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FEATURED CASES

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

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

VERDICTS BY CATEGORY

FEATURED CASES

$55,000,000 VERDICT – MOTOR VEHICLE NEGLIGENCE – TRACTOR-TRAILER NEGLIGENCE – TRUCK/PEDESTRIAN COLLISION – TRACTOR-TRAILER DRIVEN BY DEFENDANT DRIVER, TRAVELING AT NEGLIGENT SPEED FOR RAINY CONDITIONS, JACKKNIFED ON WET PAVEMENT BEFORE STRIKING PLAINTIFF AND PINNING HER AGAINST GUARDRAIL – INJURIES RESULTING IN SEVERING OF BOTH LEGS; ONE AT HIP AND OTHER ABOVE KNEE – 15 SURGERIES – PROSTHETIC LEGS REQUIRE REPLACEMENT EVERY 3 YEARS – DEFENDANT TRANSPORT COMPANY AND ESTATE OF TRUCK DRIVER ALL FOUND LIABLE FOR VERDICT.

Essex County, NJ

This motor vehicle negligence action was filed by the plaintiff against the defendants, Alert Motor Freight and Jersey City Transport, both based in Cinnaminson, New Jersey and the estate of the truck driver for a December 2018, accident resulting in life-altering permanent injuries. The defendant denied responsibility and contended the plaintiff was contributorily negligent.

The plaintiff alleged she struck a disabled vehicle that was stopped in her lane. The plaintiff further alleged that after she struck the disabled vehicle, the driver of that vehicle and the plaintiff exited their vehicles and stood on the shoulder of the road, next to the guardrail. The plaintiff next alleged that as she was speaking to 911, the tractor-trailer driven by the defendant driver, traveling at negligent speed for the rainy conditions, jackknifed on the wet pavement, before striking her. The plaintiff alleged that she was pinned against the guardrail.

The plaintiff alleged injuries resulting in the severing of both her legs; one at the hip and the other above-the-knee. The plaintiff pled further injuries of 15 surgeries, prosthetic legs which require replacement every 3 years, lost wages from being permanently disabled and unable to work.

The jury reached $55,000,000 verdict after a 2-week trial including $559,413 for past medical expenses; $2,500,000 for past and future lost wages; $25,000,000 for future medical expenses, $3,000,000 for past pain and suffering and $23,900,000 for future pain and suffering.

REFERENCE

Angela May Rider vs. Jersey City Transfer, Inc., Alert Motor Freight, Inc., et al. Docket no. ESX-L-002221-19; Judge Thomas Vena, 04-11-24.

Attorney for plaintiff: Emeka Igwe of The Igwe Firm in Philadelphia, PA. Attorney for defendant: Charles John Gaynor of Ehrlich Gayner, LLP in Livingston, NJ.

$175,000 ARBITRATION AWARD – MOTOR VEHICLE NEGLIGENCE – INTERSECTION COLLISION – PLAINTIFF'S VEHICLE STRUCK BROADSIDE WHEN DEFENDANT'S VEHICLE RUNS RED LIGHT – 3 CERVICAL DISC HERNIATIONS – 2 LUMBAR DISC HERNIATIONS – FUSION SURGERY REQUIRED – SURGERY SEVERELY WORSENED PLAINTIFF'S ONGOING PAIN.

Essex County, NJ

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

On October 14, 2019, the plaintiff's vehicle was traveling eastbound on Joralemon Street, at its intersection with Main Street in Belleville, New Jersey. At this time, the plaintiff had a green light and was preparing to proceed straight through the intersection. At the same time, the defendant's vehicle was traveling northbound on Main Street, toward the same intersection. At the time of the incident, the defendant disregarded a red light at the intersection and proceeded forward at a significant speed. The defendant's vehicle then struck the plaintiff's vehicle broadside.

The plaintiff maintained that the defendant was negligent in failing to obey a red light, failing to remain adequately attentive, and failing to yield the right of

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way. Consequently, the plaintiff sustained injuries, including 3 cervical disc herniations and 2 lumbar disc herniations. The plaintiff's injuries were treated with a disc fusion surgery at L5-S1. A doctor for the defendant opined that the plaintiff's back injuries were pre-existing.

The arbitrator in this case found the defendant 100% liable for the accident and reported an award for the plaintiff in the amount of $175,000. Following arbitration, the plaintiff's counsel requested a trial de novo, which was scheduled to begin on September 23, 2024. However, the parties entered into a settlement on September 3, 2024. The Honorable Stephen L. Petrillo ordered that the settlement amount be enforced on February 7, 2025.

REFERENCE

Susannett Alers vs. Kwesi Barnes. Docket no. ESXL005833-21; Judge Stephen L. Petrillo, 02-24-25.

Attorney for plaintiff: Alphonse D. Bartelloni, Esq. of Birkhold & Maider, LLC in Nutley, NJ. Attorney for defendant: Shawn R. Stowell of Sellar Richardson, PC in Livingston, NJ.

$8,000,000 VERDICT – PREMISES LIABILITY – NEGLIGENT SECURITY – ELDERLY PLAINTIFF WALKING PAST LARGE RETAIL STORE INJURED WHEN FLEEING SUSPECTED SHOPLIFTER AND DEFENDANT'S EMPLOYEE, WEIGHING 210 POUNDS, RAN INTO HER CAUSING HER TO FALL AND HIT HEAD ON CEMENT SIDEWALK – SUBDURAL HEMATOMA; PHYSICAL PAIN; COGNITIVE DIFFICULTIES – PERSISTENT HEADACHES, EMOTIONAL DISTRESS AND DIMINISHED QUALITY OF LIFE.

Essex County, NJ

This premises liability action was filed August 7, 2020, by the plaintiff for injuries resulting from retail employees chasing a suspected shoplifter. The plaintiff alleged that on October 9, 2020, as she walking past Save Smart, a large retail store in Newark, she was injured when 5 store employees ran into her as they pursued a suspected shoplifter. The plaintiff alleged after she was hit by the fleeing shoplifter, causing her to slowly fall to one side, and was next struck by one of the defendant's employee's, weighing 210 pounds, causing her to violently be thrown to the ground hitting her head on the sidewalk. The defendant's denied the multiple claims for negligent security, negligent supervision and training, negligent hiring and retention, negligent agency, assault and battery and premise liability. The defendant further contended the incident was unforeseeable and their actions were reasonable and required no legal duty to prevent injuries caused by a fleeing shoplifter.

The plaintiff alleged negligence and failure of the defendant to ensure pedestrian safety as well as premise liability for the defendant's failure to take reasonable steps to prevent harm caused by their employee's reckless pursuit of a shoplifter. The plaintiff pled injuries of a subdural hematoma, a mild-traumatic brain injury, hospitalization and ongoing treatment for her traumatic brain injury.

The plaintiff further pled physical pain, cognitive difficulties, persistent headaches, emotional distress and diminished quality of life from injuries which drastically affected her health and well-being. The defendant's argued that since the plaintiff had evidence of prior strokes and she was already beginning advanced stages of dementia, representing a pre-existing condition, the alleged incident, therefore, had no contribution.

The jury verdict was $8,000,000. The jury found the defendant retailer, Save Smart, was negligent causing the plaintiff's injuries.

REFERENCE

Ilda Galo vs. Daljit Singh, et al. Docket no. ESX-L-8688-20; Judge Jeffrey B. Beacham, 01-27-25.

Attorney for plaintiff: Barry R. Eichen of Eichen, Crutchlow, & Zaslow, LLP in Edison, NJ. Attorneys for defendant: Timothy J. Jaeger and Josie A. Scanlan of Marshall Dennehey in Roseland, NJ.

COMMENTARY

The plaintiff retained 3 experts for trial, liability expert, Joe Blaettler, a former police chief from Newark, N.J., Dr. Mahalik, a neuropsychologist and Dr. Lapas, a neuroradiologist. The defendant retained Dr. Masur, a neuropsychologist, Dr. Lamazow, a neurologist and Dr. Hecht, a neuropsychologist. Co-counsel, Barry Eichen, did the direct examination of Dr. Mahalik as well as Dr. Lapis and also cross-examined the defense experts Dr. Masur and Dr. Hechts. The plaintiff alleged the defendant's 210- pound employee with his arm fully extended struck the plaintiff sending her violently to the ground where she struck her head on the cement sidewalk and thus caused her injuries, refuting the defendant's "pre-existing" condition of dementia.

$4,709,918 VERDICT – PREMISES LIABILITY – FALL DOWN – PLAINTIFF DEVELOPMENTALLY HANDICAPPED 65-YEAR-OLD WOMAN ATTENDING PARTY AT HANOVER MANOR SLIPS ON FOOD WALKING TO DANCE FLOOR – DISPLACED FEMORAL NECK FRACTURE – FRACTURED HIP REQUIRING PARTIAL HIP REPLACEMENT SURGERY – FOLLOWING SURGERY, SIGNIFICANT LEG LENGTH DISCREPANCY – HOSPITALIZATION FOR OVER A WEEK, IN-PATIENT REHABILITATION FOR A MONTH; CONTINUED OUTPATIENT PHYSICAL THERAPY, PAIN AND SUFFERING AND ANXIETY.

Essex County, NJ

This premise liability action was filed by the plaintiff individually, and by and through her guardian/guardian ad litem against the defendants, The Hanover Manor and K & A Realty. The plaintiff, a 65-year-old woman, developmentally disabled since birth, is alleged to have attended a party hosted by a family on the defendant's premises and upon getting up from the table to join a woman on the dance floor "stepped on [something] "grape" or "some "melon" and … fell pretty hard". The plaintiff alleged injuries of a "100 percent displaced femoral neck fracture, a fractured hip requiring a partial hip replacement, surgery and following surgery she had a significant leg length discrepancy, with her left leg being longer than the right leg and throwing "off her pelvis". The defendant contended the plaintiff tripped over her own feet rather than on a piece of fruit.

The plaintiff was hospitalized for over a week and was admitted for in-patient rehabilitation for a month; she continued outpatient physical therapy. She maintained pain and suffering, anxiety that developed after the fall, fear resulting in hand-on supervision in the shower, use of a cane, permanent physical injuries and psychological injuries from "significant fear" requiring her to sleep with her mother.

The plaintiff also alleged spoliation of evidence as the defendant failed to preserve an acknowledged incident report and surveillance video. The plaintiff pled for and was granted an adverse inference charge to the jury related to the report and video. The defendant denied intentionally destroying evidence.

The jury reached a verdict of $4,709,918 including $3,800,000 for future medical expenses and $750,000 for past and future pain and suffering, disability, impairment, and loss of enjoyment of life.

REFERENCE

Rose Marie Pietrobon, individually, and by and through her guardian/guardian ad litem, Jasmine Pietrobon vs. The Hanover Manor and K & A Realty; Judge Thomas R. Vena.

Attorney for plaintiff: Andrew Alexander Fraser of Laddey, Clark & Ryan, LLP in Sparta, NJ. Attorney for defendant: John C. Simons of Hoagland, Longo, Moran, Dunst & Doukas in New Brunswick, NJ.

COMMENTARY

On appeal, the verdict was affirmed on March 21, 2024. The defendants argued that the trial judge erred in permitting defense witnesses to be questioned in a manner that implied they deliberately taped over the surveillance video and destroyed the incident report in order to hide evidence and asserted the plaintiff's trial strategy was to "cast a shadow of suspicion" over the defendant resulting in a prejudicial effect of this strategy being substantially outweighed by any probative value as to plaintiff's counsel's questions.

The plaintiff countered there was no implication evidence was deliberately destroyed, but questioned defendant's witnesses about the video and incident report "to show relevant evidence was not preserved" and that since the witnesses testified about the video and incident report on direct examination, cross-examination was warranted and not prejudicial.

The court reviewing the lines of questioning under the plain error standard concluded it was not error for the plaintiff to ask the questions about knowledge of the incident report or the policies for retaining them as the incident report was relevant to the litigation, and the record reflected the plaintiff did not insinuate that the report was deliberately destroyed during questioning and held that a single question as to "what happened" to the report and another confirming there was non-policy to keep the report was not error, let alone enough to have been " clearly capable of producing an unjust result."

$2,750,000 VERDICT – PREMISES LIABILITY – FALL DOWN – PLAINTIFF SLIPS AND FALLS ON "GREASY SUBSTANCE" NEAR RESTAURANT'S KITCHEN – PARAMEDICS CALLED AND PLAINTIFF TAKEN TO HOSPITAL BY AMBULANCE – BROKEN HIP AND FEMUR, SEVERE PAIN, ANGUISH AND EMOTIONAL DISTRESS – UNITED STATES DISTRICT COURT RULED DEFENDANT INTENTIONALLY SPOLIATED EVIDENCE; ADVERSE INFERENCE CHARGE WARRANTED AT TRIAL.

Mercer County, NJ

This premise liability suit was filed on January 28, 2019 by the plaintiff against the defendant, Outback Steakhouse, et al., for injuries sustained by the plaintiff for alleged negligence. The case was originally filed in New Jersey Superior Court, Law Division, Middlesex Court and by motion of the defendant moved to the United States District Court, New Jersey, Trenton, on September 24, 2019, for diversity jurisdiction under 28 U.S.C. Section 1332. The defendant originally denied all allegations of negligence and the existence of hazardous conditions on the premises. However, on the eve of trial the defendants stipulated to liability conceding that it failed to use reasonable care in rendering the restaurant safe for patrons.

The plaintiff alleged that on October 18, 2018, the plaintiff, her husband and 2 friends went out to dinner at Outback Steakhouse in Greenbrook, New Jersey. Once seated, the plaintiff alleged she left the table to use the restroom and as she was walking through the restaurant, to the bathroom, she slipped and fell. The plaintiff alleged the accident occurred directly outside the restaurant's kitchen area, where the floor had a "greasy substance"; and where servers entered and exited the restaurant seating are with trays of food and beverages.

The plaintiff alleged paramedics were called and she was taken to the hospital by ambulance and alleged pled injuries resulting in permanent consequential limitations to her body organs, a broken hip and femur, severe pain, anguish and emotional distress. The plaintiff alleged her injuries were due to the existence of hazardous conditions on the restaurants premises and the defendant was negligent in maintaining a safe premise and failed to warn patrons of the danger.

The jury reached a unanimous verdict of $2.75 million including $2.5 million for pain and suffering, disability and impairment, and loss of enjoyment of life. Her husband was awarded $250,000 for loss of spouse's companionship and comfort and loss of marital relations.

REFERENCE

Nagy, et al. vs. Outback Steakhouse, et al. Docket no. 3:19cv18277; Judge Douglas E. Arpert, Magistrate, 03-28-24.

Attorney for plaintiff: Alex Steven Capozzi of Brach Eichler, L.L.C. in Roseland, NJ. Attorney for defendant: Norman William Briggs of Briggs Law Office, LLC in Marmora, NJ.

COMMENTARY

Magistrate Judge Douglas E. Arpert, by Court Order assessed a permissive adverse inference instruction sanction for the destruction of evidence of the video footage. The Court found the on-duty manager promptly reported the accident to Outback's insurance claims handler as required by the defendant's policy; and although Outback's surveillance camera recorded the accident, significant portions of the video were overwritten to the system's storage loop policy. Plaintiff's counsel, 12 days after the accident, sent a preservation letter demanding the retention of all video surveillance footage for the 24 hours preceding and after the accident; however, only 19-seconds specifically of the fall and a little over 27 minutes surrounding the time of the accident was all that was left to view.

"The Court, therefore, grants Plaintiffs' motion to the extent that the jury may be instructed that Outback intentionally failed to preserve the disputed video evidence and that the jury may presume that the lost video footage was unfavorable to Outback… However, rather than the mandatory inference sought by the Plaintiff's, the Court finds a more permissive adverse inference instruction is appropriate. The Court, therefore, grants Plaintiff's motion to the extent that the jury may be instructed that Outback intentionally failed to preserve the disputed video evidence and that the jury may presume that the lost video footage was unfavorable to Outback."

Verdicts By Category

INSURANCE OBLIGATION

$50,000 ARBITRATION AWARD

Insurance obligation – Motor vehicle negligence – Intersection collision – Plaintiff's vehicle struck by defendant's vehicle when defendant runs stop sign – Cervical disc bulges – Lumbar disc bulge and herniation – Concussion – Cervical and lumbar radiculopathy.

Camden County, NJ

In this motor vehicle negligence action, the plaintiff's vehicle was struck by the defendant's vehicle after the defendant ran a stop sign. As a result, the plaintiff sustained serious injuries. The defendant generally denied all allegations of negligence.

On February 4, 2022, the plaintiff's vehicle was traveling to pick up a rideshare customer on South 7th Street, near its intersection with Walnut Street in Camden, New Jersey. At this time, the plaintiff was proceeding straight through the subject intersection after stopping at a stop sign. At the same time, the defendant's vehicle was traveling on Walnut Street toward the same intersection. The defendant entered the intersection without stopping, ignoring a stop sign, and then struck the plaintiff's vehicle in the rear driver's side. The defendant's vehicle then fled the scene.

The plaintiff maintained that the defendant was negligent in failing to obey a stop sign, failing to wait for clearance before entering the intersection, and failing to remain adequately attentive. Consequently, the plaintiff sustained injuries, including cervical disc bulges, lumbar disc bulge and herniation, concussion, and cervical and lumbar radiculopathy. The plaintiff's injuries were treated with epidural steroid injections, as well as physical therapy. A doctor for the defendant disputed causation and permanency.

The arbitrator in this case found the defendant 100% liable for the accident and reported an award for the plaintiff in the amount of $50,000. Following arbitration, on August 16, 2024, the parties entered into a settlement. A stipulation of dismissal was submitted on November 14, 2024.

REFERENCE

Mirian Carter vs. Liberty Mutual Fire Insurance. Docket no. CAML002940-22; Judge Steven J. Polansky, 11-14-24.

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

LANDLORD NEGLIGENCE

$77,686 ARBITRATION AWARD

Landlord negligence – Plaintiff tenant using handrail on defendant's staircase when handrail comes away from wall causing plaintiff to fall – Failure to maintain premises in safe condition – Left meniscus tear – Surgery – Arthritis.

Union County, NJ

The plaintiff in this case was a tenant of the defendant's apartment complex. While using an interior staircase, the plaintiff was holding onto the handrail when the handrail came away from the wall causing the plaintiff to fall and suffer injuries. The defendant denied having any notice of the condition.

On May 10, 2020, the 39 year old plaintiff was a lawful tenant on the defendant's residential property located on Elizabeth Avenue in Elizabeth, New Jersey. The plaintiff was utilizing an interior staircase and was holding on to the handrail when the handrail gave way causing the plaintiff to fall.

The plaintiff maintained the defendant failed to keep the premises in a safe condition, failed to exercise proper care, and failed to properly maintain and repair the handrail. The plaintiff maintained he informed the defendant landlord about the condition of the handrail which the defendant denies. The plaintiff suffered a left knee meniscus tear requiring surgical repair. He also required post-surgery injections to the left knee. He suffers post-traumatic arthritis due to the incident.

The board of arbitrators found the defendant Elizabeth NJ, LLC to be 75% negligent and the plaintiff to be 25% negligent. The board awarded the plaintiff $77,686 which was reduced accordingly to $58,265. Trial de novo was requested by the plaintiff and the action was later settled by conference with the judge.

REFERENCE

Oscar Cueva Ortiz vs. Elizabeth NJ, LLC. Docket no. L-1328-22; Judge Mark P. Ciarrocca, 03-05-25.

Attorney for plaintiff: Jeffrey Charney of Charney & Roberts in Linden, NJ. Attorney for defendant: Lisa Anne Perez of Michael Swimmer in Wycoff, NJ.

MOTOR VEHICLE NEGLIGENCE

Back-up Collision

$25,000 ARBITRATION AWARD

Motor vehicle negligence – Back-up collision – Plaintiff's vehicle struck in front when defendant's vehicle reverses at red light – Neck and back injuries.

Essex County, NJ

In this motor vehicle negligence action, the plaintiff's vehicle was struck in the front when the defendant's vehicle backed into the plaintiff's vehicle at a red light, causing the plaintiff to become injured. The defendant generally denied negligence.

On August 17, 2019, the plaintiff's vehicle was traveling on Springfield Avenue in Irvington, New Jersey. At the same time, the defendant's vehicle was also traveling on Springfield Avenue, directly in front of the plaintiff's vehicle. At the time of the accident, both vehicles had slowed to a stop to accommodate a red traffic light at Springfield Avenue and an intersecting road. The defendant's vehicle had stopped a bit late, causing the defendant to put the vehicle in reverse and back up. While reversing, the defendant's vehicle backed into the front of the plaintiff's vehicle.

The plaintiff maintained that the defendant was negligent in failing to maintain a safe distance from the plaintiff's vehicle, failing to remain adequately attentive, and failing to safely and properly reverse the vehicle. Consequently, the plaintiff sustained injuries, including neck and back injuries, which were treated with chiropractic care. A doctor for the defendant opined that the plaintiff's injuries were pre-existing.

The arbitrator in this case found the defendant 100% liable for the accident and reported an award for the plaintiff in the amount of $25,000. Following arbitration, the defendant's counsel requested a trial de novo, which was scheduled to take place on September 23, 2024. However, the parties entered into a settlement prior to the initial hearing.

REFERENCE

Daryl Wells vs. Opeyemi Abioye. Docket no. ESXL006155-21; Judge Cynthia D. Santomauro, 09-23-24.

Attorney for plaintiff: Marc A. Ross of Marc A. Ross, Esq., P.A. in Paterson, NJ. Attorney for defendant: NJM Insurance Group.

Intersection Collision

$60,000 ARBITRATION AWARD

Motor vehicle negligence – Intersection collision – Plaintiff's vehicle struck by defendant's vehicle after defendant releases brake at stop sign and car rolls into intersection – Cervical and lumbar disc herniations – Cervical and lumbar radiculopathy – Cervical and lumbar facet syndrome – Shoulder and knee pain.

Burlington County, NJ

In this motor vehicle negligence action, the plaintiff's vehicle was struck by the defendant's vehicle after the defendant released the brake at a stop sign, causing the plaintiff to become injured. The defendant generally denied all allegations of negligence.

On September 17, 2019, the plaintiff's vehicle was traveling east on Access Road, toward its intersection with Campbell Drive in Willingboro, New Jersey. At this time, the plaintiff's vehicle was stopped for a stop sign at the subject intersection. At the same time, the defendant's vehicle was traveling south on Campbell Drive, toward the same intersection. The defendant's vehicle also stopped at a stop sign at the intersection. At the time of the incident, the defendant's foot slipped off of the brake, causing his vehicle to enter the intersection as the plaintiff's vehicle was proceeding forward. The defendant's vehicle then struck the plaintiff's vehicle.

The plaintiff maintained that the defendant was negligent in failing to keep a proper lookout, failing to exercise due care, failing to remain stopped at a stop sign, failing to obey a stop sign, failing to obey traffic signals, failing to observe traffic conditions, failing to keep the vehicle under proper control, failing to maintain pressure on the brake, 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 lumbar disc herniations, cervical and lumbar radiculopathy, cervical and lumbar facet syndrome, and shoulder and knee pain.

The arbitrators found in favor of the plaintiff and reported an award for $60,000.

REFERENCE

Whetstone Theresa vs. Rowe Leslie. Docket no. L001446-21; Judge Richard L. Hertzberg, 04-29-24.

Attorney for plaintiff: Amber Delaney, Esq. of Judd B. Shaw, PC in Red Bank, NJ. Attorney for defendant: Thomas John Giardina of Goldberg, Miller, & Rubin, PC in Fairfield, NJ.

$40,000 SETTLEMENT

Motor vehicle negligence – Intersection collision – Plaintiff's vehicle struck in front driver's side by defendant's vehicle after defendant runs red light – Disc herniation at C6-7 – Disc herniations at L4-5 and L5-S1.

Essex County, NJ

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

On April 4, 2020, the plaintiff's vehicle was traveling eastbound on Hanover Avenue, at its intersection with Ridgedale Avenue, in Morris, New Jersey. At this time, the plaintiff had a green light and was preparing to proceed straight through the intersection. At the same time, the defendant's vehicle was traveling northbound on Morris Avenue, toward the same intersection. At the time of the incident, the defendant disregarded a red light at the subject intersection and proceeded forward, striking the front driver's side of the plaintiff's vehicle.

The plaintiff maintained that the defendant was negligent in failing to obey a red light, failing to remain adequately attentive, and failing to yield the right of way. Consequently, the plaintiff sustained injuries, including disc herniation at C6-7, as well as disc herniations at L4-5 and L5-S1. A doctor for the defendant disputed causation and permanency.

The arbitrator in this case found the defendant 100% liable for the accident and reported an award for the plaintiff in the amount of $30,000. Following arbitration, the plaintiff's counsel requested a trial de novo, which was scheduled to begin on September 30, 2024. However, on September 26, the defendant's counsel made an offer of judgment in the amount of $40,000, which the plaintiff's counsel accepted. A stipulation of dismissal was submitted on November 12, 2024.

REFERENCE

Zafaralah Butisingh vs. Maria Hidalgo-Ortiz. Docket no. ESXL003860-21; Judge Richard T. Sules, 11-12-24.

Attorney for plaintiff: Salim F. Sabbagh, Esq. of Brach Eichler, LLC in Roseland, NJ. Attorney for defendant: Stacey A. Subryan, Esq. of Ibrahim and Jackson in Scranton, PA.

$25,000 ARBITRATION AWARD

Motor vehicle negligence – Intersection collision – Plaintiff's vehicle struck broadside by defendant's vehicle after defendant runs stop sign – Concussion – Traumatic brian injury – Disc bulge at L4-5.

Essex County, NJ

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

On April 5, 2019, the plaintiff's vehicle was traveling westbound on Belleville Avenue, at or near its intersection with Fairway Avenue in Belleville, New Jersey. At this time, the plaintiff was preparing to proceed straight through the subject intersection. At the same time, the defendant's vehicle was traveling southbound on Fairway Avenue, toward the same intersection. At the time of the incident, the defendant ran a stop sign and entered the intersection as the plaintiff was proceeding. The defendant's vehicle struck the plaintiff's vehicle broadside.

The plaintiff maintained that the defendant was negligent in failing to obey a stop sign, failing to remain adequately attentive, and failing to yield. Consequently, the plaintiff sustained injuries, including concussion, traumatic brain injury, and disc bulge at L4-5. A doctor for the defendant opined that the plaintiff did not sustain a permanent injury in the accident.

The arbitrator in this case found the defendant 100% liable for the accident and reported an award for the plaintiff in the amount of $25,000. Following arbitration, the defendant's counsel requested a trial de novo, which was scheduled to take place on September 9, 2024. However, the parties entered into a settlement prior to the initial hearing.

REFERENCE

Keisha Raghoo vs. Anthony Suarez. Docket no. ESXL000855-21; Judge Cynthia D. Santomauro, 01-17-25.

Attorney for plaintiff: Jonathan Koles of Koles & Burke, LLP in Jersey City, NJ. Attorney for defendant: James R. Connell of Dwyer, Connell and Lisbona, LLP in Fairfield, NJ.

Lane Change Collision

$14,000 ARBITRATION AWARD

Motor vehicle negligence – Lane change collision – Plaintiff passenger injured when host vehicle struck by defendant's vehicle changing lanes – Cervical disc herniations – Disc bulge at L4-5 – Left shoulder injury – Bilateral knee injuries.

Essex County, NJ

In this motor vehicle negligence action, the plaintiff passenger was injured when the host vehicle was sideswiped by the defendant's vehicle changing lanes. The defendant generally denied all allegations of negligence.

On December 28, 2020, the plaintiff was a passenger in the host vehicle, which was traveling southbound in the right lane of the Garden State Parkway in Clifton, New Jersey. At this time, the defendant's vehicle was also traveling southbound on the Garden State Parkway, and was traveling in the middle lane, just next to the host vehicle. At the time of the incident, the defendant suddenly attempted to merge into the right lane. While merging, the defendant's vehicle struck the host vehicle, causing the plaintiff passenger to become injured.

The plaintiff maintained that the defendant was negligent in failing to wait for clearance before changing lanes, failing to remain adequately attentive, and failing to maintain a safe distance from other vehicles. Consequently, the plaintiff sustained injuries, including cervical disc herniations, a lumbar disc bulge at L4-5, left shoulder injury, and bilateral knee injuries. The plaintiff's injuries were treated conservatively, and a doctor for the defendant disputed causation and permanency.

The arbitrator in this case found the defendant 100% liable for the accident and reported an award for the plaintiff in the amount of $14,000. Following arbitration, the defendant's counsel requested a trial de novo, which was scheduled to begin on November 12, 2024. However, the parties entered into a settlement on September 24, 2024.

REFERENCE

Marie Jeanbaptiste vs. Artesha Everson. Docket no. ESXL001115-22; Judge Cynthia D. Santomauro, 09-28-24.

Attorney for plaintiff: Joel I. Bergman of Joel I. Bergman, Esq. in West Orange, NJ. Attorney for defendant: Stephen D. Williams of Brennan & Sponder in Princeton, NJ.

Left Turn Collision

$350,000 ARBITRATION AWARD

Motor vehicle negligence – Left turn collision – Plaintiff's vehicle struck by defendant's vehicle making abrupt left turn at intersection – Left shoulder injury – Left knee injury – Aggravated neck and back injuries – Surgery required.

Essex County, NJ

In this motor vehicle negligence action, the plaintiff's vehicle was struck by the defendant's vehicle making an abrupt left turn at an intersection, which caused the plaintiff to become injured. The defendant generally denied all allegations of negligence.

On February 5, 2020, the plaintiff's vehicle was traveling west on West Mount Pleasant Avenue, at or near its intersection with North Mitchell Avenue in Livingston, New Jersey. On this day, the intersection was controlled by a 2-way stop sign on North Mitchell Avenue. There was no stop sign on West Mount Pleasant Avenue in either direction. While the plaintiff was traveling west on West Mount Pleasant Avenue, the defendant's vehicle was traveling east on the same road, toward the same intersection. As the defendant's vehicle was approaching the plaintiff's, the defendant made a sudden attempt to turn left onto

North Mitchell Avenue, directly in front of the plaintiff's vehicle. This caused a collision between the 2 vehicles.

The plaintiff maintained that the defendant was negligent in failing to wait for clearance before turning left, failing to yield the right of way, and failing to safely and properly execute a left turn. Consequently, the plaintiff sustained injuries, including left shoulder injury, left knee injury, and aggravated neck and back injuries. The plaintiff's injuries were treated with epidural steroid injections to the cervical spine, as well as medial branch blocks and radiofrequency ablation. The plaintiff also underwent arthroscopic surgical procedures for her shoulder and knee injuries.

The arbitrator in this case found the defendant 100% liable for the accident and reported an award for the plaintiff in the amount of $350,000. Following arbitration, the defendant's counsel requested a trial de novo, which was scheduled to take place on January 13, 2025. However, the parties entered into a settlement on September 17, 2024. A stipulation of dismissal was submitted on October 9, 2024.

REFERENCE

Chana Gruber vs. Emily Vera. Docket no. ESXL006946-21; Judge Russell J. Passamano, 10-03-24.

Attorney for plaintiff: Michael Percario of Percario, Nitti & Struben in Linden, NJ. Attorney for defendant: Miriam Acevedo of Romanek & Associates in Oklahoma City, OK.

$75,000 ARBITRATION AWARD

Motor vehicle negligence – Left turn collision – Plaintiff's vehicle struck by defendant's vehicle after defendant attempts to pass plaintiff on shoulder while plaintiff turns left – Cervical disc herniations at C3-4 and C5-6 – Lumbar disc bulges at L2-3 and L4-5 – Radiculopathy.

Essex County, NJ

In this motor vehicle negligence action, the plaintiff's vehicle was struck by the defendant's vehicle after the plaintiff attempted to pass the plaintiff in the shoulder as the plaintiff was turning left, causing the plaintiff to become injured. The defendant generally denied all allegations of negligence.

On February 28, 2019, the plaintiff's vehicle was traveling northbound on Doremus Avenue, at or near its intersection with Wilson Avenue in Newark, New Jersey. At this time, the plaintiff was attempting to turn left at the subject intersection. At the same time, the defendant's vehicle was also traveling northbound on Doremus Avenue, behind the plaintiff's vehicle. As the plaintiff prepared to turn left, the defendant suddenly entered the shoulder and tried to pass the plaintiff's vehicle on the left resulting in a collision.

The plaintiff maintained that the defendant was negligent in failing to remain in the correct lane of travel, failing to wait, and in negligently and illegally attempting to pass the plaintiff's vehicle in the shoulder at an intersection. Consequently, the plaintiff sustained injuries, including cervical disc herniations at C3-4 and C5-6, lumbar disc bulges at L2-3 and L4-5, and radiculopathy. The plaintiff's injuries were treated with one cervical and 5 lumbar trigger point injections. A doctor for the defendant opined that the plaintiff's injuries were degenerative, in relation to his age.

The arbitrator in this case found the defendant 100% liable for the accident and reported an award for the plaintiff in the amount of $75,000. Following arbitration, the defendant's counsel requested a trial de novo. However, the matter was amicably adjusted between the parties, according to a stipulation of dismissal submitted on November 5, 2024.

REFERENCE

Jose Rodrigues vs. Jillian Marino. Docket no. ESXL001467-21; Judge L. Grace Spencer, 11-05-24.

Attorney for plaintiff: Christopher Perez of Hanna Perez, PC in Paramus, NJ. Attorney for defendant: Todd C. Landis of Hardin, Kundla, McKeon & Poletto in Springfield, NJ.

Multiple Vehicle Collision

$37,500 ARBITRATION AWARD

Motor vehicle negligence – Multiple vehicle collision – Defendant loses control of vehicle striking second vehicle which then strikes plaintiff's vehicle – Disc herniation at C4-5 – Disc bulges at C3-4, C5-6, and C6-7 – Disc herniation at L5-S1 – Disc bulge at L4-5.

Essex County, NJ

In this motor vehicle negligence action, the defendant lost control of her vehicle, causing it to strike another vehicle, which then caused a collision with the plaintiff's vehicle. As a result, the plaintiff became injured. The defendant generally denied all allegations of negligence.

On July 18, 2019, the plaintiff's vehicle was traveling on Clarksville Road, at its intersection with Harrison Road, in West Windsor, New Jersey. At this time, the plaintiff's vehicle was stopped at a red light at the subject intersection. At the time of the incident, there was another car behind the plaintiff's vehicle, and the defendant's vehicle was approaching the same intersection from a distance. The defendant, while approaching the intersection, lost control of her vehicle, causing it to collide with the vehicle behind the plaintiff; the other vehicle was then pushed forward into the plaintiff's vehicle.

The plaintiff maintained that the defendant was negligent in failing to keep the vehicle under proper and adequate control, failing to remain alert, and failing to slow or stop in a timely manner. Consequently, the plaintiff sustained injuries, including disc herniation at C4-5, disc bulges at C3-4, C5-6, and C6-7, disc herniation at L5-S1, and disc bulge at L4-5. A doctor for the defendant disputed causation and permanency.

The arbitrator in this case found the defendant 100% liable for the accident and reported an award for the plaintiff in the amount of $37,500. Following arbitration, the defendant's counsel requested a trial de novo, which was scheduled to take place on September 3, 2024. However, the parties entered into a settlement prior to the initial hearing. A stipulation of dismissal was submitted on September 30, 2024.

REFERENCE

Eyewu Lawson vs. Veronica Sain. Docket no. ESXL005014-21; Judge Cynthia D. Santomauro, 09-30-24.

Attorney for plaintiff: Alan J. Markman of Markman & Cannan, LLC in Bloomfield, NJ. Attorney for defendant: Gabriella Esposito of Law Offices of Leslie A. DeTorres in West Orange, NJ.

Rear End Collision

$90,000 ARBITRATION AWARD

Motor vehicle negligence – Rear end collision – Plaintiff's vehicle struck in rear by commercial vehicle operated by defendant in toll lane – Tear of left subscapularis – Tear of proximal long head of left biceps tendon with tendinosis – 3 cervical disc herniations – 4 lumbar disc herniations.

Hudson County, NJ

In this motor vehicle negligence action, the plaintiff sustained injury when her vehicle was struck in the rear by a commercial truck, operated by the defendant, in a toll lane on a bridge. The defendant generally denied all allegations of negligence.

On December 25, 2018, the plaintiff's vehicle was traveling onto the George Washington Bridge in Fort Lee, New Jersey, via Toll Lane #10. At the same time, the defendant, operating a commercial truck, was also traveling onto the George Washington Bridge via Toll Lane #10, directly behind the plaintiff's vehicle. At the time of the incident, the plaintiff's vehicle slowed down to proceed through the toll onto the bridge. As the plaintiff's vehicle slowed down, it was struck in the rear by the defendant's truck.

The plaintiff maintained that the defendant was negligent in failing to maintain a safe distance from other vehicles, failing to remain adequately attentive, and failing to adhere to speeds appropriate for a toll plaza. Consequently, the plaintiff sustained injuries, including a tear of the left subscapularis, a tear of the proximal long head of the left biceps tendon with tendinosis, 3 cervical disc herniations, and 4 lumbar disc herniations. A doctor for the defendant opined that the plaintiff did not sustain a permanent injury.

The arbitrator in this case found the secondary defendant 100% liable for the accident and reported an award for the plaintiff in the amount of $90,000. Following arbitration, the defendant's counsel requested a trial de novo. However, the initial hearing was rescheduled several times, and the parties entered into a settlement conference before the trial could begin. A notice of settlement was submitted on April 17, 2023, and the Honorable Joseph A. Turula ordered that the case be dismissed the same day.

REFERENCE

Lourdes Mambru vs. Christoph Felix, Larry Myas. Docket no. HUDL004507-20; Judge Christine M. Vanek.

Attorney for plaintiff: Ricky E. Bagolie of Bagolie-Friedman, LLC in Jersey City, NJ. Attorney for defendant: Natalie B. Pena of Law Office of Eric H. Bennett in Hackensack, NJ.

$30,000 ARBITRATION AWARD

Motor vehicle negligence – Rear end collision – Plaintiff's vehicle struck in rear by defendant's vehicle while stopped at stop sign – Mandibular joint disorder – Post-concussion syndrome – Cervical and lumbar sprain/strain – Carpal tunnel syndrome – Surgery required.

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 was

stopped at a stop sign, causing the plaintiff to become injured. The defendant generally denied all allegations of negligence.

On December 5, 2019, the plaintiff's vehicle was traveling on Church Lane, at or near its intersection with Ratzer Road in Wayne, New Jersey. At this time, the defendant's vehicle was also traveling on Church Lane, directly behind the plaintiff's vehicle. At the time of the incident, the plaintiff's vehicle came to a complete stop for a stop sign at the aforementioned intersection. While the plaintiff's vehicle was stopped at the stop sign, it was suddenly struck in the rear by the defendant's vehicle.

The plaintiff maintained that the defendant was negligent in failing to obey a stop sign, failing to remain adequately attentive, and failing to maintain a safe distance from the plaintiff's vehicle. Consequently, the plaintiff sustained injuries, including mandibular joint disorder, post-concussion syndrome, cervical and lumbar sprain/strain, and carpal tunnel syndrome, which required surgery to repair. A doctor for the defendant disputed the causality and permanency of the plaintiff's injuries.

The arbitrator in this case found the defendant 100% liable for the accident and reported an award for the plaintiff in the amount of $30,000. Following arbitration, the action was amicably adjusted by both parties, for an amount not specified on the docket. A stipulation of dismissal was submitted on July 24, 2023.

REFERENCE

Linda Dominguez vs. Salvatore Montagna. Docket no. PASL003646-21; Judge Darren J. Delsardo.

Attorney for plaintiff: Franco Mazzei of Weiner Mazzei, LLC in Passaic, NJ. Attorney for defendant: Christopher T. Hughes of Law Offices Pamela D. Hargrove in Cranford, NJ.

$23,500 ARBITRATION AWARD

Motor vehicle negligence – Rear end collision – Plaintiff's vehicle struck in rear by defendant's vehicle while stopped in traffic – Cervical disc herniations at C4-5 and C5-6 – Lumbar disc herniations at L3-4 and L4-5 – Cervical and lumbar radiculopathy at C5-6 and L4-5 – Grade I signal tear of posterior horn of right medial meniscus.

Passaic County, NJ

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

On May 17, 2019, the plaintiff's vehicle was traveling westbound on Route 46 West in Totowa, New Jersey. At the same time, the defendant's vehicle was also traveling westbound on Route 46 West, directly behind the plaintiff's vehicle. At the time of the incident, the plaintiff's vehicle was stopped in a line of heavy traffic. While the plaintiff's vehicle was stopped, it was suddenly struck in the rear by the defendant's vehicle, causing the plaintiff to become injured.

The plaintiff maintained that the defendant was negligent in failing to observe traffic conditions, failing to remain adequately attentive, and failing to maintain a safe distance from other vehicles. Consequently, the plaintiff sustained injuries, including cervical disc herniations at C4-5 and C5-6, lumbar disc herniations at L3-4 and L4-5, cervical and lumbar radiculopathy at C5-6 and L4-5, and a Grade I signal tear of the posterior horn of the right medial meniscus. The plaintiff underwent chiropractic care and received cortisone injections for her knee injury. A doctor for the defendant found the plaintiff's injuries to be degenerative and unrelated to the accident.

The arbitrator in this case found the defendant 100% liable for the accident and reported an award for the plaintiff in the amount of $23,500. Shortly after arbitration, on July 3, 2023, the parties entered into a settlement for an amount not specified on the docket. A stipulation of dismissal was submitted on July 19, 2023.

REFERENCE

Latriece Saunders vs. Michelle Cruz. Docket no. L001502-21; Judge Vicki A. Citrino.

Attorney for plaintiff: Marc A. Ross of Marc A. Ross, Esq., P.A. in Paterson, NJ. Attorney for defendant: Gregory F. McGroarty, Esq. of Voss Nitsberg DeCoursey & Hawley in Iselin, NJ.

$0 VERDICT

Motor vehicle negligence – Rear end collision – Plaintiff's vehicle struck in rear by defendant's vehicle while slowing for traffic – Cervical disc herniations – Bilateral L5-S1 radiculopathy – Cervical and lumbar epidurals.

Bergen 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 March 6, 2020, the plaintiff's vehicle was traveling eastbound on Interstate Route 80 in Totowa, New Jersey. At the same time, the defendant's vehicle was also traveling eastbound on Interstate Route 80, directly behind the plaintiff's vehicle. At the time of the incident, the plaintiff noticed heavy traffic ahead, and began to slow her vehicle to accommodate it. As the plaintiff's vehicle slowed down, it was suddenly struck in the rear by the defendant's vehicle.

The plaintiff maintained that the defendant was negligent in failing to remain adequately attentive, failing to maintain a safe distance from other vehicles, and failing to obey traffic conditions. Consequently, the plaintiff sustained injuries, including cervical disc herniations and bilateral L5-S1 radiculopathy, which were treated with 2 cervical epidurals and one lumbar epidural. A doctor for the defendant opined that the plaintiff did not sustain any permanent injuries.

The arbitrator in this case found the defendant 100% liable for the accident and reported an award for the plaintiff in the amount of $37,580. Following arbitration, the plaintiff's counsel requested a trial de novo. The trial took place from April 23 to April 25, 2024, at which time the jury returned a verdict finding that the plaintiff had proven that she sustained permanent injuries as a proximate cause of the motor vehicle accident. However, the jury did not award the plaintiff any monetary compensation, determining a verdict amount of $0.00. On April 30, the Honorable Kevin P Kelly ordered that the verdict be entered as a final judgment. The plaintiff's counsel motioned for a new trial on May 14, 2024, which was denied by the Honorable Kevin P. Kelly on June 20, 2024.

REFERENCE

Francina Cabrera-Valera vs. Justin Wojna. Docket no. BERL007928-21; Judge Lina P. Corriston, 05-28-24.

Attorney for plaintiff: Jean-Claude Labady of Law Offices of Jeffrey S. Hasson, P.C. in Teaneck, NJ. Attorney for defendant: Kristine Denning of Harwood Lloyd, LLC in Hackensack, NJ.

DEFENDANT'S VERDICT

Motor vehicle negligence – Rear end collision – Plaintiff's vehicle struck in rear by defendant's vehicle while stopped in traffic on off ramp – Post-traumatic cervical spine sprain/strain – Aggravation of previous cervical spine injuries – Aggravation of lumbar spine injuries – Lumbar radiculopathy – Right knee meniscus tear – Surgery required.

Middlesex County, NJ

In this motor vehicle negligence action, the plaintiff's vehicle was struck in the rear by the defendant's vehicle while stopped in traffic on an off ramp, causing the plaintiff to become injured. The defendant generally denied negligence.

On June 26, 2018, the plaintiff's vehicle was traveling on the off ramp of Route 9 South to Route 516 West in Old Bridge, New Jersey. At this time, the plaintiff's vehicle was stopped in traffic on the off ramp. At the same time, the defendant's vehicle was also traveling on the off ramp of Route 9 South to Route 516 West, directly behind the plaintiff's vehicle. At the time of the incident, the defendant's vehicle suddenly struck the plaintiff's vehicle in the rear.

The plaintiff maintained that the defendant was negligent in failing to maintain a safe distance from other vehicles, failing to obey traffic conditions, and failing to remain adequately attentive. Consequently, the plaintiff sustained injuries, including post traumatic cervical spine sprain/strain, aggravation of previous cervical spine injuries, and aggravation of lumbar spine injuries, lumbar radiculopathy, and a tear of the right meniscus which required arthroscopic surgery as well as epidural injections to repair. The defendant argued that the plaintiff had pre-existing neck, back, shoulder, and knee injuries prior to the accident in this case. A doctor for the defendant reviewed the plaintiff's medical records and maintained that the plaintiff's injuries were not related to the accident.

The arbitrator found the defendant 100% liable for the accident in this case and reported an award for the plaintiff in the amount of $60,000. Following arbitration, the defendant's counsel requested a trial de novo. The trial took place on April 8, 9, 10, 11, and 15, 2024, at which time the jury returned a 7 to 1 vote in favor of no cause for action on behalf of the defendant. On April 18, 2024, the Honorable Benjamin S. Bucca ordered a judgment be entered in favor of the defendant.

REFERENCE

Lydia Shepherd vs. Christina Moran. Docket no. MIDL003616-20; Judge Bruce Kaplan, 04-15-24.

Attorney for plaintiff: A. Todd Mayo of Mayo & Russ, PA in East Brunswick, NJ. Attorney for defendant: Eric Kuper of Martin Kane & Kuper in East Brunswick, NJ.

Sideswipe Collision

$150,000 ARBITRATION AWARD

Motor vehicle negligence – Sideswipe collision – Plaintiff's vehicle struck in rear driver's side by defendant's truck while plaintiff attempts to merge in toll plaza – Cervical disc bulges – Cervical disc herniations – Lumbar disc bulges – Lumbar disc herniations – Surgery required.

Bergen County, NJ

In this motor vehicle negligence action, the plaintiff's vehicle was struck in the rear driver's side by the defendant's truck while the plaintiff was attempting to merge in a toll plaza, causing the plaintiff to become injured. The defendant generally denied all allegations of negligence.

On August 9, 2020, the plaintiff was operating a vehicle which was merging into traffic on I-95 from the upper level toll plaza of the George Washington Bridge eastbound, by mile post 14, in the Borough of Fort Lee, New Jersey. At this time, the defendant, operating a truck belonging to the defendants, was traveling in the same toll plaza of the George Washington Bridge eastbound. At the time of the incident, the plaintiff's vehicle was attempting to merge from the toll plaza lanes into the same travel lane as the defendant's truck. As the plaintiff's vehicle was merging in front of the defendant's vehicle, it was struck in the rear driver's side by the defendant's truck.

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, and failing to let the plaintiff merge into the same travel lane. Consequently, the plaintiff sustained injuries, including cervical disc bulges, cervical disc herniations, lumbar disc bulges, and lumbar disc herniations. The plaintiff's injuries required surgery to repair, including a lumbar discectomy.

The arbitrators found the plaintiff and the defendant each 50% liable for the accident, and reported an award for the plaintiff for $150,000.

REFERENCE

Thomas Tiffany vs. Sonya Express, Inc. Docket no. L007660-21; Judge Peter G. Geiger, 04-18-24.

Attorney for plaintiff: David L. Eisbrouch of Eisbrouch & Marsh, LLC in Hackensack, NJ. Attorney for defendant: John Patrick Iannone of Kerley Walsh Matera & Cinquemani, PC in Mountainside, NJ.

Stopped Vehicle Collision

$124,000 ARBITRATION AWARD

Motor vehicle negligence – Stopped vehicle collision – Plaintiff's stopped vehicle struck by defendant's vehicle rolling backward – Cervical disc herniations – Lumbar disc herniation – Surgery required.

Essex County, NJ

In this motor vehicle negligence action, the plaintiff's stopped vehicle was struck by the defendant's vehicle rolling backward, causing the plaintiff injury. The defendant denied all allegations of negligence.

On December 19, 2019, the plaintiff's vehicle was stopped facing west at 202 Monroe Street in Passaic, New Jersey. At this time, the plaintiff's vehicle was in a loading zone, and was stopped behind the defendant's truck, which was also stopped at the same location. At the time of the incident, the defendant's truck suddenly and without warning began to roll backward striking the front of the plaintiff's vehicle.

The plaintiff maintained that the defendant was negligent in failing to put the truck in park and failing to remain adequately attentive. Consequently, the plaintiff sustained injuries, including cervical disc herniations at C3-4, C5-6, and C6-7, as well as a lumbar disc herniation at L5-S1. The plaintiff's injuries were treated with 2 cervical epidural steroid injections and one lumbar epidural steroid injection, as well as a discogram and a percutaneous cervical discectomy at C5-6. A doctor for the defendant disputed the permanency of the plaintiff's injuries.

The arbitrator in this case found the defendant 100% liable for the accident, and reported a net award for the plaintiff in the amount of $124,000. This amount was a reduction from a gross damages amount of $155,000, as some of the plaintiff's injuries could have been attributed to a subsequent accident. Following arbitration, a trial de novo was requested, which was scheduled to begin on September 9, 2024. However, the parties entered into a settlement on the same date instead. A stipulation of dismissal was submitted on October 21, 2024.

REFERENCE

Kathalina Restrepo vs. Luis Ortiz. Docket no. ESXL008148-21; Judge Russell J. Passamano, 10-21-24.

Attorney for plaintiff: Damon A. Vespi of The Vespi Law Firm, LLC in Totowa, NJ. Attorney for defendant: Gerald F. Strachan of Law Office of Gerald F. Strachan in Woodbridge, NJ.

PREMISES LIABILITY

Fall Down

$300,000 ARBITRATION AWARD

Premises liability – Fall down – Plaintiff trips and falls over uneven section of sidewalk at defendant supermarket – Head injury – Left knee injury – Frykman type VII fracture of left distal radius – Surgery required.

Bergen County, NJ

In this premises liability action, the plaintiff tripped and fell over an uneven section of a sidewalk at the defendant supermarket, causing her to become injured. The defendants generally denied negligence.

On February 27, 2020, the plaintiff was a lawful visitor and business invitee at the defendant supermarket, which was located on the premises of 411-495 Old Hook Road in Emerson, New Jersey. At this time, the plaintiff was walking on a sidewalk in front of the supermarket. At the time of the incident, the plaintiff encountered a raised or otherwise uneven section of the sidewalk. The plaintiff tripped over the uneven ground and fell.

The plaintiff maintained that the defendants were negligent in failing to prevent a tripping hazard on the premises, failing to erect signs or otherwise warn of a tripping hazard on the premises, and failing to provide safe passage on the premises. Consequently, the plaintiff sustained injuries, including a head injury, left knee injury, and a Frykman type VII fracture of the left distal radius, which required open reduction and internal fixation surgery to repair. The defendants denied the existence of any hazardous condition on the premises at the time of the plaintiff's fall.

The arbitrator in this case found the defendants 80% liable for the accident, and found the plaintiff 20% liable. The arbitrator reported an award for the plaintiff in the amount of $300,000. Following arbitration, the defendants' counsel requested a trial de novo, which was scheduled to take place on September 23, 2024. However, the parties entered into a settlement conference with a judge on July 22, 2024, before the trial could take place. At this time, the parties entered into a settlement for an amount not specified on the docket.

REFERENCE

Mary Oakes vs. Urstadt Biddle Properties, Inc. Docket no. BERL001129-22; Judge Anthony R. Suarez, 07-22-24.

Attorney for plaintiff: Michael J. Maher of Michael J. Maher, Esq., LLC in Hackensack, NJ.

$15,000 SETTLEMENT

Premises liability – Fall down – Plaintiff trips and falls on uneven sidewalk adjacent to defendant's property – Soft tissue injuries.

Essex County, NJ

In this premises liability action, the plaintiff sustained injury when she tripped and fell on an uneven section of a sidewalk adjacent to the defendants' property. The defendants generally denied all allegations of negligence.

On October 9, 2019, the plaintiff was lawfully walking on a sidewalk just outside of the defendant funeral home, located on the premises of 618 Pavonia Avenue in Jersey City, New Jersey. At this time, this part of the sidewalk was owned and maintained by the defendants. While the plaintiff was walking, she encountered a raised or otherwise uneven part of the sidewalk. The plaintiff then tripped over this part of the sidewalk and fell.

The plaintiff maintained that the defendants were negligent in failing to keep the sidewalk in a safe and adequate condition, failing to provide safe passage on the premises, and failing to repair a broken or uneven sidewalk. Consequently, the plaintiff sustained injuries, including soft tissue injuries. A doctor for the defendants disputed causation and permanency, opining that the plaintiff's injuries were related to a motor vehicle accident which occurred after the plaintiff's fall.

The arbitrators in this case found the defendants 80% liable for the accident and the plaintiff 20% liable. They reported a net award for the plaintiff in the amount of $20,000. Following arbitration, the defendants' counsel requested a trial de novo, which was scheduled to begin on September 16, 2024. However, the defendants made an offer of judgment in the amount of $15,000 on August 15, 2024, which the plaintiff's counsel accepted. A stipulation of dismissal was submitted on September 23, 2024.

REFERENCE

Kurline Barrett vs. JJN Corporation. Docket no. ESXL006911-21; Judge Annette Scoca, 09-28-24.

Attorney for plaintiff: Maurice J. Donovan of Barbosa Donovan, LLP in Livingston, NJ. Attorney for defendant: Nicole L. Hollingsworth of Law Offices of Viscomi & Lyons in Scranton, PA.

TRANSPORTATION COMPANY NEGLIGENCE

$275,000 ARBITRATION AWARD

Motor vehicle negligence – Transportation company negligence – Multi-vehicle rear end collision – Plaintiff passenger suffers injuries when defendant transit van strikes rear of co-defendant's bus stopped due to co-defendant's disabled vehicle on roadway – Tibial plateau fracture – Lateral meniscus tear.

Warren County, NJ

The plaintiff in this negligence action maintained the defendants caused a collision that resulted in the plaintiff transit van passenger sustaining serious injuries. The defendants all denied being negligent and each blamed the other defendants for the collision.

On September 6, 2019, the female plaintiff was a front seat passenger in a van owned by defendant Hazleton Transportation, Inc. and operated by defendant Ramos. The vehicle was traveling on Route 80 East in Hope Township, New Jersey. Suddenly and without warning, the van collided with the rear of a bus owned by Defendant Super Bus, Inc. and driven by defendant Wu. The Super Bus vehicle had come to a stop in the left lane of Route 80 due to a vehicle up ahead, which was driven by defendant Aakjar. The Aakjar vehicle had hydroplaned, spun out, become disabled and blocked the entire left lane of Route 80. Dash cam video, showed defendant Wu never activated the Super Bus's hazard signals to indicate the disabled vehicle ahead.

The plaintiff maintained that the defendants Ramos, Wu and Aakjar failed to properly operate their vehicles. The defendants Hazelton and Super Bus were vicariously liable for the acts of their drivers. The plaintiff suffered comminuted unicondylar lateral tibial plateau fracture with extension of fracture lines into the metaphysis of the proximal left tibia and peripheral tear of the posterior horn of the lateral meniscus, necessitating emergency open reduction internal fixation of left lateral tibial plateau fracture and repair of the posterior portion of the lateral meniscus through the open arthrotomy, muscle spasm, instability, popping, tenderness, scarring, lack of sensation, loss of strength and loss of range of motion. The plaintiff also alleged she suffered from some back injuries from the accident.

The defendants Ramos/Hazelton maintained it was the lack of defendant Wu's indication of a stopped vehicle ahead that caused the collision. They assert that if Wu had engaged his hazards, they could have slowed their vehicle in time to avoid a collision. Instead, they allege Wu slammed on his brakes at the last minute and the impact was unavoidable. Defendants Wu and Super Bus argued they were faced with a sudden emergency caused by the defendant Aakjar. Aakjar generally denied all allegations of negligence and blamed the other drivers for failing to avoid the collision. All defendants argued the plaintiff is not entitled to any damages as she did not suffer a permanent injury caused by the accident as is required by New Jersey law.

The board of arbitration found the defendant Ramos and Hazelton to be 100% liable for the accident and plaintiff's injuries. The board awarded the plaintiff $275,000. The defendants requested trial de novo and later informed the court that the matter had been amicably settled amongst the parties. Kindly mark this case as settled and remove it from the court calendar.

REFERENCE

Cherise Reeves vs. Hazleton Transportation, Inc. Julio Soto Ramos, Wen Wu and Super Bus, Inc. Docket no. WRN-L-88-21; Arbitrator Robert Adams, Nam, 03-13-25.

Attorney for plaintiff: Max Sverdlove of Max Sverdlove, LLC in Livingston, NJ. Attorneys for defendant: William J. Sayers, Farah S. Nicol and Ryan S. Landis of Kennedys Law, LLP in Basking Ridge, NJ. Attorney for defendant: Michael J. Quinn. Attorney for defendant: Jeffrey Raefski.

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

$6,500,000 VERDICT – MEDICAL MALPRACTICE – EMERGENCY DEPARTMENT/ PHYSICIAN NEGLIGENCE – 25-YEAR-OLD SEEKS TREATMENT AT E.R ON 2 SEPARATE OCCASIONS WITH SYMPTOMS INCLUDING FEVER, CHILLS, DIZZINESS, HEADACHES AND DISTINCTIVE BULL'S-EYE-SHAPED RASH – DEFENDANTS MISDIAGNOSE TWICE, FAILING TO RECOGNIZE SIGNS OF LYME DISEASE – WRONGFUL DEATH.

Cumberland County, ME

This action was filed for medical malpractice by the parents, as personal representatives against Dr. John R. Henson and Mercy Hospital. The plaintiff alleged that their sonsought treatment from Dr. Henson on 2 occasions with symptoms including fever, chills, dizziness, headaches and a distinctive bull's-eye-shaped rash. On the first visit, Dr. Henson diagnosed him with an allergic reaction and a viral infection. The second visit, 2 weeks later still troubled by the rash and worsening aches and chills, resulted in a misdiagnosis of hives. On June 25, 2017, Peter called an ambulance because he felt like he was going to faint. The plaintiff alleged he was experiencing heart block and joint pain. The plaintiff was admitted to Maine Medical Center and was promptly diagnosed with Lyme disease and Lyme carditas which occurs when Lyme disease bacteria enters the heart tissue and interferes with the heartbeat. One week later, Peter passed away. The defendant wrote there was "no sign of Lyme disease" and diagnosed Peter with a basic viral illness and erythema multiforme, a skin disorder also characterized by bulls-eye-shaped lesions.

The plaintiff alleged the defendant, Dr. Henson failed to accurately diagnose Peter during an initial emergency room visit on June 7, 2017 despite documenting clear symptoms of Lyme disease and an "initial lesion of the rash (that) started on the left inner thigh" that appeared "slightly target shape", a common indicator of the tick-borne illness. The plaintiff alleged Dr. Henson failed to provide reasonably competent medical care, and as a result of his negligence, Dr. Henson caused Peter to suffer serious injury and death.

The jury found Dr. Henson and Mercy Hospital liable for failing to diagnose Lyme disease, leading to Peter's death. The damage award is expected to be reduced because of state law that caps loss-of-life.

A Superior Court, Cumberland County, Maine jury reached a verdict after 3-and-a-half hours of deliberation. The gross verdict was $6,500,000 consisting of $1,500,000 for conscious pain and suffering, $2,000,000 for economic damages and $3,000,000 in loss-of-life damages.

REFERENCE

Estate of Peter A. Smith vs. Mercy Hospital and Dr. John Henson. Case no. CV-21-151, 02-01-23.

Attorneys for plaintiff: Jodi Nofsinger and Susan Faunce of Berman & Simmons in Lewiston, ME. Attorney for defendant: Philip Coffin, III of Verrill & Associates in Portland, ME.

$3,450,000 VERDICT – MEDICAL MALPRACTICE – ORTHOPEDIC SURGERY NEGLIGENCE – PLAINTIFF SUFFERS COMPARTMENT SYNDROME AFTER SURGERY TO REPAIR RUPTURED BICEPS TENDON – 5 CORRECTIVE SURGERIES – SIGNIFICANT IRREVERSIBLE DAMAGE TO LEFT HAND.

Dutchess County, NY

In this medical malpractice case, the plaintiff, a 29-year-old wastewater treatment operator, asserted that the defendants failed to diagnose his compartment syndrome leading to the plaintiff suffering permanent injury. As a result of the compartment syndrome, the plaintiff underwent 5 corrective surgeries including decompressive fasciotomies and repair of laceration of the brachial artery; excision and debridement of necrotic muscle of the left upper extremity; skin grafting of the left forearm; flexor pronator slide, left arm, 4 cm, and ulnar nerve decompression with subcutaneous transposition in the left arm. The defendants denied negligence and asserted

that the diagnosis and treatment of the plaintiff's compartment syndrome was timely and that he was not exhibiting symptoms of compartment syndrome when he initially presented to the defendants the day after the surgery.

The plaintiff was treated by the defendants for the injury to his left arm including left distal biceps repair surgery on August 14, 2019 performed by the defendant orthopedic surgeon at the defendant orthopedic surgical center. During the surgery, the defendant surgeon lacerated the plaintiff's left brachial artery. On August 15, 2019, the plaintiff experienced pain in the arm and presented to the defendant hospital emergency room where he was treated by the defendant emergency room physician. Over the course of several days, the plaintiff's condition deteriorated but the cause of his issues was not diagnosed.

The plaintiff has undergone extensive occupational therapy and pain management. The plaintiff asserted that he is permanently disabled due to significant irreversible damage to the muscle bellies, nerves, tendons and soft tissue of the left upper extremity caused by the defendants' failure to diagnose and timely treat his injury.

The verdict was only against the defendant orthopedic surgeon as the jury did not find any departure on behalf of the co-defendant emergency room physician. The jury awarded the plaintiff damages in the amount of $3,450,000 broken down as follows: $450,000 for past pain and suffering and $3,000,000 for future pain and suffering.

REFERENCE

Russell, III vs. Howard, et al. Index no. 2020-51197; Judge Christi J. Acker, 06-13-23.

Attorney for plaintiff: Jeffrey B. Bloom, assisted by Alex Bloom and David Larkin of Gair, Gair, Conason, Rubinowitz, Bloom, Hershenhorn, Steigman & Mackauf in New York, NY. Attorney for defendants Daniel R. Howard and Somers Orthopaedic Surgery and Sports Medicine Group: Neil Ptashnik Vouté of Lohrfink, McAndrew, Meisner & Roberts, LLP in White Plains, NY. Attorney for defendant Jason Antunez: Phelan, Phelan & Danek, LLP in Albany, NY. Attorney for defendant Putnam Hospital Center: Michael Grady Wilson of Elser, Moskowitz, Edelman & Dicker, LLP in White Plains, NY.

PRODUCT LIABILITY

$78,000,000 VERDICT – PRODUCT LIABILITY – DEFECTIVE DESIGN – FATAL FAIR RIDE ENDING IN DEATH OF ONE PERSON AND CATASTROPHIC INJURIES FOR 3 OTHERS – 60-FOOT HIGH SWING DETACHED WHILE IN OPERATION THROWING AND KILLING 19-YEAR-OLD FROM BLUNT FORCE TRAUMA AFTER BEING THROWN AND STRIKING TRACTOR-TRAILER'S FIFTH-WHEEL.

Somerset County, NJ

This product liability action was filed June 6, 2019, by the plaintiff's, Keziah Lewis, et al., against the defendant, KMG International BV, et al. The plaintiffs were out for a day at the fair when this catastrophic accident occurred at the Ohio State Fair. The 60-foot high swing ride called the Fireball amusement ride detached causing death and serious injuries.

The plaintiff's Keziah Lewis, 19 years old, suffered head trauma, broken bones, 12 surgeries, fractures of C-7, T-2,T-7,T-12, sacrum, acetabulum, right ankle, left shoulder, and ribs. The plaintiff, Tyler Jarrell, 18 years old, suffered blunt force trauma and death after being thrown 60 feet and striking a tractor-trailer's fifth wheel plate. The plaintiff Russell Franks, 36 years old, suffered a depressed skull fracture, traumatic brain injury with frontal lobe hemorrhage and multiple fractures, including bilateral femur, pelvis, spine, and right ankle and suffers from incontinence, erectile dysfunction, severe weakness, and depression. The plaintiff Tamica Gillam Dunlap, 30 years old, suffered multiple pelvic fractures, leg fractures, spinal fractures at T-6-10, rib fractures, pneumothorax, ankle fractures and underwent 8 surgeries.

A Somerset County Superior Court jury reached a verdict after deliberation and day trial. The gross verdict was $78 million. The award was broken down as follows: Keziah Lewis, 20 million including $10 million in compensatory damages and $10 million in punitive damages; The Estate of Tyler Jarrell, $7 million in compensatory damages and $10 million in punitive damages; Russell Franks, $22 million including $12 million compensatory damages and $10 million punitive damages; Tamica Gillam Dunlap, $19 million including $9 compensatory damages and $10 million punitive damages.

REFERENCE

Keziah Lewis, et al. vs. KMG International BV, et al. Docket no. SOM-L-000737; Judge Robert A. Ballard, 07-05-24.

Attorney for plaintiff: Michael George Donahue of Stark & Stark in Lawrenceville, NJ. Attorney for defendant: Andrew G. Siegeltuch of Sweeney & Sheehan in Westmont, NJ.

MOTOR VEHICLE NEGLIGENCE

$15,000,000 VERDICT – MOTOR VEHICLE NEGLIGENCE – EMPLOYER LIABILITY – SINGLE VEHICLE COLLISION – DEFENDANT TRANSPORTATION EMPLOYEE OPERATES TRANSIT VAN AT HIGH RATE OF SPEED IN HARD RAIN LOSING CONTROL AND FLIPPING OVER CAUSING DEATH AND INJURY TO PASSENGERS – NEGLIGENT RETENTION OF UNSAFE DRIVER – WRONGFUL DEATH – FRACTURES – TBI.

Philadelphia County, PA

The plaintiffs in this tragic motor vehicle negligence action alleged that the defendant driver drove at a high rate of speed and caused a roll-over accident that resulted in death and injury to the plaintiffs. The plaintiffs alleged the defendant transportation company negligently retained an unsafe driver. Plaintiff Royal died on impact. Plaintiff Huot survived, but was rendered quadriplegic and died approximately a year-and-a-half later. Plaintiff Dy sustained a cervical transverse process fracture, orbital floor (blow-out) closed fracture, significant cervical spine disc herniations (C2, C3, C4, C5, C6), spinal cord compression, impingement of the spinal cord, impingement of the anterior thecal space, narrowing of the foramen, fractured ribs, right clavicular fracture, distal radius fracture, and a traumatic brain injury. The defendants denied being negligent and the defendant driver alleged he was cut off by another driver and when he "tapped the brakes" the van skidded due to the weather.

The plaintiffs maintained that the defendant driver was traveling at an excessive and dangerous rate of speed, failed to use proper caution in light of weather conditions and ignored the passengers' pleas for him to slow down. The defendant Global negligently hired the defendant driver despite his extensive history with vehicular violations. In addition, the defendant Global had received complaints about Thach's driving from passengers earlier in 2019. These complaints consisted of speeding, falling asleep at the wheel and driving under the influence.

The jury found that the defendant driver was 40% liable and the defendant Global was 60% liable. Defendant Herr settled with the plaintiffs out of court. Huot was awarded $6,000,000, Brown was awarded $5,000,000 and Dy was $4,000,000 for a total verdict of $15,000,000.

REFERENCE

The Estate of Nathan Royal by Cynthia Brown, The Estate of Jennifer Huot by Ordom Huot and Soeup Dy vs. Herr Foods, Inc., Gong Thach, and Global Staffing Solutions, Inc. Case no. 200601058 210300367, 211000157; Judge Susan I. Schulman, 10-31-24.

Attorney for plaintiff: Thomas Bosworth of Bosworth Law in Philadelphia, PA. Attorney for defendant: Joseph Fowler of Fowler Hirtzel McNulty & Spaulding in Philadelphia, PA.

$674,000 VERDICT – MOTOR VEHICLE NEGLIGENCE – AUTO/PEDESTRIAN COLLISION – DEFENDANT RUNS OVER PLAINTIFF'S LOWER LEG AS PLAINTIFF ATTEMPTED TO ENTER DEFENDANT'S UBER VEHICLE – RIGHT KNEE AND HIP INJURIES – FUTURE SURGERY REQUIRED.

Denver County, CO

The plaintiff in this action for motor vehicle negligence was attempting to get into the defendant's Uber when the defendant proceeded forward running over the plaintiff's right lower leg. Consequently, the plaintiff suffered right knee and hip injuries requiring surgery. The plaintiff sued the defendant driver and Uber. The defendant driver denied being negligent and argued it was the actions of the plaintiff that caused the incident if any occurred. The defendant company denied that the defendant was an employee of theirs and argued the defendant was in fact an agent of the defendant and not an employee or independent contractor.

The plaintiff maintained the defendant driver was negligent in failing to properly operate and control the vehicle and operating a vehicle without ensuring that his passengers were safely inside the vehicle before proceeding. In addition, the plaintiff maintained that the defendant driver was acting as an employee of the defendant company at the time of the accident making the company vicariously liable for the actions of the defendant driver.

The jury found that the defendant Uber driver was not an employee of the defendant Raiser, but was acting as an agent within the scope of his agency at the time of the incident. The court entered judgment for the plaintiff and against the defendants jointly and severally totaling $911,734.79 ($674,000 plus pre-judgment interest of $237,734.79).

REFERENCE

Jeremy Dispenza vs. Ahmed Bushaalah and Rasier, LLC dba Uber. Case no. 2020CV33792; Judge Shelley Gilman, 03-23.

Attorney for plaintiff: Miles Dewhirst of Dewhirst Dolven & Parker in Denver, CO. Attorney for defendant: Jason Melichar of Wilson Elser Moskowitz Edelman & Dicker, LLP in Denver, CO.

PREMISES LIABILITY

$28,900,000 SETTLEMENT – PREMISES LIABILITY – NEGLIGENT SECURITY AT DELRAY BEACH APARTMENT COMPLEX – 16-YEAR-OLD PLAINTIFF ASSAULTED AND SHOT – PERMANENT QUADRIPLEGIA.

Palm Beach County, FL

This negligent security action stemmed from a shooting at a Delray Beach apartment complex owned and operated by the defendants. The shooting rendered the teenaged plaintiff a permanent quadriplegic. The plaintiff requires life-long care and faces ongoing physical and emotional challenges.

The plaintiff maintained that the injuries could have been prevented by adequate security on the part of the defendant owners and management company. The plaintiff alleged that the security at the defendant's complex at the time of the incident was nonexistent. According to the plaintiff, there was an alarming history of violent crime in the vicinity—including armed robberies, assaults, burglaries, sexual assaults, and drug violations—suggested a clear need for enhanced security protocols. Instead, the plaintiff claimed that the defendant's gates were broken and there were holes and missing sections of the perimeter fence. Discovery showed that just a day after the plaintiff's shooting, a grandmother was shot and killed on her balcony in the neighboring apartment complex.

The case was settled prior to trial for a total of $28,900,000.

REFERENCE

Ivory Smith as Natural Parent and Guardian of T.M. vs. Village at Delray and Dominium Management. Case no. 2023-CA-017027; Judge Luis Delgado, 09-26-24.

Attorneys for plaintiff: Michael Haggard and Douglas McCarron of The Haggard Law Firm in Coral Gables, FL.

$968,213 VERDICT – PREMISES LIABILITY – FALL DOWN – PLAINTIFF EMPLOYEE OF TENANT IN DEFENDANTS' BUILDING TRIPS AND FALLS ON UNSECURED RUG IN BUILDING'S BASEMENT ENTRYWAY – FRACTURED RIGHT ELBOW – OPEN REDUCTION AND INTERNAL FIXATION; PHYSICAL THERAPY AND PAIN MANAGEMENT – PLAINTIFF WILL LIKELY REQUIRE ADDITIONAL SURGERY.

Richmond County, NY

In this premises liability case, the plaintiff, a 67-year-old school nurse, asserted that she was permanently injured on April 17, 2018 when she was on the defendants' premises in Staten Island and fell due to a dangerous, defective, hazardous, unsafe and trap-like condition in the form of a protective floor mat which existed on the premises. As a result of the incident, the plaintiff suffered a comminuted, displaced fracture involving the olecranon process, right proximal ulna and was treated at the emergency room. The plaintiff saw an orthopedic surgeon the day after her emergency room visit. He provided her with a prescription for pain medication and recommended that she undergo surgery to address the fracture which she did the following week. Liability of 100% against the defendants in this bifurcated case was determined previously at a jury trial and the matter was then set down for jury trial as to damages. The defendant asserted that the plaintiff's injury, while serious, had resolved with surgery.

The surgery included using a temporary clamp and installing 2 metal wires that were woven into the bone to hold the bone in place. The surgery involved drilling into the bone fragments and twisting the wires so that the bone compressed together when the patient used her arm. The wires were bent and sharpened so that they would not protrude out of the bone, although this could occur in some cases. After the surgery, the plaintiff's arm was put in a plaster splint for further stability for a period of 2 weeks.

The plaintiff testified that, at the time of trial, her arm still hurt and her range of motion was still limited. Since the time of the injury, she has continued to take over-the-counter pain medicines for the pain in her arm, and uses "icy hot" and ice packs. She testified that she has been in pain since the day of the accident.

The jury awarded damages in the amount of $968,213 broken down as follows: $31,945 for lost earnings; $55,768 for past medical expenses; $80,500 for future medical expenses; $200,000 for past pain and suffering and $600,000 for future pain and suffering.

REFERENCE

Haggerty vs. Imperial Towers Condominium, et al. Index no. 151708/2020; Judge Wayne M. Ozzi, 04-01-24.

Attorney for plaintiff: James K. O'Halloran, Esq. in Staten Island, NY. Attorney for defendant: James P. Gilroy of Gerber Ciano Kelly Brady, LLP in New York, NY.

ADDITIONAL VERDICTS OF PARTICULAR INTEREST

Construction Site Negligence

$71,950,000 VERDICT – CONSTRUCTION SITE NEGLIGENCE/EMPLOYER NEGLIGENCE – NEGLIGENT TRAINING – PLAINTIFF'S DECEDENT LAWFULLY ATOP SCISSOR LIFT IN COURSE OF EMPLOYMENT AS ELECTRICIAN WHEN ANOTHER EMPLOYEE OPERATES AERIAL LIFT INTO SCISSOR LIFT CAUSING DECEDENT TO FALL 30 FEET TO HIS DEATH – WRONGFUL DEATH OF 40-YEAR-OLD FATHER OF 4 .

Dallas County, TX

In this case, the decedent and 2 other employees fell 30 feet to the ground when they were knocked off the top of a scissor lift that had been struck and toppled by a nearby boom lift. The impact sent the 3 men on the scissor lift falling 30 feet to the ground causing fatal injuries to the decedent and catastrophic injuries to the 2 other employees. All parties involved in the accident were employed by the defendant and in the course of their employment on a construction site controlled by the defendants. All defendants denied liability. The decedent's employer was the only defendant listed on the charge of the court at trial. They blamed the decedent for the incident.

The plaintiff made negligence claims for premises liability against some of the defendants and negligent training and supervision of the construction project and its employees against his employer. Texas workers' compensation laws prevented the plaintiff from recovering from Walker International; however, the plaintiff could recover from the defendant's sister company or parent company Walker Engineering. The only defendant remaining at trial was the decedent's employer. This defendant argued that it was the actions of the decedent that caused the incident by moving the scissor lift into a position near the lift that struck him.

The jury found Walker Engineering and Walker Industrial to be negligent. The jury found no negligence against the decedent. Walker engineering was apportioned 65% liability and Walker Industrial 35% liability. The apportionment of fault makes Walker Engineering jointly and severally liable for the entire verdict. The plaintiff's wife was awarded $11 million in loss of companionship, and $12 million in mental anguish. The decedent was compensated $950,000 for his pain and mental anguish. The remaining verdict was distributed among the decedent's 4 children for loss of companionship and mental anguish for a total verdict of $71,950,000.

REFERENCE

The Estate of Hernan Murillo by Laura Lopez vs. Frito-Lay, The Haskell Company, Walker Engineering and Walker Industrial, LLC. Case no. DC-19-16959; Judge Veretta Frazier, 04-25-24.

Attorneys for plaintiff: Charla Aldous, Brent Walker, Caleb Miller and Eleanor Aldous of Aldous Walker, LLP in Dallas, TX. Attorneys for defendant: Robert Bragalone and Soña J. Garcia of Gordon Rees Scully Mansukhani in Dallas, TX. Attorney for defendant: Joseph Byrne of Byrne Cardenas & Aris, LLP in Dallas, TX.

County Liability

$2,176,534 VERDICT – COUNTY LIABILITY – MOTOR VEHICLE NEGLIGENCE – AUTO/PEDESTRIAN COLLISION – DEFENDANT COUNTY FAILED TO PAINT STRIPES ON ROAD AFTER REPAVING – TORTFEASOR DRIVES ON MEDIAN, HITS CURB, RICOCHETS INTO ANOTHER VEHICLE WHICH THEN STRIKES PLAINTIFF PEDESTRIAN – 51-DAY HOSPITALIZATION – FRACTURED PELVIS AND LEFT TIBIAL PLATEAU FRACTURE – MULTIPLE SURGERIES, HARDWARE AND PHYSICAL THERAPY.

Palm Beach County, FL

In this case, the plaintiff pedestrian asserted that the defendant county failed to paint its roads in such a manner that drivers could delineate between the roadway and the median. A vehicle drove in the median, struck another vehicle, and caused that vehicle to hit 2 pedestrians, including the plaintiff. As a result of the accident, the plaintiff was hospitalized for 51 days with a fractured pelvis and left tibial plateau fracture.

The plaintiff underwent multiple surgeries including placement of hardware in the pelvis with stabilization to the spine; a plate and screws in the left knee; and subsequent surgeries to remove the hardware. The defendant denied liability, arguing that the accident occurred because one of the drivers traveling eastbound on Silver Beach Road near the plaintiff pedestrian operated his vehicle into another vehicle forcing it to leave the roadway and subsequently strike the plaintiff.

The plaintiff maintained that the subject collision occurred because the tortfeasor was traveling eastbound on Silver Beach Road in the median, not a lane of travel. When a concrete curb appeared unexpectedly in front of him (because he was not in a lane of travel), he suddenly swerved to the right and struck the car next to him. The second vehicle was forced off the road and struck the plaintiff who was walking on the sidewalk at the time. The plaintiff brought suit against the defendant county, arguing that the county failed to have the roadway striped after the roadway construction was completed to properly delineate the lane of travel.

The jury found the tortfeasor driver 70% negligent and the defendant county 30% negligent with damages of $2,176,534 broken down as follows: $960,881 for future lost earning capacity; $1,215,653 for future medical expenses and $0 for pain and suffering.

REFERENCE

Syme vs. Palm Beach County Board of County Commissioners, et al. Case no. 2020CA004229; Judge Jaimie Goodman, 04-21-23.

Attorney for plaintiff: Jeff D. Vastola of Law Offices of Vastola Legal in Stuart, FL. Attorney for defendant: Jonathan D. Martenak of Assistant County Attorney in West Palm Beach, FL

Employer Liability

$400,000 SETTLEMENT – EMPLOYER LIABILITY – PLAINTIFF INJURED OPERATING FORKLIFT TO UNLOAD TRUCK WHEN TRUCK PULLS AWAY – CERVICAL DISC HERNIATION AT C4-5 – SPINAL CONTUSIONS FROM C3-C6 – DISC BULGES FROM L4-S1 – CLOSED HEAD INJURY.

Mercer County, NJ

In this action, the plaintiff employee was injured while operating a forklift to unload a truck when the truck pulled away. The defendants generally denied all allegations of negligence.

On February 18, 2019, the plaintiff an employee for the defendant food distributor, and in the course of his employment, was operating a forklift to unload a large truck. While the plaintiff was using the forklift in and around the trailer of the truck, the driver of the truck began to pull away. As the truck pulled away, the plaintiff and his forklift fell. Consequently, the plaintiff sustained injuries, including cervical disc herniation at C4-5, spinal contusions from C3-C6, disc bulges from L4-S1, and a closed head injury.

The plaintiff maintained that the defendants were negligent in failing to hire competent employees to operate trucks, failing to keep the truck still, and failing to ensure the safety of the subject truck.

The arbitrators in this case found the defendants 100% liable for the accident and reported an award for the plaintiff in the amount of $250,000. Following arbitration, the defendants' counsel requested a trial de novo, which was scheduled to begin on July 29, 2024, but was rescheduled as a settlement conference. On June 4, 2024, the plaintiff's counsel offered to allow judgment to be taken in the name of the plaintiff for the amount of $400,000. A stipulation of dismissal was submitted on July 29, 2024.

REFERENCE

Eddie Mose vs. Dion Smack, Lidestri Foods of New Jersey. Docket no. MERL000063-21; Judge R. Brian Mclaughlin, 07-29-24.

Attorney for plaintiff: Evan J. Lide of Stark & Stark in Princeton, NJ. Attorney for defendant: Karen M. Maschke of MacDonald & Herforth in Moorestown, NJ.

Landlord Negligence

$5,540,000 VERDICT – LANDLORD NEGLIGENCE – PLAINTIFF RESIDENT OF DEFENDANTS' APARTMENT BUILDING SLIPS ON OIL AND FALLS DOWN FLIGHT OF STAIRS – DISC HERNIATIONS AT C3-4, C4-5, C5-6 AND C6-7 WITH RADICULOPATHY AND DISC BULGES AT L4-5 AND L5-S1 – CERVICAL FUSION SURGERY; CHIROPRACTIC TREATMENT; PHYSICAL THERAPY; EPIDURAL STEROID INJECTIONS.

New York County, NY

In this case, the plaintiff tenant, a 41-year-old assistant retail store manager, asserted that the defendants, the owner and the management of the subject building, failed to maintain their apartment building in a safe condition for residents. The plaintiff fell down the stairs due to the presence of oil on the steps. Following the incident, the plaintiff went to New York-Presbyterian Hospital with complaints of pain to her neck, lower back and left hip. As a result of the fall, the plaintiff claimed permanent injuries to her cervical and lumbar spine. Multiple MRIs revealed disc herniations at C3-4, C4-5, C5-6 and C6-7 with radiculopathy; and disc bulges at L4-5 and L5-S1. The plaintiff underwent cervical fusion surgery, chiropractic treatment, physical therapy, epidural steroid injections and required pain medication. The defendant was found on summary judgment to have had notice of the oil

on the stairs. The defendant denied causation, permanency and argued that the plaintiff's injuries were pre-existing, degenerative, and not caused by the subject fall.

The plaintiff developed multilevel disc desiccation with degenerative disc disease. The plaintiff claimed partial disability due to chronic pain for which she remains under the care of a pain management physician and for which she continues to take pain medication on a daily basis. At trial, the plaintiff presented an expert orthopedic surgeon and treating pain management physician who set forth the treatment the plaintiff would need in the future and her disability due to her injuries.

The court determined that the defendants were liable prior to trial. The jury found the defendants negligent and the plaintiff not contributorily negligent. The jury awarded the plaintiff $5,540,000 in damages broken down as follows: $400,000 for past lost earnings; $500,000 for future lost earnings; $40,000 for past medical expenses; $1,800,000 for future medical expenses; $700,000 for past pain and suffering and $2,100,000 for future pain and suffering.

REFERENCE

Fogah vs. Sisters of Charity Housing Development Fund Corp., et al. Index no. 156308/2014; Judge Nicholas W. Moyne, 12-15-23.

Attorney for plaintiff: Jonathan R. Ratchik of Kramer, Dunleavy & Ratchik, PLLC in New York, NY. Attorney for defendant building owner: Adam Greenberg of Harrington, Ocko & Monk, LLP in White Plains, NY. Attorney for defendant building management: Jeremy D. Platek of Keidel, Weldon & Cunningham, LLP in White Plains, NY.

School Liability

$5,400,000 ARBITRATION AWARD – SCHOOL LIABILITY – FOOTBALL COACH RECEIVED SEVERAL HARASSING CALLS AND TEXT MESSAGES FROM ANONYMOUS PHONE NUMBER – CALLS TRACED TO CELL NUMBER OF 16-YEAR-OLD SOPHOMORE – TEENAGER COMMITS SUICIDE – FOOTBALL COACH AND SCHOOL ADMINISTRATORS FOUND NEGLIGENT IN RESPONSE BEFORE SUICIDE.

Providence County, RI

This school liability action, filed in 2019, alleged defendants', Ryan Moniz (Football Coach), John Amaral (Principal), Paige Kirwin-Clair (Assistant Principal), Steven Trezvant (Athletic Director), Town of Portsmouth, and Detective Derek Carlino (Jamestown Police), negligence contributed to the teenager's emotional distress that caused him to take his life by suicide in 2018.

The plaintiff's alleged the football coach at Portsmouth High School pressured the teenager to reveal the names of other students involved in sending harassing text messages and phone calls to the coach. The plaintiff's further alleged Ryan Moniz had football players pressure the plaintiff to provide the names as well. The defendant contended they could not have foreseen the tragic outcome and should not be held responsible for Nathan's actions or the subsequent emotional distress experienced by his family.

A Providence County Superior Court jury reached a verdict in 2 days of deliberation after a 13-day trial. The gross verdict was $5,400,000 broken down as follows: $3,100,000 in compensatory damages; $2,300,000 in interest accrued at 12% per annum since 2018.

REFERENCE

Bruno vs. Moniz. Case no. PC-2019-1234; Judge Richard A. Licht, 10-23-24.

Attorneys for plaintiff: Peter Cerilli and John Foley of Cerilli Law Offices. Attorney for defendant: Marc DeSisto of Desisto Law in Providence, RI.