaneck, NJ. Attorney for defendant: Cory Bonk of Goldberg, Miller, & Rubin, P.C. in Fairfield, NJ.

$65,000 ARBITRATION AWARD

Motor vehicle negligence – Rear end collision – Plaintiff's vehicle struck in rear while waiting for truck to turn – Cervical and lumbar disc herniations – Cervical radiculopathy – Tendinosis of right supraspinatus tendon – Bursitis – Headaches – Blurred vision – Mild concussion.

Essex 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 waiting for a truck to turn, causing the plaintiff to become injured. The defendant generally denied all allegations of negligence.

On January 12, 2019, the plaintiff's vehicle was traveling eastbound on Central Avenue, at or near its intersection with Passaic Avenue in East Newark, New Jersey. At the same time, the defendant's vehicle was also traveling eastbound on Central Avenue, directly behind the plaintiff's vehicle. At the time of the incident, a truck traveling just ahead of the plaintiff made an abrupt stop on Central Avenue in order to turn into a parking lot. As the plaintiff's vehicle slowed and stopped to accommodate the truck, it was suddenly struck in the rear by the defendant's vehicle.

The plaintiff maintained that the defendant was negligent in failing to maintain a safe distance and failing to remain adequately attentive. Consequently, the

plaintiff sustained injuries, including cervical and lumbar disc herniations at C3-4, C4-5, C6-7, L4-5 and L5-S1, a cervical disc bulge at C5-6, cervical radiculopathy, tendinosis of the right supraspinatus tendon, subacromial/subdeltoid bursitis, headaches, blurred vision, and mild concussion.

The plaintiff's back injuries required 2cervical and one lumbar epidural steroid injection, as well as nerve root blocks at left L5 and S1. A medical expert for the plaintiff opined causation and permanency as to the alleged injuries, and recommended an additional discogram procedure. A doctor for the defendant disputed causation and permanency, finding that the plaintiff's MRIs showed age-appropriate degeneration.

The arbitrator in this case found the defendant 100% liable and reported an award for the plaintiff in the amount of $65,000. Following arbitration, the plaintiff's counsel requested a trial de novo. A trial was then scheduled for May 28, 2024. However, the parties entered into a settlement not specified on the docket on April 16, 2024, prior to the trial hearing. A stipulation of dismissal was filed on April 29, 2024.

REFERENCE

Cecelia Farfan-Ayerve vs. Mannie Alves, Jr. Docket no. ESXL007811-20; Judge Stephen L. Petrillo, 04-29-24.

Attorney for plaintiff: Damon Anthony Vespi of The Vespi Law Firm, LLC in Totowa, NJ. Attorney for defendant: Denise M. Lukenbach of Sellar Richardson, PC in Livingston, NJ.

$35,000 ARBITRATION AWARD

Motor vehicle negligence – Rear end collision – Plaintiff's vehicle struck in rear by defendant's vehicle while turning into gas station parking lot – Lumbar disc bulge at L3-4 – L5-S1 disc protrusion with underlying annular tear – Left shoulder sprain and mild tendinosis.

Camden County, NJ

In this motor vehicle negligence action, the plaintiff's vehicle was struck in the rear by the defendant's vehicle while turning into a parking lot, causing her to sustain injuries. The defendant denied all allegations of negligence.

On December 15, 2020, the plaintiff's vehicle was traveling on North Crescent Boulevard in Pennsauken, New Jersey. At this time, the defendant was also traveling on North Crescent Boulevard, directly behind the plaintiff's vehicle. At the time of the incident, the plaintiff attempted to make a right turn into a gas station parking lot. As the plaintiff was turning into the lot, her vehicle was struck in the rear by the defendant's vehicle.

The plaintiff maintained that the defendant was negligent in failing to maintain a safe distance from other vehicles and failing to obey traffic conditions. Consequently, the plaintiff sustained injuries, including lumbar disc bulge at L3-4, lumbar disc protrusion with underlying annular tear at L5-S1, and left shoulder sprain with mild tendinosis. A doctor for the defendant opined that the plaintiff only sustained minor injuries in the accident and did not sustain a permanent injury.

The arbitrators in this case found the defendant 60% liable for the accident and the plaintiff 40% liable. The arbitrators reported a net award for the plaintiff in the amount of $21,000. Following arbitration, the defendant's counsel requested a trial de novo, which was scheduled to take place on July 15, 2024. However, on the same day, a notice of settlement was submitted. A stipulation of dismissal was submitted on July 15, 2024.

REFERENCE

Erica Strunk vs. William Clair. Docket no. CAML000529-22; Judge Steven J. Polansky, 08-29-24.

Attorney for plaintiff: Marc Greenfield of Spear, Greenfield, Richman, Weitz & Taggart, P.C. in Marlton, NJ. Attorney for defendant: Julie H. Robinson, Esq. of The Law Office of Alphonso H. Ibrahim in Scranton, PA.

$20,000 ARBITRATION AWARD

Motor vehicle negligence – Rear end collision – Plaintiff's vehicle struck in rear by defendant's vehicle while slowing for traffic – Neck pain – Back pain.

Essex County, NJ

In this motor vehicle negligence action, the plaintiff's vehicle was struck in the rear by the defendant's vehicle when the plaintiff slowed for traffic, causing the plaintiff to become injured. The defendant generally denied all allegations of negligence, maintaining that any injuries or damages sustained by the plaintiff were the result of the plaintiff's own contributory negligence.

On November 13, 2019, the plaintiff's vehicle was traveling northbound on the Garden State Parkway in Bloomfield, New Jersey. At the same time, the defendant's vehicle was also traveling northbound on the Garden State Parkway, directly behind the plaintiff's vehicle and in the same travel lane. At the time of the incident, the plaintiff noticed heavy traffic ahead and began to slow her vehicle down. As the plaintiff was slowing down, her vehicle was suddenly struck in the rear by the defendant's vehicle.

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The plaintiff maintained that the defendant was negligent in failing to remain adequately attentive, failing to maintain a safe distance from other vehicles, and failing to observe the plaintiff's vehicle slowing down. Consequently, the plaintiff sustained injuries, including neck pain and back pain. It was noted on the arbitration report that the plaintiff was in a subsequent motor vehicle accident in which he sustained similar injuries.

The arbitrator in this case found the defendant 100% liable for the accident and reported an award for the plaintiff in the amount of $20,000. Following arbitration, the plaintiff's counsel requested a trial de novo. However, on April 11, 2023, a notice of settlement was submitted. Additionally, a stipulation of dismissal was submitted on April 19, 2023, which stated that the parties had entered into a settlement for an amount not specified on the docket.

REFERENCE

Hayford Tetteh vs. Adaibis Avila-Baez. Docket no. ESXL007616-19; Judge Thomas M. Moore.

Attorney for plaintiff: Michael Alvarez of Lord, Kobrin, Alvarez & Fattell, LLC in Mountainside, NJ. Attorney for defendant: Joanna Inglessis of Law Offices of Styliades & Jackson in Marlton, NJ.

PREMISES LIABILITY

Fall Down

$170,000 ARBITRATION AWARD

Premises liability – Fall down – Plaintiff slips and falls on ice in parking lot at defendant shopping plaza – Right knee meniscus tear – Suspected right knee ACL tear – Right knee bruising – Aggravated prior hip replacement – Surgery required.

Middlesex County, NJ

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

On January 6, 2022, the plaintiff was a lawful visitor and business invitee at the defendant shopping plaza, located on the premises of 3151 Route 27 in Franklin Park, New Jersey. At this time, the plaintiff was walking in the parking lot at the shopping plaza toward a bank. As he was walking to the bank, the plaintiff encountered an accumulation of 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 measures to melt ice, and failing to provide safe passage on the premises. Consequently, the plaintiff sustained injuries, including a right knee meniscus tear, a suspected right knee ACL tear, right knee bruising, and an aggravated prior hip replacement. The plaintiff's injuries were treated with three injections to the right knee, as well as a meniscectomy and synovectomy. A doctor for the defendant disputed the causality and permanence of the plaintiff's injuries, and maintained that the plaintiff did not sustain an ACL tear.

The arbitrator in this case found the defendants 85% liable for the accident and the plaintiff 15% liable. The arbitrator reported a net award for the plaintiff in the amount of $170,000. Following arbitration, the parties entered into a settlement for the same amount. A stipulation of dismissal was submitted on October 28, 2024.

REFERENCE

Denice Delamar vs. Somerset Shopping Plaza, LLC. Docket no. MIDL003436-22; Judge Alberto Rivas, 10-28-24.

Attorney for plaintiff: Michael K. Tuzzio of Ronan, Tuzzio & Giannone, P.C. in Tinton Falls, NJ. Attorney for defendant: Michael R. Lombardi of Lombardi & Lombardi, P.A. in Edison, NJ.

ARBITRATION IN FAVOR OF DEFENDANT

Premises liability – Fall down – Plaintiff slips and falls in entryway at defendant casino hotel – Acute Hill-Sachs compression fracture – Bankart full thickness rotator cuff tear in right shoulder – Aggravation of arthritis in left knee – Aggravation of lower back pain.

Atlantic County, NJ

In this premises liability action, the plaintiff slipped and fell in an entryway at the defendant casino hotel, causing her to be injured. The defendants generally denied all allegations of negligence.

On July 26, 2019, the plaintiff was traversing inside the defendant casino hotel, located on the premises of 500 Boardwalk in Atlantic City, New Jersey. At this time, the plaintiff was attempting to enter a store on the main floor of the hotel. When she crossed the threshold, the plaintiff suddenly fell. The plaintiff first maintained that she had tripped over a door latch in the floor. However, video surveillance provided by the defendants showed that the plaintiff did not trip over the door area, and instead simply slipped and fell upon entering the store.

The plaintiff then maintained that the plaintiffs were negligent in having failed to properly seal the floor, in failing to provide safe passage on the premises, and failing to prevent a slipping hazard. Consequently, the plaintiff sustained injuries, including an acute Hill-Sachs compression fracture, a Bankart full thickness rotator cuff tear of the right shoulder, aggravation of arthritis in the left knee, and aggravation of lower back pain.

The arbitrator in this case found no cause for action in favor of the defendants. Following arbitration, the defendants motioned for the arbitration award to be confirmed. The Honorable Danielle Walcoff ordered that the arbitration award be confirmed on April 11, 2025.

REFERENCE

Annamaria Carrione vs. Ac Ocean Walk, LLC. Docket no. ATLL002108-21; Judge Danielle J. Walcoff, 04-11-25.

Attorney for plaintiff: Thomas J. Vesper of Westmoreland Vesper Quattrone & Beers, P.A. in West Atlantic City, NJ. Attorney for defendant: Tracey McDevitt Hagan of Reilly, McDevitt & Henrich, P.C. in Cherry Hill, NJ.

Falling Object

$198,000 ARBITRATION AWARD

Premises liability – Falling object – Plaintiff struck by event tent, which blew over, while visiting defendant car dealership – 3 cervical disc herniations – 3 disc herniations in back – Shoulder tears – Surgery required.

Bergen County, NJ

In this premises liability action, the plaintiff was injured while visiting the defendant car dealership when an event tent blew over and struck her person, causing her to become injured. The defendants generally denied all allegations of negligence, maintaining that the tent had been the responsibility of a third party.

On November 2, 2020, the plaintiff was a lawful visitor and business invitee at the defendant car dealership, located on the premises of 189 18th Avenue in Paterson, New Jersey. At this time, the plaintiff was traversing a parking lot on the premises near the location of an event tent. At the time of the incident, the tent blew over and became dislodged from the ground. As it blew over, the tent struck the plaintiff's person.

The plaintiff maintained that the defendants were negligent in failing to secure the tent to the ground, failing to warn of the potential for the tent to move, and failing to ensure safe conditions on the premises. Consequently, the plaintiff sustained injuries, including three cervical disc herniations, three disc herniations in the back, and shoulder tears. The plaintiff's shoulder injuries were treated with arthroscopic surgery. The plaintiff also received epidural injections in the neck and back.

The arbitrator in this case found the defendants 90% liable for the accident and the plaintiff 10% liable. The arbitrator reported an award for the plaintiff in the amount of $198,000. Following arbitration, the defendants' counsel requested a trial de novo, which was scheduled to begin on June 2, 2025. However, the parties entered into a settlement on April 25, 2025.

REFERENCE

Margarita Orrego vs. J & J Auto Sales One. Docket no. BERL003898-22; Judge William C. Soukas, 04-24-25.

Attorney for plaintiff: Stephen Mayhew of Thomas A. McCarter in Hackensack, NJ. Attorney for defendant: Paul E. Fernandez of Paul E. Fernandez, Esq. in Paterson, NJ.

Hazardous Premises

$270,000 ARBITRATION AWARD

Premises liability – Hazardous premises – Plaintiff trips and falls into open cellar door on sidewalk – Failure to block off open cellar door – 5 cervical disc herniations – 4 lumbar disc bulges with tear at L5-S1 – Left shoulder dislocation and displaced fracture with tearing – Surgery required.

Passaic County, NJ

In this premises liability action, the plaintiff tripped and fell into an open cellar door while walking on a sidewalk, resulting in the plaintiff sustaining serious injuries. The defendants generally denied all allegations of negligence, maintaining that a warning cone had been placed by the open cellar door, and that the plaintiff had not been paying attention to an obvious condition.

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On February 25, 2021, the plaintiff was lawfully walking on a sidewalk just outside the premises of 32 Market Street in Passaic, New Jersey. At this time, the plaintiff was passing the premises in a straight direction. While passing the premises, the plaintiff encountered an open cellar door on the ground, which protruded into the sidewalk area. The plaintiff did not notice the open cellar door and tripped, falling into the cellar doorway.

The plaintiff maintained that the defendants were negligent in failing to block off the open cellar door, failing to close the door or otherwise address a tripping hazard, and failing to provide safe passage on the sidewalk adjacent to the premises. Consequently, the plaintiff sustained injuries, including 5 cervical disc herniations, 4 lumbar disc bulges with a tear at L5-S1, and left shoulder dislocation and displaced fracture with tearing. The plaintiff's injuries were treated with several epidural steroid injections, facet injections, and left shoulder surgery. A doctor for the defendants opined that the plaintiff's injuries were pre-existing and aggravated at best.

The arbitrator in this case found the defendants 60% liable for the accident and the plaintiff 40% liable. The arbitrator reported a net award for the plaintiff in the amount of $270,000. Following arbitration, the defendants' counsel requested a trial de novo, which was scheduled to take place on September 30, 2024. However, the parties entered into a settlement conference on July 30, 2024, where they came to a settlement. A stipulation of dismissal was submitted on September 17, 2024.

REFERENCE

Daniel Soto vs. La Fortaleza, III, Inc. Docket no. PASL002178-22; Judge Scott J. Bennion, 09-17-24.

Attorney for plaintiff: David S. Silverman of Silverman and Roedel, LLC in Clifton, NJ. Attorney for defendant: Moira T. Dillaway of Gregory P. Helfrich & Associates in Summit, NJ.

STATE LIABILITY

$100,000 ARBITRATION AWARD

State liability – Single vehicle collision – Plaintiff's vehicle hydroplanes on flooded road and crashes – Failure to close flooded road – Nondisplaced fracture of left wrist – Left shoulder labrum tear and partial rotator cuff tear.

Bergen County, NJ

In this action, the brought suit against the defendant state of New Jersey when plaintiff's vehicle hydroplaned on a flooded road and crashed, causing her to become injured. The defendants generally denied all allegations of negligence.

On November 15, 2020, the plaintiff's vehicle was traveling northbound on East Allendale Road in Saddle River, New Jersey. At this time, East Allendale Road was flooded, and had a history of flooding after rainfall. While attempting to travel on the flooded roadway, the plaintiff's vehicle suddenly began to lose traction and hydroplane. The plaintiff was unable to regain control of the vehicle before it crashed.

The plaintiff maintained that the defendant state was negligent in failing to close a flooded road, failing to prepare a detour in order to prevent use of the flooded road, and failing to warn of flooding conditions on East Allendale Road. Consequently, the plaintiff sustained injuries, including nondisplaced fracture of the left wrist, as well as left shoulder labrum tear and partial rotator cuff tear. The plaintiff's injuries were treated conservatively with physical therapy.

The arbitrator in this case found the defendants 100% liable for the accident and reported an award for the plaintiff in the amount of $100,000. Following arbitration, the defendant's requested a trial de novo, which was scheduled to take place on June 23, 2025. However, on April 8 2025, the parties entered into a settlement.

REFERENCE

Roni Wildoner vs. State of New Jersey. Docket no. BERL006007-22; Judge Gregg A. Padovano, 04-08-25.

Attorney for plaintiff: Suzanne M. Smith of Cillick & Smith in Hackensack, NJ. Attorney for defendant: Robert Zimmerer of Zimmerer Murray Conyngham & Kunzier in Saddlebrook, 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

$23,870,000 VERDICT – MEDICAL MALPRACTICE – NEUROSURGEON NEGLIGENCE – PLAINTIFF INJURED BY SCREW MISTAKENLY PLACED IN SPINAL CORD DURING SPINAL SURGERY – NEUROSURGEON INSERTED SCREW AND CLOSED INCISION DESPITE INTRAOPERATIVE MONITORING SYSTEM DETECTING ERROR – PERMANENT AND DISABLING SPINAL CORD INJURY – LARGEST AWARD IN COUNTY HISTORY.

York County, PA

This medical malpractice action was filed in April 2021, by the plaintiff against the defendant, WellSpan Tork Hospital and neurosurgeon Joseph Krzeminski, M.D., for injuries sustained from a screw mistakenly placed in his spinal cord during an October 2019 spinal surgery which the plaintiff alleged resulted in permanent and disabling injuries. The defendant denied allegations of negligence and contended the care provided met the applicable standard of medical care.

The plaintiff alleged that upon waking from the surgery he was unable to move and as a result he developed significant spinal damage. The plaintiff further alleged negligence for the 10 hours that passed before he was taken for an MRI and 22 hours before the second surgery to remove the screw. Initially paralyzed, except for movement in toes, the plaintiff, now age 58, alleged he only regained limited mobility and despite intensive physical therapy alleged he continues to suffer from permanent and life-altering disabilities barely able to walk.

The jury reached a verdict after a 1-hour deliberation and 8-day trial. The gross verdict was $24,000,000 including $10,000,000 for pain and suffering; $2,870,000 for past damages; $7,000,000 for future damages for physical pain and suffering, embarrassment and humiliation, disfigurement and loss of life's pleasures. The plaintiff's wife was awarded $4,000,000 for her loss of consortium claim.

REFERENCE

James Spangler vs. Wellspan York Hospital. Case no. 2020-SU-00316; Judge Matthew Menges, 09-27-24.

Attorney for plaintiff: Iddo Harel of Ross Feller Casey in Philadelphia, PA.

$1,000,000 SETTLEMENT – MEDICAL MALPRACTICE – NURSING HOME NEGLIGENCE – DEFENDANT STAFF FAILS TO PROPERLY SUCTION DECEDENT'S TRACHEOSTOMY LEADING TO ASPHYXIATION AND CAUSING RESPIRATORY AND CARDIAC ARREST RESULTING IN DEATH – WRONGFUL DEATH OF 74-YEAR-OLD FEMALE.

Montgomery County, PA

In this action for medical malpractice, the estate of the decedent maintained the defendant facility caused their loved one's death when they allowed to asphyxiate on a mucus plug from her tracheostomy causing respiratory and cardiac arrest and resulting in death. The defendant facility generally denied the estate's allegations.

The allegations of negligence against the defendant facility were failing to provide a safe living environment for the residents, failing to ensure the facility was sufficiently staffed, violating department of Human Services regulations by failing to ensure call bells were accessible and responded to in a timely manner, failing to provide proper tracheostomy care and suctioning and failing to hold quarterly meetings to maintain quality assurance. The decedent is survived by 2 adult daughters.

The Estate settled with the defendants for $1 million with 80% allocated to wrongful death and 20% allocated to survival.

REFERENCE

The Estate of Marie Joseph by Norma Clotaire vs. Garden Spring Center LLC DBA Garden Spring Nursing and Rehabilitation Center. Case no. 202210849; Judge Jeffrey Saltz, 02-28-25.

Attorneys for plaintiff: Mark Tanner and Bethany Nikitenko of Feldman Shepherd Wohlgelernter Tanner in Philadelphia, PA. Attorney for defendant: Cathleen Kelly Rebar and Edward Stolarski of Rebar Kelly in Blue Bell, PA.

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PRODUCT LIABILITY

$725,000,000 VERDICT – PRODUCT LIABILITY – FAILURE TO WARN – BENZENE-LINKED CANCER CASE – PLAINTIFF ALLEGED EXPOSURE TO BENZENE-CONTAINING PRODUCTS DURING WORK AT GAS STATIONS – ACUTE MYELOID LEUKEMIA (AML) – PAIN AND SUFFERING; DISABILITY; FACE DISFIGUREMENT, DEFORMITY AND PHYSICAL IMPAIRMENT; MENTAL ANGUISH, ANXIETY AND HUMILIATION.

Philadelphia County, PA

The product liability lawsuit was filed May 28, 2020 by the plaintiff against the defendant, ExxonMobil Corporation, et al. The plaintiff alleged that he worked for several employers, from 1974 to 1994, where he was exposed to benzene-containing products from the defendants; and during his work at a Mobil service station from 1975 to 1980, the plaintiff alleged he frequently handled various benzene-products such as solvents, adhesives, degreasers, oils and gasoline. Consequently, the plaintiff developed Acute Myeloid Leukemia (AML). The defendants denied liability for the plaintiff's injuries contending lack of causation and argued that the evidence failed to support the claims of product defect and inadequate warnings.

The plaintiff's alleged the defendants were responsible for manufacturing, processing, packaging, selling, distributing, and marketing said products. In addition to work related exposure, the plaintiff alleged he was further exposed to benzene-containing, in non-work-related activities, also managed by the defendant's containing ingredients like xylene, toluene, mineral spirits, hexane, naphthas, ethylbenzene and other hydrocarbons. The plaintiff alleged exposure to these products came from inhaling their vapors and through skin contact.

The jury reached a verdict of $725,000,000 including $435,000,000 for past, present and future pain and suffering, $18,125,000 for disfigurement, $253,750,000 for loss of enjoyment of life, and $500,000 for loss of consortium.

REFERENCE

Paul Gill vs. ExxonMobil Corporation, et al. Case no. 2005-01803; Judge Carmella Jacquinto, 05-09-24.

Attorney for plaintiff: Andrew J. DuPont of Locks Law Firm in Philadelphia, PA. Attorneys for plaintiff: Patrick Wigle and Rajeev Mittal of Waters Kraus & Paul & Siegel in Dallas, TX.

MOTOR VEHICLE NEGLIGENCE

$69,250,000 VERDICT – MOTOR VEHICLE NEGLIGENCE – AUTO/PEDESTRIAN COLLISION – FATAL PEDESTRIAN ACCIDENT – PLAINTIFF PARENTS ALLEGED DAUGHTER STRUCK BY VEHICLE DRIVEN BY DEFENDANT UNDER INFLUENCE OF ALCOHOL AND DRUGS – WRONGFUL DEATH OF 19-YEAR-OLD FEMALE.

Brazos County, TX

This motor vehicle negligence action was filed in by the parents of Carlynn "Carly" Beatty, Robert and Suzanne Beatty, the plaintiff's, against Pedro Puga, the defendant driver. The plaintiff alleged that in the early hours, the defendant was operating his Nissan Pathfinder under the influence and was driving so erratically that another driver called 911 to report a suspected drunk driver. The plaintiff alleged that shortly thereafter, the defendant drove his vehicle up and onto a curb on Texas Avenue where he violently struck the sophomore, Carlynn Beatty, and fled the scene leaving her for dead. Carlynn was by air ambulance to the hospital and fought for her life until she succumbed to her injuries one week later and died. The defendant denied the allegations and alleged contributory negligence and negligence per se on the part of the Plaintiff (parents) without elaborating.

It is alleged by prosecutors that the defendants blood alcohol level was 4 times the legal limit at.032 and that the defendant tested positive for THC, cocaine metabolites, and etizolam which is not available in the U.S., but is similar to Xanax. Puga pleaded guilty to manslaughter and was sentenced to 15 years in prison.

The jury reached a verdict of $69,000,000 including $20,000,000 to Robert Beatty for future mental anguish, $10,000,000 for future loss of companionship, $3,000,000 for past mental anguish, $1,500,000 for past loss of companionship and $250,000 for exemplary damages. The award for Suzanne Beatty included $20,000,000 for future mental anguish, $10,000,000 for future loss of companionship, $3,000,000 for past mental anguish, $1,500,000 for past loss of companionship and $250,000 for exemplary damages.

REFERENCE

Beatty vs. Puga. Case no. 20-003187-CV-272; Judge John Brick, 01-20-23.

Attorney for plaintiff: Michael D. Stacy of Juneau Boll Stacy, PLLC in Addison, TX. Attorneys for defendant: Michael J. Griffin, III and Marilyn O. Griffin of Griffin Law in Addison, TX.

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$2,688,866 GROSS VERDICT – MOTOR VEHICLE NEGLIGENCE – AUTO/BICYCLE COLLISION – PLAINTIFF RIDING BICYCLE ON SIDEWALK HIT BY DRIVER DEFENDANT IN COURSE AND SCOPE OF EMPLOYMENT WITH BEST BUY – PLAINTIFF THROWN SEVERAL FEET – MILD-TRAUMATIC BRAIN INJURY – INJURIES TO LUMBAR SPINE, CERVICAL SPINE, LEFT KNEE, AND RIGHT SHOULDER – NUMEROUS SURGERIES.

Los Angeles County, CA

This motor vehicle negligence action was filed by the plaintiff, with an initial demand for $6,000,000.00. The plaintiff alleged injuries sustained on his bicycle resulting from a collision between a vehicle driven by an employee of Best Buy. The defendant, while in the course and scope of his employment with Best Buy, hit plaintiff, as he executed a left- hand turn, throwing plaintiff several feet across the roadway where he landed on his back. The plaintiff suffered a mild-traumatic brain injury and injuries to his lumbar spine, cervical spine, left knee, and right shoulder. Said injuries caused plaintiff to undergo numerous surgeries: right shoulder debridement of partial rotator cuff tear with subacromial decompression; left knee arthroscopy and hypertrophic medical plica excision; and an anterior cervical discectomy and fusion. The defendant, Best Buy, made a rejected offer to settle for $1,750,000.00 on August 29, 2024.

The defendant driver denied liability for the accident and argued that the plaintiff was riding his bike on the sidewalk and suddenly darted out into the street. The defendant's expert witness testimony contended the driver had less than 1.5 seconds of reaction time. The plaintiff's expert witness testimony played a critical role in establishing liability and the extent of the plaintiff's injuries by providing Accident Reconstruction to analyze the circumstances of the collision, including speed, impact, and potential avoidability of the accident.

A jury, by 9-3 vote, deliberated 12 hours after a 19-day trial. The gross verdict was $2,688,866. The net award after comparative fault was $2,016,649.50 including economic damages, past medical expenses of $354,801, future medical expenses of $84,065, and non-economic damages and past pain and suffering of $1,250,000; future pain and suffering of $1,000,000, $700,000 in prejudgment interest and $298,000 in recoverable costs.

REFERENCE

Carlos Chanchavac vs. Best Buy Stores, L.P. and Scott Stuart Crichton. Case no. 20STCV00992; Judge Michael Levanas, 10-21-24.

Attorneys for plaintiff: Brian Witzer and Arian Barkhordar of Heidari Law Group in Los Angeles, CA. Attorneys for defendant: R. Derek Classen and Steve Maslauski of Prindle, Goetz, Barnes & Reinholtz.

PREMISES LIABILITY

$6,450,000 VERDICT – PREMISES LIABILITY – FALL DOWN – PLAINTIFF SLIPS AND FALLS ON DISCARDED FISH PARTS ON SIDEWALK IN FRONT OF DEFENDANT GOURMET GROCERY STORE – KNEE DISLOCATION AND LIGAMENT TEARS – 12 SURGERIES – TOTAL KNEE RECONSTRUCTION.

New York County, NY

The plaintiff in this premises liability action maintained she slipped and fell on the defendant's sidewalk when the defendant allowed fish guts and oil to leak from a nearby trash bag placed outside their store. Consequently, the plaintiff sustained total knee dislocation with 3 ruptured ligaments. The defendants denied being negligent and attempted to argue the plaintiff tripped over an open and obvious condition on the sidewalk.

The plaintiff required knee reconstruction surgery and developed osteoarthritis. In addition, the plaintiff sustained multiple lumbar disc injuries. The plaintiff has been unable to work since the incident and suffers from permanent pain and loss of mobility.

After a 3-week trial and 2 days of deliberation, the jury found for the plaintiff and awarded the plaintiff $6,450,000 in medical expenses and past and future pain and suffering.

REFERENCE

Confidential vs. Citarella Operating, LLC. Index no. 160716/2015; Judge Richard G. Latin, 04-02-25.

Attorney for plaintiff: Sharon Scanlan of Jacoby & Meyers, LLP in Newburgh, NY. Attorney for defendant: Christina B. Raton of Weber Gallagher Simpson Stapleton Fires & Newby in New York, NY.

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$1,000,000 VERDICT – PREMISES LIABILITY – FALL DOWN – PLAINTIFF SLIPS AND FALLS ON WET FLOOR INSIDE DEFENDANT'S RETAIL ESTABLISHMENT – RIGHT KNEE INJURY – TOTAL KNEE REPLACEMENT – LOWER EXTREMITY LIMITATIONS.

Broward County, FL

The plaintiff in this premises liability action maintained that she suffered severe injuries to her right knee when she slipped and fell on a wet floor inside the entrance of the defendant's retail store. The defendant argued that the plaintiff and another patron were negligent and caused the incident.

On November 11, 2021, the female plaintiff was a lawful business invitee of the defendant's retail store located on State Road 7 in Lake Worth, Florida. The plaintiff slipped and fell on a liquid on the floor resulting in serious injury. The plaintiff maintained that the defendant store w as negligent in failing to exercise reasonable care, allowing a dangerous condition to exist on the premises, failing to properly maintain the premises, and failing to make reasonable inspections of the premises.

Consequently, the plaintiff suffered serious injuries to her right knee resulting in the need for surgery and eventual total knee replacement. The plaintiff claims limitations still with her injury. The defendant denied being liable and argued that any condition on the floor resulted from the rainy day and water carried in by other shoppers despite proper inspections and maintenance.

The jury found that the defendant was 50% liable and the plaintiff 50% liable. The jury awarded the plaintiff $1,000,000 in pain and suffering damages. Post-trial motions are pending.

REFERENCE

Theresa Lightfoot vs. Target Corporation. Case no. 2022CA006646; Judge Jamie Goodman, 08-16-24.

Attorney for plaintiff: Trevor Gordon of Gordon & Partners, P.A. in Palm Beach Gardens, FL. Attorney for defendant: Jon D. Derrevere of Derrevere Stevens Black & Cozad in West Palm Beach, FL.

ADDITIONAL VERDICTS OF PARTICULAR INTEREST

Construction Site Negligence

$2,900,000 VERDICT – CONSTRUCTION SITE NEGLIGENCE – PLAINTIFF INSTALLING DRYWALL STRIKES HEAD AND EYE ON MAKESHIFT PLATFORM USED TO REACH CEILING – FACIAL TRAUMA; HEADACHES; FACIAL LACERATION; LEFT 4TH NERVE PALSY; LEFT TROCHLEAR NERVE INJURY; HEARING LOSS; TINNITUS; NASAL BONE FRACTURE; DEVIATION OF NASAL SEPTUM; SEPTAL DEFORMITY WITH UPPER AIRWAY OBSTRUCTION AND HYPERTROPHY OF INFERIOR NASAL TURBINATE – DEGENERATIVE DISC DISEASE, HERNIATION AND BULGING OF LUMBAR SPINE DISCS; AND PERMANENT SCARRING – INJECTIONS AND 2 SURGERIES.

Suffolk County, NY

The plaintiff in this action argued that the worksite was unsafe for the work being performed and that it resulted in his being injured on the job site. The plaintiff hit his head and left eye on a metal platform after rapidly descending from atop an A-frame ladder at the job site. The plaintiff alleged that the incident resulted in permanent injuries including facial trauma; headaches; facial laceration; left 4th nerve palsy; left trochlear nerve injury; hearing loss; tinnitus; nasal bone fracture. The defendant denied negligence and argued that the plaintiff was himself responsible for any accident that occurred.

The plaintiff underwent corrective surgery on his nose due to his breathing difficulties; however, it did not fully restore his nose to its pre-accident cosmetic appearance. The plaintiff also underwent injections for his back pain, which temporarily alleviated some of his discomfort but ultimately required lumbar fusion surgery.

The jury found in favor of the plaintiff and awarded damages in the amount of $2,900,000.

REFERENCE

Jativa vs. Shells Only of Suffolk, Inc. Index no. 614278/2017; Judge Joseph A. Santorelli, 03-07-23.

Attorney for plaintiff: Christopher Vargas of Gorayeb & Associates, P.C. in New York, NY. Attorney for defendant: Christopher M. Hart of Law Offices of Kevin P. Westerman in Garden City, NY.

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Contract

$1,588,380 VERDICT – BREACH OF CONTRACT – PLAINTIFF CIGAR MANUFACTURER CLAIMS DEFENDANT DISTRIBUTOR BREACHED TERMS OF CONTRACT WHEREBY DEFENDANT WOULD SELL PLAINTIFF'S PRODUCTS – PLAINTIFF CLAIMS LOSSES FOR TOBACCO, MATERIALS, MACHINES AND OTHER EQUIPMENT, PROFITS, ATTORNEYS' FEES AND OTHER EXPENSES – DEFENDANT DENIES ANY BREACH AND COUNTERCLAIMS PLAINTIFF FIRST BREACHED CONTRACT, RELIEVING DEFENDANT OF ANY OBLIGATION UNDER AGREEMENT.

Palm Beach County, FL

In this breach of contract case, the plaintiff, a company engaged in the business of manufacturing and selling cigars and other related products asserted that the defendant tobacco distributor breached a contract between the parties and caused damage to the plaintiff. The defendant denied breach of the contract and argued that, pursuant to the agreement, the plaintiff was required to manufacture the tobacco products, pay the defendant for sales of the tobacco products, and reimburse the defendant for returns.

On February 22, 2021, the parties entered into a written contract for the "fulfillment and distribution of all Frontier branded cigars to [the defendant]." Specifically, the plaintiff contended, the defendant obligated itself under the agreement to purchase all Frontier branded cigars under specific terms. On March 4, 2021, the defendant paid the plaintiff the sum of $820,800 for the defendant's initial purchase of Frontier Cheroot cigars under the agreement. By e-mail dated March 4, 2021, the defendant's president expressed satisfaction with the product to the plaintiff.

On April 19, 2021, the defendant, through its National Sales Manager, notified the plaintiff by e-mail that the defendant was repudiating its obligations under the agreement. The defendant argued that the plaintiff admitted that it did not manufacture the tobacco products, and failed to pay the defendant approximately $300,000 as required pursuant to the agreement. The defendant claimed fraudulent misrepresentation, negligent misrepresentation, and breach of contract.

The jury found entirely in favor of the plaintiff and awarded damages in the amount of $1,588,380.

REFERENCE

Island Lifestyle Importers, LLC vs. Basik Trading, Inc. Case no. 2021CA005925; Judge Carolyn Bell.

Attorneys for plaintiff: Robert F. Salkowski and Jose R. Lavergne of Zarco Einhorn Salkowski & Brito, P.A. in Miami, FL. Attorney for defendant: Alexandra Sierra-De Varona of De Varona Law in Boca Raton, FL.

Dram Shop

$3,000,000 RECOVERY – DRAM SHOP – POLICE LIABILITY – PLAINTIFF DRIVER STRUCK IN REAR BY INEBRIATED DRIVER SERVED BY DEFENDANT TAVERN WHILE VISIBLY INTOXICATED – CO-DEFENDANT POLICE OFFICERS FAIL TO TEST OBVIOUSLY IMPAIRED DRIVER – SEVERE HEAD TRAUMA – SIGNIFICANT COGNITIVE DEFICITS.

Bergen County, NJ

This case involved a 36-year-old plaintiff driver in which the plaintiff contended that he was struck in the rear by the defendant inebriated driver, resulting in his striking a utility pole. The plaintiff suffered a fractured skull and was left in a medically-induced coma for 17 days and fed through a tube. The plaintiff then regained consciousness for a brief period and then fell back in a coma. He was hospitalized and again regained consciousness. The plaintiff was left with a severe cognitive deficit and can no longer work. The tavern denied serving him while visibly intoxicated. The municipality denied that it acted recklessly and contented that the driver simply exhibited signs of being tired.

The plaintiff maintained that the defendant driver was served by the defendant tavern while visibly intoxicated and named the tavern under the Dram Shop Act. The plaintiff also contended that shortly before the accident, the defendant driver was pulled over. The plaintiff maintained that the 2 officers acted recklessly by permitting the defendant driver to call a friend to drive him home and then drove again, causing the accident.

Prior to trial, the defendant driver paid its $100,000, the city paid $2,200,000 and the tavern paid $700,000.

REFERENCE

Diaz vs. City of Englewood, et al.

Attorneys for plaintiff: Dennis Harraka and Bogdan Kachuro of council to the Winne Banta in Hackensack, NJ.

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Fraud

$1,668,424 VERDICT – CONSUMER FRAUD – 19 TIMESHARE PURCHASERS OF DEFENDANT'S RESORT PROPERTY ALLEGED FRAUD – VIOLATIONS OF CONSUMER FRAUD ACT AND REAL ESTATE TIMESHARE ACT – SALES REPRESENTATIVES FRAUDULENTLY INDUCED PURCHASE BY USING MISREPRESENTATIONS DURING TIMESHARE PRESENTATION.

Atlantic County, NJ

This was an action brought by the plaintiff and 18 other plaintiffs, against the defendants, Flagship Resort Development Corp. The plaintiffs alleged the defendant's sale representatives fraudulently induced them into purchasing timeshares by making misrepresentations during a timeshare presentation, only for the 19 plaintiffs to discover later that their purchase agreements and related documents directly contradicted the salespersons' statements. The plaintiff's alleged the defendant was liable for violating the Consumer Fraud Act, N.J.S.A. 56:8-1 to 229 (CFA) and the Real Estate Timeshare Act, N.J.S.A. 45:15-16.50 to 16.85 (RETA) and pled for treble damages. The defendant contended there was no genuine dispute of material fact and motioned for summary judgment based on the parol evidence rule.

The defendant further contended the statutes at issue, CFA and RETA, are in conflict and that RETA and its supporting regulations are in conflict.

After trial, the jury reached a verdict of $1,668,423.88.

REFERENCE

Keona Palmer, et al. vs. Flagship Resort Development Corp d/b/a Fantasea Resorts. Docket no. L-1515-19; Judge James P. Savio.

Attorney for plaintiff: Andrew M. Milz of Flitter Milz, PC in Narberth, PA. Attorney for defendant: Jordan L. Barbone of Jacobs & Barbone in Atlantic City, NJ.