



NEW JERSEY

# JURY VERDICT

## REVIEW & ANALYSIS®

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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.*

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## FEATURED CASES

### **\$525,000 VERDICT – MOTOR VEHICLE NEGLIGENCE – U-TURN COLLISION – PLAINTIFF’S VEHICLE STRUCK BROADSIDE BY DEFENDANT’S VEHICLE MAKING ILLEGAL U-TURN – HEAD INJURY – FOREIGN OBJECT RETAINED IN FRONT SCALP – LEFT KNEE INJURY – ARTHROSCOPIC KNEE SURGERY REQUIRED.**

#### **Union County, NJ**

**In this motor vehicle negligence action, the plaintiff’s vehicle was struck broadside by the defendant’s vehicle making an illegal u-turn in traffic, causing the plaintiff to become injured. The defendant generally denied all allegations of negligence.**

On September 9, 2019, the plaintiff’s vehicle was operating a commercial vehicle northbound on Corbin Street in Elizabeth, New Jersey. At the same time, the defendant, also operating a commercial vehicle, was traveling southbound on Corbin Street, near the plaintiff’s location. The defendant, suddenly and without warning, attempted to make an illegal u-turn in traffic. While making a u-turn, the defendant’s vehicle struck the plaintiff’s vehicle in the driver’s side.

The plaintiff maintained that the defendant was negligent in failing to keep a proper lookout, failing to exercise due care, in negligently making an illegal u-turn, in failing to obey traffic conditions, failing to remain in the correct lane of travel, failing to observe the plaintiff’s vehicle, failing to keep the vehicle under proper and adequate control, failing to operate the vehicle at a reasonable rate of speed, failing to apply the brakes in a timely manner, failing to slow or stop, and failing to avoid striking the plaintiff’s vehicle.

Consequently, the plaintiff sustained injuries, including a head injury with loss of consciousness, a foreign object retained in the front scalp, and a left knee injury, which required arthroscopic surgery.

The jury found in favor of the plaintiff and awarded \$525,000.

#### **REFERENCE**

Rodriguez-Bauza Anibal vs. Soto Jose. Docket no. L003026-21; Judge Mark P. Ciarrocca, 08-19-23.

**Attorney for plaintiff: Joseph T. Delgado of Garces, Grabler & Lebrocq, PC in Plainfield, NJ. Attorney for defendant: Laurence Ivan Gross of BBC Law, LLP.**

#### **COMMENTARY**

Following the accident in this case, the plaintiff developed severe knee pain which did not resolve with conservative treatment. After further investigation, it was determined that the plaintiff had sustained a full ACL tear, and would need to undergo an ACL reconstruction surgery. After the surgery, the plaintiff was required to attend several sessions of physical therapy to regain the ability to ambulate independently. Additionally, the plaintiff’s head injury and concussion syndrome persisted for several weeks, causing him to seek extended medical treatment for that as well. 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 care.

### **\$475,000 VERDICT – MOTOR VEHICLE NEGLIGENCE – REAR END COLLISION – PLAINTIFF’S VEHICLE STRUCK IN REAR BY DEFENDANT’S VEHICLE AT INTERSECTION – POST-CONCUSSION SYNDROME – CERVICAL DISC HERNIATIONS – CERVICALGIA – CERVICAL RADICULOPATHY – FUTURE CERVICAL SURGERY.**

#### **Gloucester 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 generally denied all allegations of negligence.**

On January 8, 2020, the plaintiff’s vehicle was traveling westbound on Greentree Road, at its intersection with Greenwood Drive in Washington Township, New Jersey. At this time, the plaintiff’s vehicle was stopped at a red traffic light at the aforementioned intersection. At the same time, the defendant’s vehicle was

also traveling on Greentree Road, and was approaching the same intersection directly behind the plaintiff’s vehicle. At the time of the incident, the defendant’s vehicle struck the plaintiff’s vehicle in the rear.

The plaintiff maintained that the defendant was negligent in failing to keep a proper lookout, failing to exercise due care, failing to obey traffic signals, failing to obey traffic conditions, failing to observe the plaintiff’s vehicle, failing to remain adequately attentive, failing to maintain a safe distance from other vehicles, failing to operate the vehicle at a reasonable rate of speed, failing to apply the brakes in a timely

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manner, failing to slow or stop, and failing to avoid striking the plaintiff's vehicle. Consequently, the plaintiff sustained injuries, including post-concussion syndrome, cervical disc herniations, cervicgia, cervical radiculopathy, and thoracic and lumbar sprain/strain.

The jury found in favor of the plaintiff and awarded \$475,000.

**REFERENCE**

Matteo Danielle vs. Denicuolo Rita. Docket no. L000508-21; Judge Benjamin D. Morgan, 04-15-23.

**Attorney for plaintiff: Dominic R. DePamphilis of D'Arcy Johnson Day in Egg Harbor Township, NJ. Attorney for defendant: Nicole M. Downs of Allstate.**

**COMMENTARY**

Following the accident in this case, the plaintiff's spinal injuries were treated conservatively at first. However, the plaintiff continued to experience severe pain and discomfort in the cervical spine area even after treatment. Due to her prolonged pain and discomfort, the plaintiff will now have to undergo a complete cervical discectomy with either instrumental arthrodesis or cervical disc replacement at C5-6 in 2023. After the surgery, the plaintiff will have to receive several days of inpatient medical care, as well as undergo several weeks if not months of physical therapy. The verdict amount in this case was likely determined by the severity of the plaintiff's injuries, as well as her prolonged need for surgical and medical care.

**\$300,000 RECOVERY – DOG BITE – 6-YEAR-OLD FEMALE PLAINTIFF CONTENDS DEFENDANT HAD DOG ON BEACH IN SEA ISLE, IN VIOLATION OF LOCAL ORDINANCES, AND DOG LUNGED AT AND BIT PLAINTIFF ON FACE – SIGNIFICANT BITE WOUND REQUIRING 9 SUTURES TO CLOSE – PERMANENT 2 CM X 1.5 CM SCAR ON RIGHT CHEEK.**

**Cape May County, NJ**

In this dog bite case, the plaintiff, a 6-year-old girl, asserted that the defendant's dog bit her, causing significant, permanent scarring. The defendant admitted liability and tendered the limit of his homeowner's policy.

On May 22, 2022, the minor plaintiff was on the beach with her parents at 53rd Street in Sea Isle City. The defendant was at the same location with his American Staffordshire Terrier, despite a prohibition against the presence of dogs on the public beach by Sea Isle City Ordinance No. 5-3.3. Without warning, the defendant's dog lunged at and bit the minor plaintiff on the right side of her face.

As a result of the bite, the plaintiff required 9 sutures in her right cheek; follow up with a plastic surgeon, and treatment with silicone scar cream. The plaintiff was left with a permanent, 2 cm x 1.5 cm, U-shaped, pink, irregular scar on her right lateral cheek. The plaintiff presented the statement of her plastic surgeon who said there may be remedial modalities in the future, once the plaintiff has stopped growing and her facial skeleton enlarges, but the scar is likely permanent in nature.

The defendant's insurer tendered the policy limits of the defendant's homeowner's policy and the parties settled the matter for \$300,000 with \$200,000 being placed into an annuity for the benefit of the minor plaintiff to be paid in installments once she reaches age 18.

**REFERENCE**

Uhrich vs. Manning. Docket no. L-000130-23; Judge Dean R. Marcolongo, 05-12-23.

**Attorney for plaintiff: Vincent J. Morrison of Law Offices of Vincent J. Morrison in Sea Isle City, NJ. Attorney for defendant: Alexander N. Levin of Nicolson Law Group, LLC in Cherry Hill, NJ.**

**\$47,604 VERDICT – PERSONAL NEGLIGENCE – ARSON – PLAINTIFF OFFICER RESPONDS TO REPORT OF HOUSE FIRE TOLD PEOPLE IN BURNING RESIDENCE – PLAINTIFF RESCUING 2 INDIVIDUALS, INCLUDING DEFENDANT, INJURED – INVESTIGATION INDICATES DEFENDANT INTENTIONALLY STARTED FIRE – RIGHT SHOULDER INJURY AND SMOKE INHALATION.**

**Burlington County, NJ**

This case arose on October 16, 2018 when officers, including the plaintiff, were dispatched to the defendant's residence at 503 Willow Boulevard in Browns Mills in response to a reported house fire. Upon arrival, the officers observed the garage of the residence to be fully engulfed in flames with the main residence also in flames. Neighbors informed the officers that individuals, including the defendant, were believed to be inside the residence. Officers were then required to enter the residence, despite the life-threatening risk presented by the residential fire, in an attempt to rescue the 3 people believed to be located in the residence. The plaintiffs were able to rescue the defendant and one other person from the residence prior to the building being fully engulfed in flames. During the rescue efforts, one officer was injured while physically lifting and removing one of the individuals from the burning building. Subsequent investigation of the fire by township police revealed that the defendant carelessly, recklessly, or intentionally caused the fire. The defendant denied negligence and argued that the injuries allegedly sustained by the plaintiff were caused by his own contributory negligence in failing to exercise due and proper care under the existing circumstances and conditions.

It was determined that the defendant had been in the garage performing repairs on a motorcycle when another subject advised the defendant that there appeared to be flammable fluid or substance leaking from the motorcycle onto the floor of the garage. The investigation revealed that the defendant then took a lighter, said "you want a fire?" and tossed the lighter onto the ground, immediately causing the fire that engulfed the garage and spread to the main residence. The plaintiff's injuries included a right shoulder injury and smoke inhalation.

The defendant maintained that the plaintiffs were guilty of negligence which was greater in degree than the combined fault, thereby prohibiting recovery for any injuries allegedly sustained by smoke inhalation. The defendant asserted that the plaintiffs could not complain of their own negligence due to incompetence or assumption of risk. The defendant held that a trained police or firefighter issues the same risks when facing danger that they were hired to confront and that it was contributory fault in not wearing a breathing apparatus when trained to do so, especially when smoke inhalation is a foreseeable risk common to firefighters. The defendant also denied causation of the fire. The defendant asserted that, if the fire was indeed caused by fluid leaking from the

motorcycle, that it was accidental and unknown to the defendant at the time. The defendant pointed to the fact that a criminal trial was held in October of 2021 wherein arson was not proven and the case was dismissed.

The parties submitted to non-binding arbitration prior to trial. The arbitrator assigned 100% liability to the defendant with damages of \$47,604. The plaintiff defendant made a motion to confirm the arbitration order and the motion was granted.

**REFERENCE**

Burlington County Municipal Joint Insurance Fund, et al. vs. Smith. Docket no. L -001942-20; Judge James J. Ferrelli, 07-10-23.

**Attorney for plaintiff: D. Scott DeWeese, II of The DeWeese Law Firm, P.C. in Wildwood, NJ. Attorney for defendant: pro se.**

**COMMENTARY**

The arbitration was intended to be conducted via Zoom. The defendant was incarcerated at the time and the correctional facility had technical difficulties that prevented the arbitration from being conducted on the Zoom virtual platform. Court staff and the arbitrator determined to continue the arbitration via phone. The defendant then became frustrated, screamed and used expletives towards the court's staff and unequivocally refused to participate in the telephone arbitration. The arbitration proceeded in his absence. 30 days passed without the defendant having filed a notice of rejection of the award or requesting a trial de novo. The plaintiff then filed a motion to confirm the arbitration award and enter judgment. The arbitration was confirmed and judgment entered.

Following the confirmation of the arbitration and the issuance of orders for judgments based on the arbitration, the defendant filed a motion for trial. The defendant argued that the case had complicated legal issues involving novel legal or unusually complex factual issues encompassing The Fireman's Rule pursuant to affirmative defenses that required a trial to resolve. The defendant argued that the arbitration confirmation was not legal because he did not receive notification of the arbitration award as required by court rules. The defendant asserted that plaintiff's counsel failed to provide service procedure though all incoming legal mail is validated by the correctional facility mailroom and recorded by signature and dated. The defendant cited *America's Pride Constr. v. Farry* 175 N.J. 60 811 A2d 906 2002 wherein the Supreme Court determined that a party who receives notice of an arbitration hearing but does not attend it is nonetheless entitled to a new hearing when the arbitration has failed to provide notice that an arbitration award has been entered. The defendant held that the subject arbitration hearing provided inadequate access to the defendant due to technical issues which prevented his participation.

The plaintiff opposed the defendant's motion asserting that the defendant waived his right to demand a trial by refusing or otherwise failing to appear and participate in the arbitration proceedings. The plaintiff also maintained that the defendant failed to file his motion

for trial de novo within the time prescribed by the Rules of Court. The plaintiff argued that the defendant was not entitled to relief based on "mistake, inadvertence, surprise, or excusable neglect" because he was uncooperative and knowingly refused to participate in an arbitration hearing that he was properly noticed of and provided sufficient means and opportunity to participate in. Additionally, the plaintiff held, his allegation that he was not properly served did not constitute "mistake, inadvertence, surprise, or excusable neglect" because any alleged failure of service was a result of the defendant's

failing to keep the court informed as to his change of address for service. The plaintiff denied any misconduct attributable to the plaintiff as a good faith attempt of service of the arbitration award as well as the plaintiff's motion to confirm the award were made.

The court denied the request, finding that the defendant had waived his right to demand a trial de novo by refusing or otherwise failing to appear and participate in the arbitration proceedings; and the court did not find a basis to set aside the judgment and grant a trial de novo.

# Verdicts By Category

## CONTRACT

### \$1,550 BENCH VERDICT

**Breach of contract – Plaintiff maintains defendant agreed to enter plaintiff into nursing program, take him to state board for exam and pay all fees on behalf of plaintiff in exchange for \$24,000 in payment – Plaintiff pays defendant but receives bills from school and pays the school \$1,550 – Plaintiff seeks return of \$24,000 he paid defendant – Defendant maintains plaintiff failed 2 courses and bills received from school were for retakes of those classes.**

#### Monmouth County, NJ

**In this breach of contract case, the plaintiff asserted that the defendant offered to make connections for the plaintiff with a nursing school and pay for the plaintiff's classes and board exams and then breached that agreement by taking the plaintiff's money, failing to pay the school and not bringing the plaintiff to the state board for the nursing exam. The defendant asserted that the arrangement existed provided that the plaintiff completed all the requirements mandated by the school but that the plaintiff failed 2 classes.**

The plaintiff contended that the defendant introduced him to a Registered Nursing program review that lasted one year and cost \$24,000 after which, the defendant would send the plaintiff to the state board to take the nursing exam. The plaintiff asserted that the defendant represented that he would refer the plaintiff to the school and that he would take care of all payments to the school and the board for the exam. The plaintiff paid the defendant the \$24,000 and attended the program.

The plaintiff claimed that, later, the director of the program informed the plaintiff that the school never received payment. The plaintiff received a bill for \$1,550 and paid it, and the defendant told the plaintiff that was all he would have to pay, that the rest was taken care of. The plaintiff then received another bill and tried to contact the defendant to ascertain why he was receiving bills from the school given that he had paid the defendant and the defendant had told him he would not have to pay any further fees. The plaintiff maintained that the defendant told the plaintiff that his partner had been arrested and he could no longer send the plaintiff to the state board exam. The plaintiff sought return of the \$24,000 he had paid to the defendant.

The defendant denied the plaintiff's claims and argued that the plaintiff's fees were paid and that he never stated that he would take the plaintiff to the state board. The defendant maintained that the plaintiff was supposed to take classes and an exit exam from the nursing program and that, if he passed the exit exam, the plaintiff would arrange to send him to the board. The defendant held that per the agreement between the parties, the plaintiff agreed that if he failed any courses he would retake them and pay the fees himself to repeat the classes. The defendant maintained that the 2 bills from the school that the plaintiff referred to in his complaint were the fees to retake the courses he failed.

After a bench trial, the court found in favor of the plaintiff in the amount of \$1,550.

#### REFERENCE

Vilceus vs. Michel. Docket no. L -002322-22; Judge Richard W. English, 05-22-23.

**Attorney for plaintiff: Pro Se. Attorney for defendant: Pro Se.**

## DOG ATTACK

### \$40,000 RECOVERY

**Dog attack – 7-year-old plaintiff attacked by defendant's dog – Bite wounds to head and upper back – Permanent scarring, sensitivity in area, and ongoing fear of dogs – Defendant stipulates liability but contests plaintiff's damages.**

#### Union County, NJ

**In this dog bite case, the plaintiff, a 7-year-old girl, asserted that the defendant dog owner failed to secure a vicious dog that attacked the plaintiff, causing permanent scarring and psychological trauma. The defendant stipulated liability but contested the plaintiff's damages.**

On February 26, 2020, the plaintiff was on the premises of 7 Aberdeen Road in Scotch Plains, New Jersey. The defendant owned a dog that resided on the premises. The plaintiff asserted that the defendant knew, or should have known, of the dangerous propensities of the dog and failed to take adequate precautions and failed to secure the dog. The dog attacked and bit the plaintiff, resulting in permanent physical and psychological injuries to the minor plaintiff.

As a result of the incident, the plaintiff sustained bite wounds to the head and upper back. The plaintiff has permanent scarring on the scalp and some sensitivity in the area of the scarring. The plaintiff claimed an ongoing fear of dogs due to the incident. The defendant argued that the plaintiff had no permanent injury or scarring that was visible.

The parties submitted to non-binding arbitration prior to trial. The arbitrator assigned 100% liability to the defendant with damages of \$25,000. Following arbitration and prior to trial, the parties settled for \$40,000. After reduction for \$9,556 in attorney fees and \$1,776 in medical expenses, the plaintiff recovered \$27,034 in net damages.

#### REFERENCE

Ribeiro vs. Styczen. Docket no. L-001700-20; Judge John G. Hudak, 05-25-23.

**Attorney for plaintiff: Brent Bramnick of Bramnick, Rodriguez, Grabas, Arnold & Mangan, LLC in Scotch Plains, NJ. Attorney for defendant: Sarah K. Delahant of Methfessel & Werbel in Edison, NJ.**

## LANDLORD NEGLIGENCE

### \$20,000 VERDICT

**Landlord negligence – Fall down – Plaintiff tenant trips and falls on uneven ground in parking garage attached to defendant apartment building – Fracture of left fifth metatarsal.**

#### Essex County, NJ

**In this action, the plaintiff tenant tripped and fell on uneven ground in the parking garage attached to the defendant apartment building, causing her to become injured. The defendants generally denied all allegations of negligence.**

On July 13, 2019, the plaintiff was walking to her vehicle inside the parking garage attached to the apartment building in which she was a tenant. On this day, the apartment building and attached garage were owned, operated, and maintained by the defendant landlord company. While the plaintiff was walking to her vehicle, she encountered a divot, hole, or otherwise uneven section of the ground. The plaintiff then tripped over the uneven ground and fell.

The plaintiff maintained that the defendants were negligent in failing to maintain safe and adequate conditions on the premises, failing to repair uneven

ground in the parking garage, failing to fill in a hole or otherwise repair a low point in the concrete in the garage, failing to provide adequate lighting in the garage, failing to erect signs or otherwise warn of uneven ground, failing to cordon off a dangerous area, failing to prevent hazardous or unsafe conditions on the premises, and failing to regard for the health and safety of building tenants, including the plaintiff. Consequently, the plaintiff sustained injuries, including a fracture of the left fifth metatarsal.

The jury found in favor of the plaintiff and awarded \$20,000.

#### REFERENCE

Thornhill Ann vs. Murnick Property Gro Up, LLC. Docket no. L001096-20; Judge Keith E. Lynott, 04-29-23.

**Attorney for plaintiff: Brent Bramnick of Bramnick, Rodriguez, Grabas, Arnold & Mangal, LLC in Scotch Plains, NJ.**

## MOTOR VEHICLE NEGLIGENCE

### Auto/Pedestrian Collision

### \$72,500 VERDICT

**Motor vehicle negligence – Auto/pedestrian collision – Plaintiff pedestrian struck by defendant's vehicle while crossing street – Right knee stress fracture – Right fibula fracture – Lumbar disc herniation – Lumbar disc bulge.**

#### Union County, NJ

**In this motor vehicle negligence action, the plaintiff pedestrian was struck by the defendant's vehicle while crossing the street, causing her to become injured. The defendant generally denied negligence.**

On February 4, 2019, the plaintiff was a lawful pedestrian walking on Main Street, near its intersection with Elizabeth Avenue in Rahway, New Jersey. At this time, the plaintiff was attempting to cross Main Street at the subject intersection. At the same time, the defendant's vehicle was traveling on Main Street, toward the same intersection. As the plaintiff was crossing the street in the crosswalk, she was struck by the defendant's vehicle proceeding through the intersection.

The plaintiff maintained that the defendant was negligent in failing to keep a proper lookout, failing to exercise due care, failing to obey a crosswalk, failing to yield to pedestrians, failing to observe the plaintiff pedestrian, failing to obey traffic signals, failing to remain adequately attentive, failing to keep the vehicle under proper and adequate control, failing to operate the vehicle at a reasonable rate of speed, failing to slow or stop, and failing to avoid striking the

### ■ **\$30,000 VERDICT**

**Motor vehicle negligence – Auto/pedestrian collision – Plaintiff pedestrian traversing parking lot struck by defendant's vehicle pulling out of parking space – Cervical disc herniation – Thoracic disc herniation – Lumbar disc herniation – Lumbar disc bulge.**

#### **Union County, NJ**

**In this motor vehicle negligence action, the plaintiff pedestrian was struck by the defendant pulling out of a parking space, causing him to become injured. The defendant generally denied all allegations of negligence.**

On May 30, 2019, the plaintiff was a lawful pedestrian traversing a parking lot located at 190 Elmora Avenue in Elizabeth, New Jersey. At this time, the defendant's vehicle was parked in the same parking lot, and the defendant was preparing to pull out of a parking space and exit the lot. As the defendant began to pull out of his parking space, the plaintiff pedestrian attempted to walk behind the defendant's vehicle. As the defendant's vehicle was backing out, it struck the plaintiff pedestrian.

plaintiff pedestrian. Consequently, the plaintiff sustained injuries, including a right knee stress fracture, a right fibula fracture, a lumbar disc herniation, and a lumbar disc bulge. The defendant denied all allegations of negligence, maintaining that he had a green light in his favor and could not stop in time to avoid striking the plaintiff.

The jury found in favor of the plaintiff and awarded \$72,500.

#### **REFERENCE**

Holman Paige vs. Coyle James. Docket no. L000197-21; Judge Mark P. Ciarrocca, 07-29-23.

**Attorney for plaintiff: Herbert F. Lawrence of Law Offices of Herbert F. Lawrence, LLC in Elizabeth, NJ.**  
**Attorney for defendant: Matthew Dorsi of DiFrancesco Bateman Coley Yospin Kunzman Davis & Lehrer, PC in Warren, NJ.**

The plaintiff maintained that the defendant was negligent in failing to keep a proper lookout, failing to exercise due care, failing to observe the plaintiff pedestrian, failing to yield to pedestrians, failing to wait for clearance before backing out of a parking space, failing to observe traffic conditions in the parking lot, failing to apply the brakes in a timely manner, failing to slow or stop, and failing to avoid striking the plaintiff pedestrian. Consequently, the plaintiff sustained injuries, including cervical disc herniation, thoracic disc herniation, lumbar disc herniation, and lumbar disc bulge.

The jury found in favor of the plaintiff and awarded \$30,000.

#### **REFERENCE**

Nunes Manuel vs. Bravo Raul. Docket no. L003816-20; Judge Mark P. Ciarrocca, 09-30-23.

**Attorney for plaintiff: Salvatore Imbornone of McHugh & Imbornone, PA in Florham Park, NJ.**

## **Head-on Collision**

### ■ **\$65,000 VERDICT**

**Motor vehicle negligence – Head-on collision – Plaintiff's vehicle struck head-on by defendant's vehicle making turn in parking lot – Cervical disc herniations – Lumbar disc herniation with annular tear – Lumbar disc bulge with nerve root compression and impingement of thecal sac.**

#### **Passaic County, NJ**

**In this motor vehicle negligence action, the plaintiff's vehicle was struck head-on by the defendant's vehicle, which turned into the**

**plaintiff's lane in a parking lot, causing the plaintiff to sustain serious injuries. The defendant generally denied all allegations of negligence.**

On December 30, 2019, the plaintiff's vehicle was traveling in the parking lot of 81 Willowbrook Boulevard in Wayne, New Jersey. At this time, the plaintiff's vehicle was traveling down an aisle of parking spots toward the entrance/exit of the lot. At the same time, the defendant's vehicle was attempting to make a left turn into the same aisle that the plaintiff's vehicle was exiting. The defendant's vehicle turned abruptly

and into the plaintiff's travel lane, causing the plaintiff's vehicle and the defendant's vehicle to collide head-on.

The plaintiff maintained that the defendant was negligent in failing to keep a proper lookout, failing to exercise due care, failing to wait for clearance before making a left turn, failing to yield, failing to remain in the correct lane, failing to remain adequately attentive, failing to observe the plaintiff's vehicle, failing to operate the vehicle at a reasonable rate of speed, failing to apply the brakes in a timely manner, failing to slow or stop, and failing to avoid striking the plaintiff's vehicle. Consequently, the plaintiff sustained inju-

ries, including cervical disc herniations, lumbar disc herniation with annular tear, and lumbar disc bulge with nerve root compression and impingement of thecal sac.

The jury found in favor of the plaintiff and awarded \$65,000.

#### REFERENCE

Schwerin vs. Villalobos. Docket no. L000036-21; Judge Darren J. Delsardo, 08-09-23.

**Attorney for plaintiff: Paul A. Garfield of Davis, Saperstein & Salomon, P.C. in Teaneck, NJ. Attorney for defendant: Christopher T. Hughes of Allstate.**

## Intersection Collision

### \$70,222 RECOVERY

**Motor vehicle negligence – Intersection collision – Defendant ride-share driver runs stop sign and collides with minor plaintiff's vehicle while in course of employment with co-defendant owner of vehicle – 3 centimeter facial laceration with permanent scarring and emotional damages – Pain management; suturing and plastic surgery consultation.**

#### Monmouth County, NJ

**In this motor vehicle negligence case, the minor plaintiff, a 10-year-old girl, asserted that the defendant driver was operating a vehicle in the course of his employment and struck the vehicle in which the plaintiff was a passenger with such force that it caused significant injury. The defendant stipulated liability and ultimately settled for the policy limit of their insurance coverage.**

On September 29, 2020, the plaintiff was a passenger in a vehicle operated by her mother, traveling southbound on South Street in Freehold, New Jersey. The defendant driver was operating a vehicle traveling on Institute Street approaching the intersection with South Street. The plaintiff contended that the defendant negligently failed to stop at a stop sign and entered the intersection without the right-of-way, striking the vehicle in which the plaintiff was a passenger

force enough to push it out of the intersection and into the yard of an adjacent residence. The plaintiff maintained that the impact resulted in serious injury to the minor plaintiff.

As a result of the collision, the minor plaintiff sustained a 3 centimeter laceration above her right eyebrow. She was treated with eight sutures, pain management, and one visit to a plastic surgery center. The plaintiff claimed permanent scarring and self-consciousness due to the laceration acquired as a result of the subject accident.

The parties settled the matter prior to trial in the amount of \$70,222 broken down as follows: \$16,827 in attorney fees; \$2,913 in costs and disbursements; \$1,550 in medical expenses and \$48,932 in net damages to the minor plaintiff.

#### REFERENCE

Sanchez vs. Colas, et al. Docket no. L-003772-21; Judge David F. Bauman, 04-24-23.

**Attorney for plaintiff: Scott M. McPherson of Escandon, Fericola, Anderson, Covelli & McPherson in Allenhurst, NJ. Attorney for defendant: James J. Law of Dengler & Lipski.**

### \$50,000 VERDICT

**Motor vehicle negligence – Intersection collision – Plaintiff's vehicle struck in passenger side by defendant who fails to stop at stop sign – Cervical disc herniations – Cervical disc bulge – Lumbar disc herniations.**

#### Hudson County, NJ

**In this motor vehicle negligence action, the plaintiff's vehicle was struck in its passenger side by the defendant's vehicle after the defendant**

**ignored a stop sign causing the plaintiff driver to sustain injuries. The defendant generally denied all allegations of negligence.**

On February 20, 2019, the plaintiff's vehicle was traveling northbound on Oakland Avenue, at or near its intersection with Jefferson Avenue in Jersey City, New Jersey. At this time, the plaintiff was attempting to proceed straight through the aforementioned intersection, which was controlled by a 4-way stop sign. At the same time, the defendant's vehicle was traveling westbound on Jefferson Avenue, toward the same intersection. After stopping at the stop sign, the

plaintiff's vehicle began to proceed through the intersection. At the time of the incident, the defendant, ignoring his own designated stop sign, also proceeded into the intersection, causing a broadside collision with the plaintiff's vehicle.

The plaintiff maintained that the defendant was negligent in failing to keep a proper lookout, failing to exercise due care, failing to obey a stop sign, failing to obey traffic signals, failing to obey traffic conditions, failing to observe the plaintiff's vehicle, failing to yield the right-of-way, failing to remain adequately attentive, failing to operate the vehicle at a reasonable rate of speed, failing to apply the brakes in a timely manner, failing to slow or stop, and failing to avoid

striking the plaintiff's vehicle. Consequently, the plaintiff sustained injuries, including right shoulder pain indicating cervical radiculopathy, cervical disc herniations, cervical disc bulge, and lumbar disc herniations.

The jury found in favor of the plaintiff and awarded \$50,000.

#### REFERENCE

Nocera Adeline vs. Norman Sean. Docket no. L001773-20; Judge Veronica Allende, 05-09-23.

**Attorney for plaintiff: Jerry Maroules of Agrapidis & Maroules, P.C. in Hasbrouck Heights, NJ.**

### **\$20,000 VERDICT**

**Motor vehicle negligence – Intersection collision – Plaintiff's vehicle struck broadside in intersection by defendant's vehicle after defendant disregards stop sign – Lumbar disc bulges – Bilateral knee pain.**

#### **Hudson County, NJ**

**In this motor vehicle negligence action, the plaintiff's vehicle was struck broadside in an intersection by the defendant's vehicle, after the defendant disregarded a stop sign causing the plaintiff to sustain injuries. The defendant generally denied all allegations of negligence.**

On July 13, 2018, the plaintiff's vehicle was traveling northbound on Jersey Avenue, at or near its intersection with 7th Street in Jersey Avenue, New Jersey. At this time, the plaintiff's vehicle had stopped at the designated stop sign at the intersection and was preparing to proceed forward. At the same time, the defendant's vehicle was traveling eastbound on 7th Street, toward the same intersection. As the plaintiff's vehicle entered the intersection, the defendant's ve-

hicle also entered the intersection, without stopping at the designated stop sign, resulting in a broadside collision with the plaintiff's vehicle.

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

The jury found in favor of the plaintiff and awarded \$20,000.

#### REFERENCE

Hassan Abdelrahm vs. Duddyala Chenna. Docket no. L002442-20; Judge Kimberly Espinales-Maloney, 06-15-23.

**Attorney for plaintiff: Adam Springer of Krivitzky Springer in Jersey City, NJ. Attorney for defendant: Benedict Vallerie of Liberty Mutual.**

### **\$7,500 RECOVERY**

**Motor vehicle negligence – Intersection collision – Minor plaintiff passengers, ages 3 years and 15 months, injured when vehicle struck by defendant driver who failed to stop at stop sign – Minor plaintiffs treated and released from emergency room and 3-year-old plaintiff has one follow-up visit with pediatrician.**

#### **Somerset County, NJ**

**In this motor vehicle negligence case, the plaintiffs, a minor boy and girl, asserted that the defendant driver struck their vehicle in an intersection with such force that it caused them injury. The defendant denied negligence, arguing that she was confronted by a sudden emergency and/or unavoidable accident, and acted reasonably under the circumstances.**

On August 31, 2019, the plaintiffs were the two minor children in a vehicle, operated by their father, traveling west on Burnt Mills Road in Bedminster. As the plaintiffs were proceeding through the intersection of Cowperthwaite Road and Burnt Mills Road, the defendant disregarded the stop sign on Cowperthwaite Road, continuing through the intersection without stopping, and striking the driver's side of the plaintiffs' vehicle at high rate of speed, causing it to go off the road and into the front lawn of 635 Burnt Mills Road. The minor female plaintiff was restrained in a front-facing car seat in the rear passenger side of the vehicle. The minor male plaintiff was restrained in a rear-facing car seat in the rear driver side of the vehicle. The plaintiff contended that the defendant negligently failed to obey traffic signals and entered the intersection without the right-of-way, while speeding, causing a collision with the plaintiffs' vehicle. The plaintiffs alleged that the force of the impact resulted in injuries and treatment required by the minor plaintiffs.

As a result of the collision, the 3-year-old female plaintiff sustained lower back pain and fear of returning to her car seat. She was treated and released from the emergency room but continued to complain of back pain and was seen for follow-up by her pediatrician. The 15-month-old male plaintiff was evaluated at the emergency room and released. The defendant asserted that there were no injuries as a result of the subject collision. The parties settled the matter prior to trial in the amount of \$7,500 total to

both minor plaintiffs divided evenly with each receiving an equal share of \$3,750. The plaintiffs' attorney's fees and costs were waived and the plaintiffs received net damages of \$3,750 each.

#### REFERENCE

Wertheim vs. Mazariegos. Docket no. L -001138-21; Judge Robert A. Ballard, 05-05-23.

**Attorney for plaintiff: John E. Bruder of Law Offices of John E. Bruder Bound Brook in Bound Brook, NJ.**

## Left Turn Collision

### \$200,000 VERDICT

**Motor vehicle negligence – Left turn collision – Plaintiff's vehicle struck by defendant's vehicle turning left at stop sign – Cervical disc herniations – Lumbar disc herniations with radiculopathy – Right shoulder rotator cuff tear – Right knee meniscus tear.**

#### Union County, NJ

**In this motor vehicle negligence action, the plaintiff's vehicle was struck in the front drivers' side by the defendant's vehicle turning left in an intersection, causing the plaintiff to become injured. The defendant generally denied all allegations of negligence.**

On June 23, 2021, the plaintiff's vehicle was traveling westbound on Morris Avenue, near its intersection with Creger Avenue in Union, New Jersey. At this time, the defendant's vehicle was traveling southbound on Creger Avenue, toward the same intersection, which was controlled by a 4-way stop sign. At the time of the incident, the plaintiff had stopped at her designated stop sign and began to proceed straight through the intersection. As the plaintiff was proceeding forward, the defendant's vehicle began to make

a left turn onto Morris Avenue without stopping. The defendant's vehicle then struck the plaintiff's vehicle in the front drivers' side.

The plaintiff maintained that the defendant was negligent in failing to keep a proper lookout, failing to exercise due care, failing to obey a stop sign, failing to wait for clearance before making a left turn, failing to obey traffic conditions, failing to observe the plaintiff's vehicle, failing to remain adequately attentive, failing to operate the vehicle at a reasonable rate of speed, failing to apply the brakes in a timely manner, failing to slow or stop, and failing to avoid striking the plaintiff's vehicle. Consequently, the plaintiff sustained injuries, including cervical disc herniations, lumbar disc herniations with radiculopathy, right shoulder rotator cuff tear, and right knee meniscus tear.

The jury found in favor of the plaintiff and awarded \$200,000.

#### REFERENCE

Nunez Annette vs. Biggerman Karen. Docket no. L003761-21; Judge Mark P. Ciarrocca, 07-22-23.

**Attorney for plaintiff: Salvatore Imbornone of McHugh & Imbornone, PA in Florham Park, NJ.**

### \$75,000 VERDICT

**Motor vehicle negligence – Left turn collision – Defendant driver makes improper left turn at intersection, causing collision – Lumbar disc herniation at L5-S1.**

#### Burlington County, NJ

**In this motor vehicle negligence action, the minor plaintiff was a passenger in a vehicle which made an improper left turn at an intersection in front of another vehicle. The minor plaintiff became injured as a result. The defendant driver generally denied all allegations of negligence.**

On April 14, 2019, the minor plaintiff was a restrained, front seat passenger in the defendant's vehicle, which was traveling on Bridgeboro Street, at or near its intersection with Creek Road in Delran, NJ. At this time, the vehicle was attempting to make a left turn onto Creek Road at the aforementioned intersection. At the same time, the defendant's vehicle was traveling in the opposite direction on Bridgeboro Street, toward the same intersection. At the time of the

incident, the defendant driver made a left turn onto Creek Road without stopping, causing a collision with the other vehicle.

The plaintiffs maintained that the defendant was negligent in failing to keep a proper lookout, failing to exercise due care, failing to wait for clearance before making a left turn, failing to properly and safely execute a left turn, failing to yield the right-of-way, failing to remain adequately attentive, failing to observe the other vehicle, failing to obey traffic signals, failing to apply the brakes in a timely manner, failing to slow or stop, and failing to avoid causing a collision. Consequently, the plaintiff sustained injuries, including a lumbar disc herniation at L5-S1.

The jury found in favor of the plaintiff and awarded \$75,000.

#### REFERENCE

Rucker Maya vs. Rovinsky Morgan. Docket no. L000774-21; Judge Richard L. Hertzberg, 05-30-23.

**Attorney for plaintiff: Daniel K. Snyder of Aronberg, Kouser, Snyder & Lindemann, PA in Cherry Hill, NJ.**

## Multiple Vehicle Collision

### ■ \$73,000 VERDICT

**Motor vehicle negligence – Multi-vehicle rear end collision – Plaintiff’s vehicle struck in rear by another vehicle, struck in rear by defendant’s vehicle – Left knee injury – Cervical disc herniations – Lumbar disc herniations – Lumbar disc bulges – Thoracic disc bulges – Surgery required.**

#### **Hudson County, NJ**

**In this motor vehicle negligence action, the plaintiff’s vehicle was struck in the rear by another vehicle, which was struck in the rear by the defendant’s vehicle, causing the plaintiff to sustain serious injuries. The defendant generally denied all allegations of negligence.**

On October 29, 2019, the plaintiff’s vehicle was traveling on the Garden State Parkway in Bloomfield, New Jersey. At this time, the plaintiff was stopped at a stop sign on the Exit 145 ramp on the parkway, and was waiting to merge. At the same time, the defendant’s vehicle was also approaching the subject stop sign, 2 cars behind the plaintiff’s vehicle. As the defendant’s vehicle approached, it suddenly struck another vehicle in the rear, which caused the other vehicle to be pushed forward and strike the plaintiff’s vehicle.

The plaintiff maintained that the defendant was negligent in failing to keep a proper lookout, failing to exercise due care, failing to obey a stop sign, failing to obey traffic signals, failing to obey traffic conditions, failing to maintain a safe distance from other vehicles, failing to remain adequately attentive, failing to operate the vehicle at a reasonable rate of speed, failing to apply the brakes in a timely manner, failing to slow or stop, and failing to avoid causing a collision with 2 other vehicles. Consequently, the plaintiff sustained injuries, including left knee injury which required arthroscopic surgery to repair, as well as cervical disc herniations, lumbar disc herniations, lumbar disc bulges, and thoracic disc bulges.

The jury found in favor of the plaintiff and awarded \$73,000.

#### **REFERENCE**

Rogers vs. Daccampo. Docket no. L003341-20; Judge Anthony D. Velia, 09-20-23.

**Attorney for plaintiff: Luis A. Martinez of LaBarbiera & Martinez in North Bergen, NJ.**

### ■ \$45,000 VERDICT

**Motor vehicle negligence – Multi-vehicle rear end collision – Plaintiff’s vehicle struck in rear by defendant’s vehicle, causing plaintiff to strike third vehicle – Cervical disc herniations – Lumbar disc herniations – Concussion – Bilateral knee sprain.**

#### **Union County, NJ**

**In this motor vehicle negligence action, the plaintiff’s vehicle was struck in the rear by the defendant’s vehicle, causing the plaintiff to strike a third vehicle. As a result, the plaintiff sustained multiple injuries. The defendant generally denied all allegations of negligence.**

On June 1, 2021, the plaintiff’s vehicle was traveling on Route 1 & 9 Northbound, near its intersection with Hackensack Avenue in Kearny, New Jersey. At this time, the defendant, operating a commercial vehicle, was also traveling on Route 1 & 9 Northbound, directly behind the plaintiff’s vehicle. At the time of the incident, the plaintiff’s vehicle began to slow down to accommodate heavy traffic ahead. As the plaintiff’s vehicle slowed down, it was suddenly struck in the rear by the defendant’s commercial vehicle, which pushed the plaintiff’s vehicle into the rear of a third vehicle.

The plaintiff maintained that the defendant was negligent in failing to keep a proper lookout, failing to exercise due care, failing to obey traffic conditions, failing to maintain a safe distance from other vehicles, failing to remain adequately attentive, failing to properly and safely operate a commercial vehicle, failing to observe the plaintiff’s vehicle slowing down, 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, lumbar disc herniations, concussion, and bilateral knee sprain.

The jury found in favor of the plaintiff and awarded \$45,000.

#### **REFERENCE**

El Amin Bayyinah vs. Teri Nicholas Institutional. Docket no. L003836-21; Judge Mark P. Ciarrocca, 07-29-23.

**Attorney for plaintiff: Richard M. Brockway of Bramnick Rodriguez Grabas Arnold & Mangan, LLC in Scotch Plains, NJ.**

## ■ \$27,500 VERDICT

**Motor vehicle negligence – Multi-vehicle rear end collision – Plaintiff’s vehicle struck in rear by defendant’s vehicle, causing plaintiff’s vehicle to strike third vehicle – Cerebral concussion with post-concussion syndrome – Cervical disc herniations – Dorsal myofascitis – Lumbar disc bulges.**

### **Hudson County, NJ**

**In this motor vehicle negligence action, the plaintiff’s vehicle was struck in the rear by the defendant’s vehicle, which caused the plaintiff’s vehicle to strike a third vehicle. Consequently, the plaintiff sustained injuries. The defendant generally denied all allegations of negligence.**

On May 17, 2018, the plaintiff’s vehicle was traveling northbound on Kennedy Boulevard, at or near its intersection with Spruce Street in Jersey City, New Jersey. At this time, the plaintiff’s vehicle was stopped behind another vehicle for a red traffic light at the aforementioned intersection. At the same time, the defendant’s vehicle was also traveling northbound on Kennedy Boulevard, toward the same intersection and directly behind the plaintiff’s vehicle. While the plaintiff’s vehicle was stopped, it was suddenly struck

in the rear by the defendant’s vehicle, and as a result of the impact was pushed forward into the rear of the vehicle ahead.

The plaintiff maintained that the defendant was negligent in failing to keep a proper lookout, failing to exercise due care, failing to observe the plaintiff’s vehicle, failing to obey traffic conditions, failing to obey traffic signals, failing to obey a red light, failing to remain adequately attentive, failing to maintain a safe distance from other vehicles, failing to operate the vehicle at a reasonable rate of speed, failing to apply the brakes in a timely manner, failing to slow or stop, and failing to avoid striking the plaintiff’s vehicle. The plaintiff’s injuries included cerebral concussion with post-concussion syndrome, cervical disc herniations, dorsal myofascitis, and lumbar disc bulges.

The jury found in favor of the plaintiff and awarded \$27,500.

### **REFERENCE**

Rivera Brendalee vs. Patel Beli. Docket no. L001408-20; Judge Christine M. Vanek, 05-02-23.

**Attorney for plaintiff: Ricky E. Bagolie of Bagolie-Friedman, LLC in Jersey City, NJ.**

## ■ \$24,000 VERDICT

**Motor vehicle negligence – Multi-vehicle rear end collision – Plaintiff passenger injured when host vehicle struck in rear by non-party vehicle, which was struck in rear by defendant – Cervical disc herniation – Lumbar disc herniation – Lumbar disc bulge.**

### **Union County, NJ**

**In this motor vehicle negligence action, the host vehicle was involved in a rear end chain-reaction collision, caused by the defendant’s vehicle, causing the plaintiff to become injured. The defendant generally denied all allegations of negligence.**

On July 15, 2018, the plaintiff was a passenger in the host vehicle, which was traveling southbound in heavy traffic on Ocean Avenue in Long Branch, New Jersey. At this time, the defendant’s vehicle was also traveling southbound on Ocean Avenue, two cars behind the host vehicle. At the time of the incident, traffic began to slow for an oncoming red traffic signal. As the host vehicle began to slow down, the de-

endant’s vehicle suddenly struck the car behind the host vehicle in the rear. As a result, the other vehicle was then pushed into the rear of the host 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 remain adequately attentive, failing to operate the vehicle at a reasonable rate of speed, failing to apply the brakes in a timely manner, failing to slow or stop, and failing to avoid causing a chain collision involving the host vehicle. Consequently, the plaintiff sustained injuries, including cervical disc herniation, lumbar disc herniation, and lumbar disc bulge.

The jury found in favor of the plaintiff and awarded \$24,000.

### **REFERENCE**

Ramirez Miriam vs. Shalom Melissa. Docket no. L001797-20; Judge Mark P. Ciarrocca, 08-19-23.

**Attorney for plaintiff: David Gelband, Esq. of Kirsch, Gelband & Stone in Newark, NJ. Attorney for defendant: Benjamin Oliver Stewart of Progressive.**

## Parking Lot Collision

### ■ \$45,000 VERDICT

**Motor vehicle negligence – Parking lot collision – Plaintiff’s vehicle struck by defendant’s vehicle backing out of parking space – Left shoulder partial thickness tear.**

#### **Union County, NJ**

**In this motor vehicle negligence action, the plaintiff’s vehicle was struck by the defendant’s vehicle backing out of a parking space in a parking lot, causing the plaintiff to become injured. The defendant generally denied all allegations of negligence.**

On June 26, 2019, the plaintiff’s vehicle was traveling in a parking lot located at 1011 South Avenue in Plainfield, New Jersey. At this time, the plaintiff’s vehicle was attempting to exit the parking lot. At the same time, the defendant’s vehicle was parked in the same lot, and the defendant was preparing to back out of his parking space. At the time of the incident, the plaintiff’s vehicle attempted to pass behind the defendant’s vehicle while exiting the lot. The de-

fendant began to back out of his parking space at the same time, and backed into the plaintiff’s vehicle.

The plaintiff maintained that the defendant was negligent in failing to keep a proper lookout, failing to exercise due care, failing to observe the plaintiff’s vehicle, failing to wait for clearance before backing out of a parking space, failing to yield the right-of-way, failing to remain adequately attentive, failing to observe traffic conditions, failing to apply the brakes in a timely manner, failing to slow or stop, and failing to avoid striking the plaintiff’s vehicle. Consequently, the plaintiff sustained injuries, including a left shoulder partial thickness tear.

The jury found in favor of the plaintiff and awarded \$45,000.

#### **REFERENCE**

Rose Myasia vs. Justo Avecita. Docket no. L003752-20; Judge John G. Hudak, 10-07-23.

**Attorney for plaintiff: Gregg A. Williams of Law Offices of Gregg A. Williams in East Brunswick, NJ.**

## Parking Lot Exit Collision

### ■ \$40,000 VERDICT

**Motor vehicle negligence – Parking lot exit collision – Plaintiff’s vehicle struck by defendant’s vehicle turning left out of parking lot – Cervical disc herniations – Cervical disc bulges – Lumbar disc bulges.**

#### **Union County, NJ**

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

On August 24, 2018, the plaintiff’s vehicle was traveling eastbound on Springfield Road in Springfield, New Jersey. At this time, the defendant’s vehicle was attempting to exit a parking lot adjacent to Springfield Road. As the plaintiff’s vehicle was traveling, the defendant’s vehicle made a sudden left turn out of the subject parking lot and into traffic on Springfield Road, directly in front of the plaintiff’s vehicle. A collision occurred as a result.

The plaintiff maintained that the defendant was negligent in failing to keep a proper lookout, failing to exercise due care, failing to wait for clearance before making a left turn, failing to obey traffic conditions, failing to remain adequately attentive, failing to yield the right of way, failing to safely and properly execute a left turn, failing to operate the vehicle at a reasonable rate of speed, failing to apply the brakes in a timely manner, failing to slow or stop, and failing to avoid striking the plaintiff’s vehicle. Consequently, the plaintiff sustained injuries, including cervical disc herniations, cervical disc bulges, and lumbar disc bulges.

The parties entered into a settlement for \$40,000.

#### **REFERENCE**

Remolina Paria vs. Mcclinton Samantha. Docket no. L004302-19; 08-30-23.

**Attorney for plaintiff: John G. Hudak of Law Office of Michael D. Drivas, LLC in Springfield, NJ.**

## Rear End Collision

### ■ \$120,000 VERDICT

**Motor vehicle negligence – Rear end collision – Plaintiff’s vehicle struck in rear by defendant’s vehicle on exit ramp – Neck injury – Back injury – Shoulder injury – Knee injury – Bilateral TMJ – Surgery required.**

#### **Hudson County, NJ**

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

On November 14, 2019, the plaintiff’s vehicle was traveling eastbound on Ramp 0 from Route 3 to Patterson Plank Road in Secaucus, New Jersey. At the same time, the defendant’s vehicle was also traveling eastbound on Ramp 0 to Patterson Plank Road, directly behind the plaintiff’s vehicle. While the plaintiff’s vehicle was waiting to merge onto Patterson Plank road, 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 observe the plaintiff’s vehicle, failing to remain adequately attentive, failing to maintain a safe distance from other vehicles, failing to obey traffic conditions, failing to operate the vehicle at a reasonable rate of speed, failing to apply the brakes in a timely manner, failing to slow or stop, and failing to avoid striking the plaintiff’s vehicle. Consequently, the plaintiff sustained injuries, including neck injury, back injury, shoulder injury, knee injury, and bilateral TMJ. The plaintiff was required to undergo arthroscopic surgery on both his left knee and his right shoulder.

The jury found in favor of the plaintiff and awarded \$120,000.

#### **REFERENCE**

Espinoza vs. Reyes. Docket no. L002256-20; Judge Kimberly Espinales-Maloney, 04-21-23.

**Attorney for plaintiff: Athan Mergus of Law Offices of Athan M. Mergus, PA in Ridgefield, NJ.**

### ■ \$85,000 VERDICT

**Motor vehicle negligence – Rear end collision – Plaintiff’s vehicle struck in rear by defendant’s vehicle at intersection – Cervical and thoracic disc bulges – Bilateral TMJ – Whiplash.**

#### **Bergen County, NJ**

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

On October 4, 2018, the plaintiff’s vehicle was traveling eastbound on Midland Avenue, toward its intersection with Willard Road in Paramus, New Jersey. At this time, the plaintiff’s vehicle was slowing down to turn right onto Willard Road from Midland Avenue. At the same time, the defendant’s vehicle was also traveling eastbound on Midland Avenue, directly behind the plaintiff’s vehicle. When the plaintiff slowed down to turn, her vehicle was suddenly struck in the rear by the defendant’s vehicle.

The plaintiff maintained that the defendant was negligent in failing to keep a proper lookout, failing to exercise due care, failing to remain adequately attentive, failing to maintain a safe distance from other vehicles, failing to observe traffic conditions, failing to 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 and thoracic disc bulges, bilateral TMJ, and whiplash.

The jury found in favor of the plaintiff and awarded \$85,000.

#### **REFERENCE**

Kerin vs. Herget. Docket no. L004964-20; Judge Peter G. Geiger, 05-16-23.

**Attorney for plaintiff: Philip M. Granite of The Grossman Law Firm, LLC in Freehold, NJ.**

### ■ \$67,039 VERDICT

**Motor vehicle negligence – Rear end collision – Plaintiff’s vehicle struck in rear by defendant’s vehicle as plaintiff prepares to stop at intersection – Cervical disc herniations – Lumbar disc herniations – Cervical disc bulge – Lumbar disc bulge.**

#### **Passaic 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 prepared to stop at an intersection, causing the plaintiff to become injured. The defendant generally denied negligence.**

On May 24, 2019, the plaintiff's vehicle was traveling on Route 21, at or near its intersection with Crooks Avenue, in Clifton, New Jersey. At the same time, the defendant's vehicle was also traveling on Route 21, directly behind the plaintiff's vehicle. At the time of the incident, the plaintiff's vehicle slowed down in preparation to stop at the subject intersection. As the plaintiff's vehicle slowed to a stop, 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 remain adequately attentive, failing to obey traffic signals, failing to observe the plaintiff's vehicle slowing down, failing to

obey traffic conditions, 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, lumbar disc herniations, cervical disc bulge, and lumbar disc bulge.

The jury found in favor of the plaintiff and awarded \$67,039.

#### REFERENCE

Cordova Grace vs. Davies Eleanor. Docket no. L001464-21; Judge Thomas J. Laconte, 10-20-23.

**Attorney for plaintiff: Dennis G. Polizzi of Pitts & Polizzi, LLP in Clifton, NJ. Attorney for defendant: Jason B. Levoy of Liberty Mutual.**

### ■ \$35,000 VERDICT

**Motor vehicle negligence – Rear end collision – Plaintiff's vehicle struck in rear by defendant's vehicle while slowing for heavy traffic – Cervical disc herniations – Lumbar disc herniations – Lumbar disc bulge.**

#### Hudson County, NJ

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

On August 10, 2018, the plaintiff's vehicle was traveling southbound on Kearny Avenue in Jersey City, New Jersey. At the same time, the defendant's vehicle was also traveling southbound on Kearny Avenue, directly behind the plaintiff's vehicle. At the time of the incident, the plaintiff noticed heavy traffic ahead, and significantly slowed down. While the plaintiff's vehicle was braking, 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 observe traffic conditions, failing to observe the plaintiff's vehicle slowing down, failing to remain adequately attentive, failing to maintain a safe distance from other vehicles, failing to operate the vehicle at a reasonable rate of speed, failing to apply the brakes in a timely manner, failing to slow or stop, and failing to avoid striking the plaintiff's vehicle. Consequently, the plaintiff sustained injuries, including cervical disc herniations, lumbar disc herniations, and lumbar disc bulge.

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

#### REFERENCE

Cordeiro Rochelle vs. Kwasek Aloysius. Docket no. L002772-20; Judge Veronica Allende, 05-19-23.

**Attorney for plaintiff: Ronald A. Dario, Esq. of Dario, Albert, Metz, Eyerman, Canda, Concannon, Ortiz & Krouse in Hackensack, NJ. Attorney for defendant: Betsy Ramos of Capehart & Scatchard, P.A. in Mt Laurel, NJ.**

### ■ \$22,500 GROSS RECOVERY

**Motor vehicle negligence – Rear end collision – Minor plaintiff passenger in vehicle struck from rear by defendant driver – L4-L5 posterior disc bulge, L5-S1 central disc herniation with annular fissure superimposed on posterior bulge and L4 hemangioma of left side – Chiropractic treatment.**

#### Camden County, NJ

**In this motor vehicle negligence case, the plaintiff, a 14-year-old boy, asserted that the defendant driver struck the rear of his vehicle with such force that it caused significant, permanent injury. The defendant conceded liability and settled the matter with the plaintiff.**

On December 4, 2021, the plaintiff was the passenger in a vehicle driven by his mother traveling west on Route 3 in Clifton. The defendant was traveling behind the plaintiff's vehicle. The plaintiff contended that the defendant negligently operated his vehicle in such a careless, reckless manner and in violation of traffic laws that he struck the rear of the vehicle in which the plaintiff's was a passenger. The plaintiff alleged that the force of the impact resulted in permanent injuries.

As a result of the collision, the minor plaintiff sustained: L4-L5 posterior disc bulge, L5-S1 central disc herniation with annular fissure superimposed upon posterior bulge and L4 hemangioma of the left side. The plaintiff treated with chiropractic care and his

treating physician stated that his complaints were primarily resolved with minor residual complaints and no need for future medical treatment.

The parties settled the matter prior to trial in the amount of \$22,500 broken down as follows: \$5,625 in attorney fees; \$2,500 in medical expenses and \$14,375 in net damages to the minor plaintiff.

### ■ **\$12,500 VERDICT**

**Motor vehicle negligence – Rear end collision – Plaintiff’s vehicle struck in rear by defendant’s vehicle while slowing for traffic – Cervical disc bulges.**

#### **Passaic County, NJ**

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

On December 17, 2018, the plaintiff’s vehicle was traveling westbound on Market Street in Paterson, New Jersey. At this time, the defendant’s vehicle was also traveling westbound on Market Street, directly behind the plaintiff’s vehicle. At the time of the incident, the plaintiff noticed heavy traffic ahead, and began to slow her vehicle. As the plaintiff’s vehicle slowed to accommodate traffic, it was suddenly struck in the rear by the defendant’s vehicle.

### **REFERENCE**

Cepeda vs. Winters. Docket no. L -001576-23; Judge Michael J. Kessel, 07-11-23.

**Attorney for plaintiff: Gerard A. Nisivoccia of Law Office of Gerard A. Nisivoccia, Esq., LLC in Paterson, NJ.**

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

The jury found in favor of the plaintiff and awarded \$12,500.

### **REFERENCE**

Gonzalez Nicole vs. Hull Chinue. Docket no. L003575-20; Judge Bruno Mongiardo, 07-31-23.

**Attorney for plaintiff: Joseph E. Collini of Emolo & Collini in Paterson, NJ. Attorney for defendant: Kelly Patricia Corrubia of Hall Booth Smith, P.C. in Saddle Brook, NJ.**

## **MUNICIPAL LIABILITY**

### ■ **\$125,000 RECOVERY**

**Municipal liability – Failure of street sweeper to obey stop sign – Intersection collision – Lumbar herniation – Surgery – No income claims.**

#### **Hudson County, NJ**

**This case involved the front seat passenger in the case that was addressed in volume 43 issue 12 (Cueto vs. Jersey City). In this case, the plaintiff, approximately age 30, contended that he sustained a lumbar herniation after being struck broadside by a city street sweeper which failed to obey a stop sign.**

The plaintiff maintained that although he underwent extensive conservative care, including physical therapy, he ultimately required surgery. The plaintiff as-

serted that the surgery was only minimally effective and that he will suffer radiating pain and weakness for the remainder of his life.

The plaintiff made no income claims.

The case settled prior to trial for \$125,000.

### **REFERENCE**

**Plaintiff’s orthopedic surgeon expert: David Basch, M.D. from Sparta, NJ.**

Padilla vs. Moore and City of Jersey City. 02-15-23.

**Attorney for plaintiff: Christopher L. Musmanno of Einhorn Barbarito Frost & Botwinick in Denville, NJ.**

## PREMISES LIABILITY

### Fall Down

#### ■ \$225,000 VERDICT

**Premises liability – Fall down – Plaintiff slips on oil in parking lot at defendant convenience store and falls – Right knee meniscus tear – Surgery required.**

#### **Somerset County, NJ**

**In this premises liability action, the plaintiff slipped on a puddle of oil in the parking lot at the defendant convenience store and fell, causing her to become injured. The defendants generally denied all allegations of negligence.**

On April 7, 2021, the plaintiff was a lawful visitor and business invitee at the defendant convenience store, which was located on the premises of 461 West Union Avenue in Bound Brook, New Jersey. At this time, the plaintiff was leaving the convenience store and was walking back to her car in the parking lot, which was poorly lit. While walking back to her car, the plaintiff encountered a puddle of oil in the parking lot, which she could not see due to the poorly lit condition of the area. The plaintiff then slipped on the oil and fell, causing her to become injured.

The plaintiff maintained that the defendants were negligent in failing to maintain safe and adequate conditions on the premises, failing to remove oil from

the parking lot, failing to prevent hazardous or unsafe conditions, failing to warn of a slipping hazard, failing to prevent a slipping hazard, failing to cordon off or place signs around the hazardous area, failing to properly clean the premises, failing to hire adequate maintenance staff, and failing to regard for the health and safety of visitors and business invitees on the premises including the plaintiff. Consequently, the plaintiff sustained injuries, including a right knee meniscus tear which required surgery to repair.

The jury found in favor of the plaintiff and awarded \$225,000.

#### **REFERENCE**

Rosario Ludimer vs. Thul Bound Brook, LLC. Docket no. L001639-21; Judge Kevin M. Shanahan, 09-22-23.

**Attorney for plaintiff: Patrick G. Patel of Law Offices of Patrick G. Patel in Jersey City, NJ. Attorney for defendant: James A. Kassis of Schenck, Price, Smith & King, LLP in Florham Park, 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

#### **\$40,000,000 VERDICT – MEDICAL MALPRACTICE – OB/GYN – HOSPITAL STAFF FAILS TO PROMPTLY ACKNOWLEDGE AND TREAT PLAINTIFF’S PLACENTAL ABRUPTION RESULTING IN DELAY IN PERFORMING C-SECTION – MILD CEREBRAL PALSY – SEIZURE DISORDER.**

##### **Coles County, IL**

This medical malpractice action, which was in the court system for 15 years, was brought by the plaintiffs to recover for injuries they alleged the now adult plaintiff sustained at birth. The plaintiffs argued that the plaintiff mother sustained a placental abruption during labor which the defendants failed to diagnose and treat that caused the fetus to be deprived of oxygen resulting in injury. The defendant hospital denied all allegations of negligence and denied that the plaintiff was injured to the extent alleged by the plaintiffs.

The plaintiffs maintained that the defendant hospital failed to accurately assess and communicate with physicians regarding the plaintiff’s condition upon admission causing an emergency C-section delivery to be delayed, which resulted in oxygen deprivation to the fetus causing a seizure disorder, mild cerebral palsy, and speech and developmental delays.

The infant plaintiff has undergone intensive physical, occupational, and speech therapy but still experiences memory deficits and significant executive function disorder.

The jury found that the defendant hospital and registered nurse were liable for the plaintiff’s injuries. The jury awarded the plaintiff \$20,000,000 for future disability, \$5,000,000 for past disability, \$5,500,000 in emotional distress, \$5,500,000 in pain and suffering along with \$4,000,000 in lost earnings for a total of \$40,000,000.

##### **REFERENCE**

Jaime Campbell Individually and as png of Kiera Campbell vs. Sarah Bush Lincoln Health Center, Allison Allen, Sheryl Artman, Michael Benson, D.O. and Rick Miller, D.O. Case no. 2008L50; Judge Mark E. Bovard, 03-06-23.

**Attorney for plaintiff: Miranda L. Soucie of Spiros Law in Kankakee, IL. Attorney for defendant: John Watson in IL.**

#### **\$19,000,000 VERDICT – MEDICAL MALPRACTICE – NURSING HOME NEGLIGENCE – PLAINTIFF’S DECEDENT SUFFERS FALL IN DEFENDANT’S FACILITY THAT RESULTS IN HIP FRACTURE REQUIRING SURGERY AND CAUSING DECLINE IN HEALTH RESULTING IN DEATH – WRONGFUL DEATH OF 70-YEAR-OLD FEMALE.**

##### **Delaware County, PA**

In this action for medical malpractice, the estate of the decedent maintained that the defendants provided substandard long-term medical care to their decedent allowing her to suffer a fall that caused injuries that led to a decline in health and eventual death. The defendants denied all allegations of negligence.

On December 12, 2018, the plaintiff’s decedent suffered a fall and sustained a hip fracture requiring surgical repair. The December 12th fall was the eighth documented fall since her admission. After hospitalization for the hip fracture, the plaintiff was readmit-

ted to the defendant facility on December 17th. The decedent developed deep tissue injuries and pressure ulcers on her buttocks and coccyx. In July of 2019, the decedent was taken to the E.R. for lethargy, disorientation and left-sided facial droop. She had a fever and was diagnosed with severe malnutrition and dehydration. She had suffered weight loss of over 50 pounds since her admission to the defendant facility. She died on August 5, 2019; an autopsy concluded that her cause of death was hydromorphone intoxication contributed to by an infected Stage IV sacral wound, osteomyelitis, and sepsis.

The jury found that each of the 4 defendants was negligent and each of the defendants was a factual cause of the harm and death to the decedent. The jury apportioned the liability among the defendants as 15% against BM SNF, 60% against Vita, 20% against BM Nursing and Rehab and 5% against Imperial. The jury awarded \$4 million in compensatory damages \$2 million under the Survival Act and \$2 million under the Wrongful Death Act. They found that the conduct of each of the 4 defendants was willful or wanton or exhibited reckless indifference to the rights of the decedent. They awarded punitive damages against the defendants as follows \$5 million

against BM SNF, \$6.5 million against Vita, \$2 million against BM Nursing and Rehab and \$1.5 million against Imperial for a total of \$19,000,000.

#### REFERENCE

Bevin Newlin and Stacey Loehrs Co-Administrators of the Estate of Patricia O'Donnell vs. Vita Healthcare Group, Brinton Manor Center SNF, LLC, Brinton Manor Nursing and Rehabilitation Center and Imperial Healthcare Group, LLC. Case no. CV-2020-008216; Judge Kelly D. Eckel, 01-25-23.

**Attorney for plaintiff: Shanin Specter of Kline & Specter in Philadelphia, PA. Attorney for defendant: Lawrence D. Jackson of Lewis Brisbois Bisgaard & Smith, LLP in Wayne, PA.**

### **\$2,700,000 RECOVERY – MEDICAL MALPRACTICE – PRIMARY CARE – PLAINTIFF CONTENDS HUSBAND PRESENTED TO DEFENDANTS WITH SYMPTOMS OF INFECTION AND DEFENDANTS MISDIAGNOSED HIM WITH MUSCLE SPASM AND RELEASED HIM TO HOME WHERE HE DIED 2 DAYS LATER OF KIDNEY FAILURE BROUGHT ON BY INFECTION – WRONGFUL DEATH OF 46-YEAR-OLD HUSBAND AND FATHER OF 6.**

#### **Suffolk County, NY**

**In this medical malpractice and wrongful death case, the plaintiff asserted that the defendants breached the standard of care in treatment of the plaintiff's husband, a 46-year-old nursery supplies company supervisor, resulting in his death. The defendants denied negligence or deviation from standards of care and argued that the clinical chart itself demonstrated that the care and treatment rendered to the plaintiff's decedent by the defendant staff was at all times within good and accepted standards of medical care.**

The plaintiff argued that the defendants failed to perform a proper clinical examination and failed to take a proper history. They then failed to treat him for the infection and provided useless treatment for muscle spasm. The defendants failed to start immediate antibiotic therapy and hospitalize the plaintiff's decedent. The plaintiff held that the defendants negligently delayed follow up until one week later, at which time the plaintiff's decedent was dead.

The jury returned a verdict in favor of the defendants, finding that the defendant physician did not depart from good and accepted medical practice in her treatment of the decedent. Following the verdict, the plaintiff moved to set aside the verdict and that motion was granted. The defendants appealed the decision and that motion was denied. Following the court's decision, the parties settled the matter for \$2,700,000 inclusive of all legal fees.

#### REFERENCE

Estate of Yac vs. County of Suffolk, et al. Index no. 010313/2011; Judge Thomas F. Whelan, 01-11-24.

**Attorney for plaintiff: Laura Gentile of Gentile & Associates in New York. Attorney for defendant Brookhaven Memorial Hospital Medical Center: Stephen E. Rach, II of Kerley, Walsh, Matera & Cinquemani, P.C. in Seaford, NY.**

### **\$600,000 RECOVERY – MEDICAL MALPRACTICE – RADIOLOGY – PLAINTIFFS CONTEND DEFENDANT ULTRASOUND TECHNICIAN NEGLIGENTLY PERFORMED ULTRASOUND TESTING ON PLAINTIFF MOTHER THAT FAILED TO CAPTURE SIGNIFICANT BIRTH DEFECTS IN PLAINTIFF INFANT – TRISOMY 13 POLYDACTYLY; CLEFT PALATE AND OTHER SIGNIFICANT ANOMALIES – DAMAGES FOR EMOTIONAL DISTRESS.**

#### **Essex County, NJ**

**In this medical malpractice case, the plaintiff asserted that the defendant ultrasound technician performed ultrasounds in a manner that did not meet standard practices in radiology which caused the delay or failure to diagnose birth defects in the infant plaintiff. The defendant**

**denied negligence and argued that the plaintiff's defects were not present on radiological films prior to birth.**

The plaintiffs asserted that the defendant failed to report abnormal findings of cerebral fetal ventricles being dilated in one ultrasound; failed to report ventriculomegaly on another and provided an inade-

quate fetal chamber heart view and no recorded attempt to obtain left and right ventricular outflow tract views.

The plaintiff was ultimately diagnosed, after birth, with Trisomy 13 polydactyly; cleft palate; and other significant anomalies. As a result of the defendant's negligence, the plaintiff was born with severe and permanent impairment that has and will continue to deprive him of any ability to engage in a normal life.

The parties settled the matter prior to trial in the amount of \$600,000 broken down as follows: \$149,586 in attorney fees; \$415 in costs and disbursements; \$225,000 to the plaintiff parents and \$225,000 to the minor plaintiff.

## PRODUCT LIABILITY

### **\$175,000,000 VERDICT – PRODUCT LIABILITY – FAILURE TO WARN OF PRODUCT'S CANCER RISKS – PLAINTIFF DEVELOPS CANCER FROM USING DEFENDANT'S ROUNDUP PRODUCT IN GARDEN – NON-HODGKIN'S LYMPHOMA – CHEMOTHERAPY AND EMOTIONAL DISTRESS.**

#### **Philadelphia County, PA**

**The plaintiff in this products liability action maintained that he developed cancer due to exposure to the defendant's herbicide used to kill weeds around his garden. The plaintiff has suffered from various impacts of the cancer including chemotherapy and emotional distress. The defendant denied that the plaintiff's cancer is related to the defendant's product.**

The defendant Monsanto failed in its obligation to warn the plaintiff and he was exposed to the carcinogenic risks of using their product. In addition, the plaintiff sued the retail establishments where he purchased the Roundup. Following the plaintiff's diagnosis, the plaintiff suffered numerous effects attendant

#### **REFERENCE**

Jaroszewicz vs. Lo, et al. Docket no. L-005482-15; Judge Jeffrey B. Beachan, 08-30-23.

**Attorney for plaintiff: E. Drew Britcher of Britcher, Leone & Sergio, LLC in Glen Rock, NJ. Attorney for defendant: Michael J. McBride of Mattia & McBride, P.C. in Fairfield, NJ. Vincent D. Mcnamara of Law Office of Vincent D. Mcnamara in East Norwich, NY.**

to NHL including chemotherapy, as a direct and proximate result of the unreasonably dangerous and defective nature of Roundup.

The jury found in favor of the plaintiff and against the defendant in the amount of \$25,000,000 in compensatory damages and \$150,000,000 in punitive damages for a total of \$175,000,000.

#### **REFERENCE**

Ernest and Carmela Caranci vs. Monsanto Company, Bayer AG, S&H Hardware & Supply Company and Penn Hardware and Penn Hardware Two, Inc. Case no. 210602213; Judge James Crumlish, III, 10-30-23.

**Attorneys for plaintiff: James Yukevich and Thomas Borncamp of Bosworth Law in Philadelphia, PA.**

## MOTOR VEHICLE NEGLIGENCE

### **\$2,000,000 RECOVERY – MOTOR VEHICLE NEGLIGENCE – AUTO/PEDESTRIAN COLLISION – DEFENDANT DRIVER LOSES CONTROL WHILE TURNING AT INTERSECTION STRIKING MINOR PLAINTIFF SITTING ON SIDEWALK – THIGH LACERATION – CERVICAL DISC INJURIES REQUIRING FUSION PROCEDURE – PTSD.**

#### **Middlesex County, NJ**

**The plaintiffs in this vehicular negligence action maintained that the defendant driver lost control while operating her vehicle at an intersection and overcorrected causing her to enter the sidewalk and strike the minor. The minor sustained a left thigh laceration and cervical disc injuries requiring a fusion procedure. She also suffered an acute stress reaction. The defendant admitted**

**entering the sidewalk when losing control but denied striking the minor causing her to sustain serious injuries.**

The plaintiff maintained that the defendant driver operated the vehicle in a careless and reckless fashion, traveling at an excessive rate of speed, failing to keep a proper lookout and failing to make a proper turn. The plaintiff also maintained that the defendant's vehicle owner negligently entrusted the vehicle to the defendant driver.

The parties settled for \$2,000,000.

#### REFERENCE

Melanie Morales, a minor by her parent and guardian, Susana Paz vs. Ashleigh S. Drummond and Richard A. Drummond. Docket no. MIDL002513-20; Judge Joseph Rea, 07-29-22.

**Attorney for plaintiff: Michael Heck of Epstein Ostrove, LLC in Edison, NJ. Attorney for defendant: Joanna Inglessis of Law Office of Anthony P. Castellani in Marlton, NJ.**

**\$1,300,000 VERDICT – MOTOR VEHICLE NEGLIGENCE – MULTIPLE VEHICLE COLLISION – DEFENDANT SWUNG VEHICLE WIDE WHEN MAKING RIGHT TURN COLLIDING WITH PLAINTIFF’S VEHICLE, PUSHING IT INTO ANOTHER VEHICLE – RIGHT SHOULDER FULL-THICKNESS ROTATOR CUFF TEAR; LEFT SHOULDER SUPRASPINATUS TEAR AND ANTEROSUPERIOR LABRAL TEAR; DISC HERNIATIONS AT C5-C6 AND C6-C7 – LEFT KNEE SPRAIN – PHYSICAL THERAPY AND CHIROPRACTIC MANIPULATION – RIGHT SHOULDER ARTHROSCOPIC SURGERY AND NEED FOR FUTURE SURGERY ON LEFT SHOULDER.**

#### Bronx County, NY

**In this motor vehicle negligence case, the plaintiff, a 62-year-old auto body repairman, asserted that the defendant driver struck his vehicle with such force that it caused significant, permanent injuries including injuries to the right shoulder requiring surgery, disc herniations at C5-C6 and C6-C7 and left knee sprain with internal derangement. The defendant denied the allegations of the complaint and argued that a non-party parked vehicle at the corner of the location of the accident obstructed his view of the intersection, causing the collision.**

The plaintiff treated with several months of physical therapy, acupuncture, and chiropractic manipulation and ultimately underwent right shoulder arthroscopic surgery to repair of the rotator cuff. The plaintiff claimed he will need surgery on his left shoulder as well but that surgery had not yet been done.

The jury declared a verdict in favor of the plaintiff and awarded damages for past pain and suffering up to the date of the verdict in the amount of \$600,000; for future pain and suffering from the date of the verdict to be incurred in the future for 14.6 years in the amount of \$400,000; and for future medical expenses from the date of the verdict to be incurred in the future for 14.6 years in the amount of \$300,000; for a total sum of \$1,300,000.

#### REFERENCE

Lewis vs. Ganesh. Index no. 24992/2018E; Judge Fidel E. Gomez, 07-21-23.

**Attorney for plaintiff: Alexander Goldin of Goldin & Rivin, PLLC in New York, NY. Attorneys for defendant: Ronit Z. Moskovits and Claire Rush of Baker, Mcevoy, Morrissey & Moskovits, P.C. in Brooklyn, NY.**

**\$950,000 RECOVERY – MOTOR VEHICLE NEGLIGENCE – REAR END COLLISION – DEFENDANT STRIKES REAR OF PLAINTIFF’S LAWN TRACTOR TRAVELING ON ROADWAY – WRONGFUL DEATH OF 72-YEAR-OLD MALE.**

#### Allegheny County, PA

**In this action for motor vehicle negligence, the decedent’s estate maintained that the defendant failed to keep a proper lookout and struck the decedent’s lawn tractor which was traveling on the roadway returning to his residence. The impact of the collision caused fatal injuries to the plaintiff’s decedent. The defense argued that it was the actions of the decedent that caused the accident.**

On September 22, 2022, the male decedent was operating a bright yellow Cub Cadet Lawn Tractor southbound on Rockland Cranberry Road and was returning to his residence. The defendant driver was operating a cargo van southbound directly behind the decedent when he crashed into the rear of the decedent’s tractor.

The estate maintained that the defendant was negligent failing to have the vehicle under proper control, operating the vehicle at a high and excessive rate of speed, failing to keep a proper lookout, failing to maintain an assured clear distance, and failing to take evasive action to avoid striking the decedent’s tractor. The estate made claims for wrongful death and survival. The decedent is survived by his wife and adult daughter. The defendant denied being negligent and raised the defenses of comparative negligence and sudden emergency doctrine. The parties settled their dispute for \$950,000.

#### REFERENCE

The Estate of Jerome Francis Lynch by Rita Lynch vs. Federal Express Corporation. Case no. GD-20-012149; Judge Patrick Connelly, 09-17-23.

**Attorney for plaintiff: Michael Tully in Pittsburgh, PA.**

## PREMISES LIABILITY

### **\$1,850,000 VERDICT – PREMISES LIABILITY – HAZARDOUS PREMISES – AUTO/PEDESTRIAN COLLISION – PLAINTIFF’S DECEDENT STRUCK AND KILLED BY EMPLOYEE OF DEFENDANT AUTO INSPECTION STORE – FAILURE TO HAVE SAFE INGRESS FOR BUSINESS PATRONS – WRONGFUL DEATH OF 57-YEAR-OLD MALE.**

#### **Harris County, TX**

This action resulted from an accident which occurred when the plaintiff’s decedent arrived at the defendant inspection and mechanics store in order to have his vehicle inspected. The plaintiff’s decedent exited his vehicle when he was struck and run over by the defendant’s employee, resulting in his death. The defendants denied all allegations of negligence and maintained that it was the actions of the plaintiff that caused the incident.

Before EMS and police arrived, the defendants moved the decedent’s body and vehicle into the adjacent parking lot of a large grocery store. They then provided investigating officers with misinformation concerning the decedent’s death.

The jury found that the Ansari defendant only was liable. The jury awarded the estate \$1,850,000.

#### **REFERENCE**

The Estate of Rascual Reyes by Beatrice Rodriguez vs. Zaid Ansari, Inc. d/b/a Fast Auto Mechanics and Roy’s Automotive, Brentwood Properties Limited, CC Realty Advisors. Case no. 2018-16173; Judge Elaine H. Palmer, 10-18-23.

**Attorney for plaintiff: R. James Amaro of Amaro Law Firm in The Woodlands, TX. Attorney for defendant: J. Michael Monks of Monks Law Firm in Houston, TX. Attorney for defendant: David E. Brothers of Brothers Alvarado in Houston, TX.**

### **\$1,001,348 VERDICT – PREMISES LIABILITY – FALL DOWN – PLAINTIFF FALLS ON WATER ON FLOOR OF DEFENDANT HOTEL – CLOSED FRACTURE DISLOCATION OF RIGHT SHOULDER; DISPLACED RIGHT CORACOID FRACTURE; FRACTURE OF RIGHT POSTERIOR EIGHTH RIB AND CONTUSION OF RIGHT LUNG – RIGHT SHOULDER PROXIMAL HUMERUS OPEN REDUCTION AND INTERNAL FIXATION OF FRACTURE DISLOCATION, BONE AND BIOLOGIC GRAFT.**

#### **Queens County, NY**

In this premises liability case, the plaintiff, a 55-year-old florist, asserted that the defendant hotel allowed a dangerous condition to exist on its premises without warning, such that the plaintiff fell. As a result of the fall, the plaintiff sustained a closed fracture dislocation of the right shoulder; minimally displaced right coracoid fracture; fracture of right posterior eighth rib; and contusion of the right lung. The plaintiff treated with right shoulder open reduction and internal fixation of fracture dislocation, with bone and biologic grafts. The defendant denied negligence, arguing that the plaintiff simply fell due to her own carelessness in navigating the premises.

The plaintiff claimed she was confined to bed for 3 months following the incident and has been unable to work ever since. The plaintiff claimed loss of earnings of approximately \$244,418.

The jury found in favor of the plaintiff and awarded damages in the amount of \$1,001,348 broken down as follows: \$275,000 in past pain and suffering damages and \$725,000 in future pain and suffering damages together with 9% interest, costs and disbursements totaling \$1,348.

#### **REFERENCE**

Agathocleous vs. 795 Fifth Avenue Corporation, et al. Index no. 703721/18; Judge Allan B. Weiss, 03-15-23.

**Attorneys for plaintiff: Tonino Sacco and Clifford Tucker of Sacco & Fillas, LLP in Astoria, NY.**

## ADDITIONAL VERDICTS OF PARTICULAR INTEREST

### Assault And Battery

**\$3,100,000 VERDICT – ASSAULT AND BATTERY – NEGLIGENT HIRING – DEFENDANT INDIVIDUAL, EMPLOYEE OF DEFENDANT TIRE SHOP, ASSAULTED PLAINTIFF WITH TIRE IRON ON DEFENDANT PROPERTY OWNER’S PREMISES – MULTIPLE FRACTURES IN LEFT WRIST, ELBOW AND FOREARM – OPEN REDUCTION WITH INTERNAL PLACEMENT OF PLATES AND SCREWS.**

#### Miami-Dade County, FL

In this assault and negligent security case, the plaintiff asserted that the defendant individual assaulted him when he went to the defendant’s place of work to inquire about a tire repair, causing him to sustain serious injuries. The plaintiff sustained multiple fractures in his left wrist, elbow and forearm. The plaintiff went to the emergency room where his left arm was immobilized. The plaintiff brought suit against the defendant individual who assaulted him, the defendant’s employer, and the owner of the property where the assault occurred. The defendant property owner successfully moved for summary judgment arguing that it owned but did not control or possess the premises at the time of the assault, nor was it responsible for the actions of the defendant tenant tire shop’s employee. The defendant individual and tire shop failed to answer or appear and were found liable by default. The matter went to trial as to damages only.

The plaintiff waited 6 months to have surgery due to insurance issues. Ultimately, he underwent open reduction with internal fixation with plates and screws in the wrist and arm. The plaintiff’s physician estimated the plaintiff’s recovery of use of the arm at 75% after the surgery. The plaintiff also claimed he was unable to work for 6 months after the assault and lost most of his clients. The plaintiff had \$98,962 in past medical bills.

The jury awarded damages in the amount of \$3,100,000 broken down as follows: \$101,221 in past medical expenses; \$2,800,000 in future medical expenses; \$600,000 in past pain, suffering, and non-economic damages and \$198,773 in future pain, suffering, and non-economic damages.

#### REFERENCE

Montero vs. Tamayo, et al. Case no. 2020-004718-CA-01; Judge Reemberto Diaz, 12-05-22.

Attorney for plaintiff: Amanda D. Suriel of Amanda Demanda Law Firm in Miami, FL. Attorney for defendant property owner: Elizabeth Jimenez of Luks, Santaniello, Petrillo & Cohen in Miami, FL.

### Construction Site Negligence

**\$1,000,000 RECOVERY – CONSTRUCTION SITE NEGLIGENCE – ABSENCE OF FALL PROTECTION AT NEW HOME CONSTRUCTION SITE – PLAINTIFF FRAMER FALLS 16 FEET – ANKLE AND DISTAL LEG FRACTURE ON RIGHT SIDE AND FRACTURED LEFT FOOT – PLAINTIFF RETURNS TO WORK WITH RESTRICTIONS.**

#### Essex County, NJ

This action involved a plaintiff framer in his mid 30s who was working on a housing project. The plaintiff contended that the defendant G.C. negligently failed to provide fall protection. The plaintiff maintained that as a result, he fell 16 feet, suffering a fracture to the right ankle and both feet. The plaintiff required surgery several months later.

The plaintiff, who returned to work, contended that because of difficulties, including climbing, he is significantly limited in the work he can perform. The plaintiff further contended that he will permanently be very limited in the continuation of sports and other activities.

The plaintiff’s orthopedist maintained that the injuries are permanent in nature. The defendant’s orthopedist contended that the injuries healed well.

The case settled during trial for \$1,000,000.

#### REFERENCE

Plaintiff’s orthopedic surgeon expert: Steven Nehmer, M.D. from Union, NJ. Plaintiff’s safety professional expert: William Mizel from Ft. Myers, FL.

Amarado vs. Monmouth Custom Builders, et al. Docket no. ESX-L-0806-18; Judge Jeffrey B. Beacham, 08-23.

Attorney for plaintiff: Joseph A. Reardon, III of Ginarte Gonzalez Winograd, L.L.P. in Newark, NJ.

## Insurance Obligation

**\$3,600,000 VERDICT – INSURANCE OBLIGATION – INTERSECTION COLLISION – PLAINTIFF BRINGS CLAIM FOR UNDERINSURED DRIVER COVERAGE AFTER TORTFEASOR RUNS RED LIGHT AND CAUSES SIGNIFICANT COLLISION WITH PLAINTIFF’S VEHICLE – DISLOCATED INTRAOCULAR LENS REQUIRING SURGICAL REMOVAL AND REPLACEMENT OF LENS – POSSIBILITY OF LOSING PORTION, IF NOT ALL, VISION IN LEFT EYE.**

### Miami-Dade County, FL

In this case, the plaintiff asserted that the tortfeasor driver ran a red light and caused the plaintiff’s vehicle to collide with the tortfeasor’s vehicle with such force that it caused significant, permanent eye injury. The defendant asserted that the plaintiff was at least partially responsible for the collision and the resulting damages, if any.

As a result of the collision, the plaintiff sustained a dislocated intraocular lens requiring surgical removal and replacement of the lens. The plaintiff suffered serious damage to her right eye and the possibility of losing a portion, if not all of her vision, in her left eye.

The jury found in favor of the plaintiff and awarded damages in the amount of \$3,600,000 broken down as follows: \$600,000 in past non-economic damages and \$3,000,000 in future non-economic damages.

### REFERENCE

Chester vs. United Services Automobile Association. Case no. 2022-011641-CA-01; Judge David C. Miller, 04-12-23.

**Attorney for plaintiff: Alan Goldfarb of Alan Goldfarb, PA in Miami, FL.**

## Sports & Recreation

**\$446,630 VERDICT – SPORTS & RECREATION – PERSONAL TRAINER NEGLIGENCE – DEFENDANT INSTRUCTS PLAINTIFF TO FLIP HEAVY TIRE MULTIPLE TIMES DURING PERSONAL TRAINING SESSION RESULTING IN INJURY TO PLAINTIFF’S BACK – FAILURE TO PROPERLY ASSESS PLAINTIFF’S FITNESS AND ABILITY LEVELS – LUMBAR DISC PROTRUSION – IMPINGEMENT – INJECTIONS – PLAINTIFF UNABLE TO HAVE CHILDREN AS RESULT OF INJURY.**

### Danbury County, CT

In this case, the plaintiff was a client of the defendant personal trainer at the defendant’s company in Brookfield, Connecticut. While performing tire flips at the direction of the defendant, the plaintiff suffered serious injury to her back. The defendant denied being negligent and maintained that the plaintiff failed to be reasonable for her own safety.

The plaintiff sustained a left central disc protrusion at L4-5 with impingement upon the left L5 nerve root, radiculopathy, intense low back pain, radiculopathy and left leg parasthesias. The plaintiff underwent 2 back procedures and is unable to have children as a result of the injury.

The only remaining defendant at trial was Manimal Fitness, LLC, the defendant’s company. The court found for the plaintiff and awarded the plaintiff economic damages of \$71,629.54, and compensatory damages of \$375,000 for a total of \$446,629.54.

### REFERENCE

Elizabeth Miskar vs. Michael Brennan, Manimal Fitness LLC, and the Iron Factory Gym. Case no. DBD CV-196031721 S; Judge Barbara Brazzel-Massaró.

**Attorney for plaintiff: Gregory P. Klein of Alan Barry Center for Law & Justice in Danbury, CT. Attorney for defendant: Bryan J. Haas of Howd & Ludorf, LLC in Hartford, CT.**