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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

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

Middlesex County, NJ

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

The plaintiff alleged that she tripped and fell forward onto a fireplace, landing on her face, resulting in non-displaced fractures on her nose and a non-displaced right humerus fracture and further alleged the defendant negligently extended the hearth extension that caused the plaintiff's fall, which was raised 1.375 inches. The plaintiff alleged the raised hearth was a tripping hazard and was 5 times ASTM and ADA standards and the building code required (.25 inches).

The plaintiff further alleged that several days after being discharged from the hospital she exhibited post-concussion symptoms and it was later determined she had suffered a traumatic brain injury. The plaintiff pled injuries of traumatic brain injury, hospitalization, knee pain, non-displaced fractures on her nose, non-displaced right humerus fracture, aggravation of pre-existing conditions, and surgery.

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

REFERENCE

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

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

COMMENTARY

After the verdict the plaintiff's counsel, Evan J. Lide, expounded on the hearth: … "Another interesting component of this case was the fact that the ASTM and ADA standards are voluntary, and the Township of Cranbury, where the inn is located, did not adopt them and they were therefore not legally binding. The plaintiff's however, were able to argue that the legality of the standards ultimately did not matter because the hearth posed a dangerous condition that lacked any visual cues which would have drawn attention to the potential hazard. I am thankful that the jury saw the truth in this case and that her reputation was vindicated."

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

Middlesex County, NJ

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

On April 15, 2021, the plaintiff was a restrained, front seat passenger in the host vehicle, which was traveling on Easton Avenue, toward its intersection with Bartlett Street in New Brunswick, New Jersey. At the same time, the defendant's vehicle was traveling on Bartlett Street, toward the same intersection. On this day, the subject intersection was controlled by a 2-way stop sign on Bartlett Street. Easton Avenue was not controlled by a stop sign. As such, the host vehicle proceeded through the intersection without stopping. At the time of the incident, the defendant continued forward on Bartlett, running the stop sign, and entered the intersection at the same time as the host vehicle. The defendant's vehicle then struck the host vehicle broadside, causing the plaintiff passenger to become injured.

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The plaintiff maintained that the defendant was negligent in failing to obey a stop sign, failing to yield the right-of-way, and failing to remain adequately attentive. Consequently, the plaintiff sustained injuries, including an annular tear at C2-3, as well as disc bulges from C4-7. These injuries required the plaintiff to undergo anterior cervical discectomy and fusion surgery. The plaintiff also sustained a disc herniation at L5-S1, right shoulder tendinopathy, and an ACL edema to the left knee. The plaintiff's injuries were treated with physical therapy, as well as 4 lumbar epidural steroid injections and 2 cervical epidural steroid injections. A doctor for the defendant disputed causation and permanency.

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

REFERENCE

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

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

COMMENTARY

Following the accident in this case, the plaintiff had to seek additional medical and surgical care to continue treating her injuries. The plaintiff initially attended physical therapy and received several epidural steroid injections to treat her injuries, but her pain and immobility persisted, causing her to seek surgical intervention for both her left knee and her right shoulder. Even following the surgery, the plaintiff continues to experience pain and limited motion in the knee, the shoulder, and the neck and back.

The plaintiff has been recommended a lumbar fusion surgery to address her continued back pain, but has not undergone the procedure yet. The settlement amount in this case was likely determined by the severity and prolonged nature of the plaintiff's injuries.

DEFENDANT'S VERDICT – PRIVATE NUISANCE – NOISE, DUST AND FUMES FORCED PLAINTIFF OFF HIS PROPERTY – PLAINTIFF ALLEGED DEFENDANT STARTED SOIL PROCESSING BUSINESS ON PROPERTY NEXT TO PLAINTIFF – COURT FOUND PLAINTIFF FAILED TO STATE CLAIM FOR MALICIOUS USE OF PROCESS AND RULED FOR DEFENDANT.

Sussex County, NJ

This private nuisance and tortious conduct action was brought by the plaintiff against the defendants, Township of Wantage, Charles W. Meissner, Tri-State Bulk Garden Supply, LLC, et al. The plaintiff alleged that in 2014, defendant purchased the property next door (the "Meissner Property"); which in 2006 was the subject of a wetland report that concluded 83% of the 7.73- acre property non-buildable because of wetlands. The plaintiff alleged the defendant, Meissner, filed an application in 2019 and 2021 for a "minor site plan" to the Township Land Use Board, and further alleged that the defendant was a member of the board throughout the application process. The plaintiff alleged the board approved the defendant's plan, but the plaintiff by means of a Complaint in Lieu of Prerogative Writ was able to successfully reverse the board's approval. The plaintiff alleged that the soil plant produces dust, noise, diesel and vibrations starting at 6:30 am and caused plaintiff to relocate in 2020.

The plaintiff alleged that on March 25, 2021, the Township zoning officer issued a stop work to the defendant in response to the soil business and plaintiff further alleged, the defendant continued operations after the stop work order and that the Township took no action. The plaintiff al-

leged injuries including, (1) to his automobile business that he operated since purchasing the property in 2003, (2) being driven from his home and now has to pay rent and duplicate expenses for insurance, utilities maintenance, (4) inconvenience of living elsewhere as a result of the noise, dust, fumes, and other adverse impacts caused by the defendant's operations. The plaintiff alleged in 2022, the defendant Meissner, filed a third application with the Township Land Use Board while he was still a member of the board and his application was once again accepted; but this time plaintiff alleged his third Prerogative Writ action on October 30, 2023 was denied and filed suit.

A full defense bench decision was reached on March 28, 2025.

REFERENCE

Dave Franek vs. Township of Wantage, Charles W. Meissner, Tri-Stat Bulk Garden Supply, LLC, et al. Docket no. SSX-L-469-24; Judge Frank J. De Angelis, 03-28-25.

Attorney for plaintiff: Kevin D. Kelly of Kelly & Ward in Newton, NJ. Attorney for defendant: Glenn C. Kienz of Weiner Law Group, LLP in Parsippany, NJ.

COMMENTARY

The trial court opined that the plaintiff could not establish that the defendant, Meissner acted out of malice in filing the Counterclaim and Third-Party Complaint as he had just and probable cause. The court held the standard under LoBiondo v. Schwartz, 199 N.J. 62, 90 (2009), to state a claim for malicious use of process. A plaintiff must demonstrate, (1) defendants instituted a civil action against him; (2) the action was actuated by malice; (3) the action was brought without probable cause; (4) the action was terminated in plaintiff's favor; and (5) plaintiff suffered a "special grievance caused by the institution of the underlying claims."

DEFENDANT'S VERDICT – WAGE THEFT – PLAINTIFF ALLEGED DEFENDANT FAILED TO PAY COMMISSIONS ON $34,448,900 GROSS REVENUE FROM SELLING PERSONAL PROTECTIVE EQUIPMENT – TRIAL COURT RULES "COMMISSIONS' NOT CONSIDERED "WAGES" UNDER WAGE PAYMENT LAW (WPL) AND THEREFORE NOT SUBJECT TO WPL'S PROTECTIONS.

Bergen County, NJ

The plaintiff in this case filed wage withholding action against the defendant, Suuchi, Inc. and alleged the plaintiff worked in sales for the defendant selling software subscriptions to apparel manufacturers; and that in addition to her base salary, the plaintiff was eligible for commissions under the Suuchi Commission Plan (SCP). The plaintiff alleged further alleged that in March 2020, in response to COVID, the plaintiff and defendant agreed the plaintiff would also sell Personal Protective Equipment (PPE), also on a commission bases; and the plaintiff alleged she generated $34,448,900 in gross revenue by selling PPE.

The parties disputed, (1) whether the 4% commission the plaintiff was entitled to was on the gross or net revenue of her sales, (2) whether the plaintiff's PPE commissions are "wages" or are excluded from the WPL as "supplementary incentives" under N.J.S.A. 34:11-4.1 (c). The plaintiff alleged the defendant violated the WPL by withholding her wages. The trial court dismissed the plaintiff's WPL claims, holding the plaintiff's PPE commissions were not "wages" under the WPL.

The trial court found the plaintiff's commissions were excluded under the WPL as "supplementary incentives, and that the plaintiff "is already entitled" to a salary. The court reasoned that the PPE "commissions are designed to motivate and incentivize the plaintiff to go above and beyond her sales performance, and the PPE commissions are calculated independently of her regular wage.

After a bench trial, there was a full defendant's verdict.

REFERENCE

Rosalyn Musker vs. Suuchi, Inc., et al. Docket no. L-5652-20; Judge Lisa Rose.

Attorney for plaintiff: Bruce L. Atkins of Deutsch, Atkins & Kleinfeldt in Red Bank, NJ. Attorney for defendant: Richard A. Grodeck of Piro, Zinna, Cifelli, Paris & Genitempo in Nutley, NJ.

COMMENTARY

The Supreme Court of New Jersey reversed and remanded for further proceedings. In a ruling opined by Justice Fasciales and joined by Chief Justice Rabner and Justices Patterson, Pierre-Louis, Wainer, Apter, Noriega and Hoffman, the court held the WPL defines "wages" as "direct monetary compensation for labor or services rendered by an employee, where the amount is determined on a time, task, piece, or commission basis." N.J.S.A. 34:11-4.1 (c). Under that definition, compensating an employee by paying a "commission" for "labor or services" always constitutes a wage under the WPL; and therefore, a "commission" under the WPL cannot be excluded from the definition of "wages" as a "supplementary incentive."

The court added that (1) receiving a base salary does not turn "commissions" into "supplementary incentives", (2) because a commission directly compensates an employee for performing a service, it always meets the definition of "wage's under N.J.S.A. 34:11-4.1 (c) as "direct monetary compensation" for "labor or services" rendered by an employee, (3) the primary question addressing whether the compensation is a "supplementary incentive" is whether the compensation incentivizes employees to do something beyond their "labor or services", (4) the court rejected the defendants argument that because PPE was a new product and not the primary business of the defendant, the plaintiff's commissions were therefore " supplementary incentives."

Supreme Court of New Jersey, reversed and remanded for further proceedings.

Verdicts by Category

LANDLORD NEGLIGENCE

$127,500 ARBITRATION AWARD

Landlord negligence – Plaintiff tenant slips and falls on ice in parking lot at apartment residence – Cervical disc herniations – Thoracic disc herniations – Lumbar disc herniations.

Middlesex County, NJ

In this landlord negligence action, the plaintiff tenant slipped and fell on ice in the parking lot at her apartment residence, which was owned by the defendants, causing her to become injured. The defendants generally denied all allegations of negligence.

On February 3, 2021, the plaintiff was traversing the parking lot at the apartment complex where she lived, located on the premises of 2501 Westminster Boulevard in Old Bridge, New Jersey. On this day, the premises was owned, operated, and maintained by the defendants. While the plaintiff was walking to her car in the parking lot, she encountered a significant amount of snow and ice on the ground, which had been there for several days following a snowstorm. The plaintiff then slipped on ice and fell.

The plaintiff maintained that the defendants were negligent in failing to remove ice and snow from the premises, failing to provide safe passage on the premises, and failing to perform regular maintenance duties on the premises. Consequently, the plaintiff sustained injuries, including cervical, thoracic, and lumbar disc herniations. The plaintiff's injuries were treated with medial branch blocks at C4-6.

The arbitrator in this case found the defendants 85% liable for the accident, and the plaintiff 15% liable. The arbitrator reported a net award for the plaintiff in the amount of $127,500. Following arbitration, the defendants' counsel requested a trial de novo, which was scheduled to begin on September 30, 2024. However, the parties entered into a settlement on September 13, 2024. A stipulation of dismissal was submitted the same day.

REFERENCE

Dawn Hendricks vs. Middlesex Builders, Inc. Docket no. MIDL004323-22; Judge Gary K. Wolinetz, 09-13-24.

Attorney for plaintiff: Robert H. Heck of Spevack Law Firm in Iselin, NJ. Attorney for defendant: John M. Sapata of Tango, Dickinson, Lorenzo, Mcdermott & Mcgee, LLP in Millburn, NJ.

MOTOR VEHICLE NEGLIGENCE

Head-on Collision

$53,500 ARBITRATION AWARD

Motor vehicle negligence – Head-on collision – Plaintiff's vehicle struck head-on by defendant's vehicle after defendant crosses center yellow line into plaintiff's lane of travel – Failure to remain in correct lane of travel – Cervical disc bulges from C4-6 – Lumbar disc herniation at L5-S1 – MCL and ACL sprains.

Hudson County, NJ

In this motor vehicle negligence action, the plaintiff's vehicle was struck head-on by the defendant's vehicle after the defendant crossed over the double-yellow line into the plaintiff's lane of travel, causing the plaintiff to become injured. The defendant generally denied all allegations of negligence.

On December 23, 2019, the plaintiff's vehicle was traveling southbound on Hudson Terrace in Englewood, New Jersey. At the same time, the defendant's vehicle was traveling northbound on Hudson Terrace, toward the plaintiff's location. At the time of the incident, when the 2 vehicles were about to pass one another, the defendant's vehicle abruptly crossed over the double-yellow line and entered the plaintiff's lane of travel. The defendant's vehicle then struck the plaintiff's vehicle head-on.

The plaintiff maintained that the defendant was negligent in failing to remain in the correct lane of travel, failing to keep the vehicle under proper and adequate control, and failing to remain adequately attentive. Consequently, the plaintiff sustained injuries, including cervical disc bulges from C4-6, lumbar disc

herniation at L5-S1 and MCL and ACL sprains. The plaintiff's injuries were treated with chiropractic care as well as epidural steroid injections. A doctor for the defendant opined that the plaintiff's injuries were degenerative.

The arbitrator in this case found the defendant 100% liable for the accident and reported an award for the plaintiff in the amount of $53,500. Following arbitration, the defendant's counsel requested a trial de novo, which was scheduled to begin on September 16, 2024. However, the parties entered into a settlement prior to the initial hearing.

REFERENCE

Holley Valdez vs. Masako Makino. Docket no. HUDL002519-21; Judge Anthony V. Delia, 09-24-24.

Attorney for plaintiff: Karina Garcia of Garces Grabler & LeBrocq, PC in North Bergen, NJ. Attorney for defendant: Teresa Kassim of Gregory P. Helfrich & Associates in Summit, NJ.

Intersection Collision

$65,000 ARBITRATION AWARD

Motor vehicle negligence – Intersection collision – Plaintiff's vehicle struck by defendant's vehicle after defendant runs red light – Failure to obey red light – Cervical and lumbar spine injuries – Right shoulder rotator cuff tear with adhesive capsulitis.

Hudson County, NJ

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

On September 30, 2020, the plaintiff's vehicle was traveling on Secaucus Road, at its intersection with Tonnelle Avenue, in North Bergen, New Jersey. At this time, the plaintiff was preparing to proceed straight through the intersection on Secaucus Road with a green light. At the same time, the defendant's vehicle was traveling on Tonnelle Avenue, toward the same intersection. At the time of the incident, while the plaintiff proceeded through the intersection with a green light in her favor, the defendant's vehicle ran the red light and also entered the intersection. The defendant's vehicle then struck 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 cervical and lumbar spine injuries, as well as right shoulder rotator cuff tear with adhesive capsulitis. The plaintiff's injuries were treated with epidural steroid injections and nerve root blocks.

The arbitrator in this case found the defendant 100% liable for the accident and reported an award for the plaintiff in the amount of $65,000. Following arbitration, the defendant's counsel requested a trial de novo, which was scheduled to begin on October 21, 2024. However, the parties entered into a settlement on September 4, 2024. The Honorable Jane L. Wiener ordered that the case be dismissed the following day, on September 5.

REFERENCE

Clarisa Ulloa vs. Malby Almonte. Docket no. HUDL003118-22; Judge Anthony V. Delia, 09-05-24.

Attorney for plaintiff: Charles M. Hammer of Charles M. Hammer, Esq. in Fort Lee, NJ. Attorney for defendant: Michael Puppelo of Law Office of Eric H. Bennett in Hackensack, NJ.

$23,300 ARBITRATION AWARD

Motor vehicle negligence – Intersection collision – Plaintiff's vehicle struck by defendant's vehicle after defendant runs stop sign – Neck and back pain – Right shoulder injury – Head injury – Cervical disc bulges from C4-7 – Body aches – Emotional distress.

Hudson County, NJ

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

On December 28, 2019, the plaintiff's vehicle was traveling on Woodland Avenue, at its intersection with North 5th Street in Harrison, New Jersey. At this time, the plaintiff had stopped at a stop sign and was preparing to proceed straight through the intersection on Woodland Avenue. At the same time, the defendant's vehicle was traveling on North 5th Street toward the same intersection. The defendant then ran the stop sign and entered the intersection, striking the plaintiff's vehicle in the passenger side.

The plaintiff maintained that the defendant was negligent in failing to obey a stop sign, failing to yield, and failing to remain adequately attentive. Consequently, the plaintiffs sustained injuries. The plaintiff driver sustained neck and back pain, right shoulder injury, head injury, and cervical disc bulges from C4-7. The plaintiff passenger sustained body aches as well as

emotional distress. A doctor for the defendant opined that the plaintiffs did not sustain any permanent injuries.

The arbitrator in this case found the defendant 90% liable for the accident and the plaintiff 10% liable. The arbitrator reported a net award for the plaintiffs in the amount of $23,300. Following arbitration, the defendant's counsel requested a trial de novo, which was scheduled to take place on July 15, 2024. However, the parties entered into a settlement prior to the initial hearing.

REFERENCE

Francisco Pena, Gianna Pena vs. Katherine Martinez. Docket no. HUDL004906-21; Judge Anthony V. Delia, 09-04-24.

Attorney for plaintiff: Chip Dunne, III of Dunne, Dunne & Cohen, LLC in Kearny, NJ. Attorney for defendant: Julie H. Robinson of The Law Office of Alphonso H. Ibrahim in Scranton, PA.

Lane Change Collision

$85,000 ARBITRATION AWARD

Motor vehicle negligence – Lane change collision – Plaintiff's vehicle struck by defendant's vehicle making improper lane change at intersection – Disc herniation at C5-6 – Disc bulge at C6-7 with radiculopathy – Lumbar disc bulges at L4-5 and L5-S1 – Left knee fluid signal intensity cyst impressing posterior surface of ACL – Surgery required.

Passaic County, NJ

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

On May 19, 2019, the plaintiff's vehicle was traveling northbound on Tonelle Avenue, toward the Tonnelle Circle in Jersey City, New Jersey. At the same time, the defendant's vehicle was traveling westbound on ramp 139 toward the Tonnelle Circle. At the time of the incident, the plaintiff was proceeding straight forward through the subject intersection. The defendant, in a right turn only lane, also intended to proceed straight, and made an abrupt maneuver into the left lane. The defendant's vehicle then struck the plaintiff's vehicle.

The plaintiff maintained that the defendant was negligent in failing to remain in the correct lane of travel, failing to yield, and failing to observe the plaintiff's vehicle. Consequently, the plaintiff sustained injuries, including a disc herniation at C5-6, disc bulge at C6-7 with radiculopathy, lumbar disc bulges at L4-5 and L5-S1, and left knee fluid signal intensity cyst impressing the posterior surface of the ACL tendon. The plaintiff's injuries were treated with 2 lumbar injections, 1 cervical injection, and left knee arthroscopic surgery.

The arbitrator in this case found the defendant 100% liable for the accident and reported an award for the plaintiff in the amount of $85,000. Following arbitration, the 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 14, 2024, prior to the initial hearing.

REFERENCE

Iyana Gutierrez vs. Mia Pavel. Docket no. PASL001421-21; Judge Vicki A. Citrino, 09-14-24.

Attorney for plaintiff: Raffi T. Khorozian of law offices of Raffi T. Khorozian, PC in Fort Lee, NJ. Attorney for defendant: Kenneth R. Foreman of Lewis Brisbois Bisgaard & Smith, LLP in Newark, NJ.

Left Turn Collision

$90,000 ARBITRATION AWARD

Motor vehicle negligence – Left turn collision – Plaintiff's vehicle struck by defendant's vehicle making abrupt left turn at intersection – C5-6 disc herniation with radiculopathy – C6-7 disc bulge – L4-5 disc herniation with bilateral radiculopathy at L5.

Middlesex County, NJ

In this motor vehicle negligence action, the plaintiff sustained injuries when the plaintiff's vehicle was struck by the defendant's vehicle after the defendant made an abrupt left turn at an intersection. The defendant generally denied all allegations of negligence.

On February 4, 2021, the plaintiff's vehicle was traveling on Stelton Road in Piscataway, New Jersey, at or near its intersection with another unnamed road. At this time, the plaintiff was preparing to proceed straight through the subject intersection on Stelton Avenue, with a green light and the right-of-way. At the same time, the defendant's vehicle was also traveling on Stelton Road, toward the same intersection from the opposite direction. As the plaintiff was pro-

ceeding through the intersection, the defendant's vehicle made an abrupt left turn in front of the plaintiff's vehicle, causing a collision.

The plaintiff maintained that the defendant was negligent in failing to yield the right of way, failing to wait for clearance before making a left turn, and failing to observe the plaintiff's vehicle. Consequently, the plaintiff sustained injuries, including C5-6 disc herniation with right radiculopathy, C6-7 disc bulge, and L4-5 disc herniation with bilateral radiculopathy at L5. The plaintiff's injuries were treated with cervical and lumbar epidural steroid injections. A doctor for the defendant disputed causation and permanency.

The arbitrator in this case found the defendant 100% liable for the accident and reported an award for the plaintiff in the amount of $90,000. Following arbitration, the defendant's counsel requested a trial de novo, which was scheduled to begin on September 16, 2024. However, the parties entered into a settlement prior to the initial hearing.

REFERENCE

Qu-Ran Edwards vs. Romulus Locollo, AJ Jersey, Inc. Docket no. MIDL005645-22; Judge Benjamin S. Bucca, 09-16-24.

Attorney for plaintiff: Gregg A. Williams of Law Offices of Gregg A. Williams in East Brunswick, NJ. Attorney for defendant: Deborah J. Banfield of Golden, Rothschild, Spagnola, Lundell, Boylan, Garubo & Bell, P.C. in Bridgewater, NJ.

$7,500 ARBITRATION AWARD

Motor vehicle negligence – Intersection collision – Plaintiff's vehicle struck by defendant's vehicle making left turn at stop sign – Failure to obey stop sign – Soft tissue injuries to neck and back – Knee sprain.

Middlesex County, NJ

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

On January 16, 2021, the plaintiff's vehicle was traveling southbound on South Stiles Street, at its intersection with West 12th Street in Linden, New Jersey. At this time, the plaintiff was preparing to proceed straight through the intersection on South Stiles Street. At the same time, the defendant's vehicle was traveling on West 12 Street, toward the same intersection. As the plaintiff proceeded through the intersection, the defendant's vehicle made a sudden left turn onto South Stiles Street, running a stop sign. The defendant's vehicle then struck the plaintiff's vehicle.

The plaintiff maintained that the defendant was negligent in failing to obey a stop sign, failing to yield the right-of-way, and failing to observe traffic conditions. Consequently, the plaintiff sustained injuries, including soft tissue injuries to the neck and back, as well as knee sprain.

The arbitrator in this case found the defendant 100% liable for the accident and reported an award for the plaintiff in the amount of $7,500. The parties entered into a settlement for the same amount on the same day. A stipulation of dismissal was submitted on September 16, 2024.

REFERENCE

Kakha Jalagonia vs. Jose Nevado. Docket no. MIDL006346-22; Judge Benjamin S. Bucca, 09-16-24.

Attorney for plaintiff: Sander Budanitsky of Law offices of Sander Budanitsky, LLC in Roselle, NJ. Attorney for defendant: Mark A. Trudeau of Law Office of Cindy L. Thompson in Piscataway, NJ.

DEFENDANT'S VERDICT

Motor vehicle negligence – Left turn collision – Plaintiff's vehicle struck by defendant's vehicle making abrupt left turn in front of plaintiff at intersection – Cervical disc herniations from C2-7 – Lumbar disc bulges at L4-5 and L5-S1 with thecal sac compression and foraminal stenosis.

Middlesex County, NJ

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

On January 22, 2020, the plaintiff's vehicle was traveling westbound on Friendship Road, at its intersection with New Road in South Brunswick, 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 on New Road, and was preparing to make a left turn onto eastbound Friendship Road. At the time of the incident, the plaintiff was proceeding straight through the intersection, when the defendant's vehicle abruptly turned left in front of the plaintiff. A collision occurred as a result.

The plaintiff maintained that the defendant was negligent in failing to wait for clearance before making a left turn, failing to yield the right of way, and failing to remain adequately attentive. Consequently, the plaintiff sustained injuries, including cervical disc herniations from C2-C7, as well as lumbar disc bulges at L4-5 and L5-S1 with thecal sac compression and foraminal stenosis. The plaintiff's injuries were treated with epidural steroid injections. A doctor for the defendant opined that the plaintiff's injuries were degenerative and were not permanent.

The arbitrator in this case found the defendant 100% liable for the accident in this case and reported an award for the plaintiff in the amount of $32,422. Following arbitration, the defendant's counsel requested a trial de novo, which took place before an eight member jury from September 16-19, 2024. The jury came to a verdict of no cause for action in favor of the defendant. On September 20, 2024, the Honorable Gary K. Wolinetz ordered that the verdict be entered as a judgment in favor of the defendant.

REFERENCE

Musibau Babalola vs. Ellen Walker. Docket no. MIDL003831-21; Judge Gary K. Wolinetz, 09-19-24.

Attorney for plaintiff: Peter C. Ioannou of Peter C. Ioannou, Esq. in Dover, NJ. Attorney for defendant: Glenn T. Dyer of Dyer & Peterson, PC in Parsippany, NJ.

Parking Lot Collision

$45,000 ARBITRATION AWARD

Motor vehicle negligence – Parking lot collision – Plaintiff's vehicle struck by defendant's vehicle while both vehicles back out of parking spots – Cervical disc herniation – Cervical disc bulge – Lumbar disc bulge – Knee tear – Shoulder tear.

Hudson County, NJ

In this motor vehicle negligence action, the plaintiff sustained injuries when her vehicle was struck by the defendant's vehicle while both vehicles were backing out of parking spots in a parking lot. The defendant generally denied all allegations of negligence.

On November 3, 2021, the plaintiff's vehicle was lawfully parked in a parking lot located on the premises of 4700 Bergenline Avenue in Union City, New Jersey. At this time, the defendant's vehicle was also parked in the same lot, across the aisle from the plaintiff's vehicle. At the time of the incident, both the plaintiff's vehicle and the defendant's vehicle began backing out of their respective parking spots. As the vehicles were backing out, a collision occurred, in which the defendant's vehicle backed into the rear of the plaintiff's vehicle.

The plaintiff maintained that the defendant was negligent in failing to observe the plaintiff's vehicle, failing to remain adequately attentive, and failing to wait for the plaintiff to back out. Consequently, the plaintiff sustained injuries, including cervical disc herniation, cervical disc bulge, lumbar disc bulge, knee tear, and shoulder tear. The plaintiff's injuries were treated with trigger point injections as well as facet point injections.

The arbitrator in this case found the defendant 50% liable for the accident and the plaintiff 50% liable. The arbitrator reported a net award for the plaintiff in the amount of $45,000. Following arbitration, the defendant's counsel requested a trial de novo, which was scheduled to begin on October 1, 2024. However, the parties entered into a settlement on August 18, 2024, before the trial could begin. A stipulation of dismissal was submitted on September 7, 2024.

REFERENCE

Sandra Rodriguez vs. Pasqualin Martinez. Docket no. HUDL003344-22; Judge Kimberly Espinales-Maloney, 09-07-24.

Attorney for plaintiff: Jared L. Apner of Law Offices of Jeffrey S. Hasson, PC in Teaneck, NJ. Attorney for defendant: James M. Merendino, Esq. of Voss Nitsberg DeCoursey & Hawley in Iselin, NJ.

Rear End Collision

$127,650 ARBITRATION AWARD

Motor vehicle negligence – Rear end collision – Plaintiff's vehicle struck in rear by defendant's vehicle while approaching intersection – Traumatic brain injury – Concussion with persistent post-concussion syndrome – Cervicalgia with radiculopathy – Left sacroiliac dysfunction – Bilateral knee injury.

Mercer County, NJ

In this motor vehicle negligence action, the plaintiff's vehicle was struck in the rear by the defendant's vehicle while approaching an intersection. Consequently, the plaintiff sustained injuries. The defendant generally denied all allegations of negligence.

On January 28, 2020, the plaintiff's vehicle was traveling on Old Trenton Road, at or near its intersection with New Road in West Windsor, New Jersey. At the same time, the defendant's vehicle was also traveling on Old Trenton Road, directly behind the plaintiff's vehicle. At the time of the incident, the plaintiff's vehicle was slowing down as it approached the subject intersection. As the plaintiff's vehicle slowed down, 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 remain adequately attentive, failing to obey traffic conditions, and failing to maintain a safe distance from other vehicles. The plaintiff suffered traumatic brain injury from impact with the interior of the vehicle, concussion with persistent post-concussion syndrome, cervicalgia with radiculopathy, left sacroiliac dysfunction, and bilateral knee injury. The plaintiff's physician opined a need for future cervical fusion. A doctor for the defendant opined that the plaintiff's injuries were from prior incidents, and that the plaintiff did not sustain a permanent injury in this 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 $127,650. Following arbitration, the defendant's counsel requested a trial de novo, which was scheduled to take place on April 1, 2024. However, the parties entered into a settlement on February 23, 2024, before the trial could begin.

REFERENCE

George Walter vs. Joseph Maffei-Dippoloto. Docket no. L002370-21; Judge Douglas H. Hurd, 03-15-24.

Attorney for plaintiff: W. John Weir of Weir Attorneys in Ewing, NJ. Attorney for defendant: Danielle Marie Smith of State Farm.

$110,000 ARBITRATION AWARD

Motor vehicle negligence – Rear end collision – Plaintiff's vehicle struck in rear by defendant's vehicle while plaintiff stopped in traffic – Dupuytren's disease of right hand – Thumb median nerve neuropathy affecting right arm – Tenosynovitis at third and fourth fingers of right hand – Strain of ulnar collateral ligament – Cervical disc herniations – Surgery required.

Morris 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's vehicle was stopped in traffic, causing the plaintiff to become injured. The defendant generally denied all allegations of negligence.

On September 12, 2019, the plaintiff's vehicle was traveling northbound on Tabor Road in Parsippany-Troy Hills, New Jersey. At this time, the plaintiff's vehicle was at a complete stop in a line of traffic. At the same time, the defendant's vehicle was also traveling northbound on Tabor Road, directly behind the plaintiff's vehicle. At the time of the incident, the defendant's vehicle suddenly struck the plaintiff's stopped vehicle in the rear.

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 Dupuyren's disease (a condition that causes the fingers to curve towards the palm) of the right hand, thumb median nerve neuropathy affecting the right arm, tenosynovitis at the third and fourth fingers of the right hand, and strain of the right ulnar collateral ligament, which required arthroscopic surgery to repair. Additionally, the plaintiff also sustained cervical disc herniations. A doctor for the defendant opined that the plaintiff's injuries were pre-existing and that the surgery was unrelated to the accident in this case.

The arbitrator in this case found the defendant 100% liable and reported an award for the plaintiff in the amount of $110,000. Following arbitration, the plaintiff's counsel requested a trial de novo, which was scheduled to take place on February 26, 2024. However, on February 23, 2024, the parties entered into a settlement for an amount not specified on the docket, prior to the trial hearing. A stipulation of dismissal was submitted on April 15, 2024.

REFERENCE

Debra Kirwan Kyprianou vs. Patricia Okeefe. Docket no. MRSL001565-21; Judge Noah Franzblau, 04-27-24.

Attorney for plaintiff: John T. Brost of Starr, Gern, Davison & Rubin, P.C. in Roseland, NJ. Attorney for defendant: Maryann O'Donnell McCoy.

$80,000 ARBITRATION AWARD

Motor vehicle negligence – Rear end collision – Plaintiff's vehicle struck in rear by defendant's vehicle while approaching intersection – Cervical spine pain – Cervical facet syndrome – Lumbar disc bulge with mild spondylosis at L4-5 – Headaches.

Ocean County, NJ

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

On June 14, 2020, the plaintiff's vehicle was traveling southbound on N Hope Chapel Road, toward its intersection with E Veterans Highway in Jackson, New Jersey. At the same time, the defendant's vehicle was also traveling southbound on North Hope Chapel Road, directly behind the plaintiff's vehicle. At the time of the incident, the plaintiff's vehicle began to slow down as it approached the subject intersection. 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 spine pain, cervical facet syndrome, lumbar disc bulge, mild lumbar spondylosis at L4-5, and headaches. The plaintiff's injuries were treated with 2 cervical epidural injections and 2 ablations. A doctor for the defendant opined that the plaintiff's injuries were mostly degenerative, despite his young 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 $80,000. On March 25, 2023, a stipulation of dismissal was submitted, which indicated that the action had been amicably adjusted by both parties for an unspecified amount.

REFERENCE

James Dunn vs. Laurie Eitel. Docket no. OCNL000977-22; Judge James Den Uyl, 03-25-24.

Attorney for plaintiff: Jonathan A. Ellis of Law Offices of Herbert I. Ellis, PC in Freehold, NJ. Attorney for defendant: Sonya T. Lopez-Bright of Law Offices of Marie A. Carey in Florham Park, NJ.

$55,000 ARBITRATION AWARD

Motor vehicle negligence – Rear end collision – Plaintiff's vehicle struck in rear by defendant's vehicle while stopped for red traffic light – Failure to obey traffic signals – Cervical disc herniations – Lumbar disc herniation with annular tear – Cervical disc bulge.

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

On August 10, 2019, the plaintiff's vehicle was traveling southbound on Veterans Memorial Drive, at or near its intersection with Trumbull Street in Elizabeth, New Jersey. At the same time, the defendant's vehicle was also traveling southbound on Veterans Memorial Drive, directly behind the plaintiff's vehicle. At the time of the incident, the plaintiff's vehicle was stopped for a red traffic light at the aforementioned intersection. While the plaintiff's vehicle was stopped, it was suddenly struck in the rear by the defendant's vehicle.

The plaintiff maintained that the defendant was negligent in failing to obey traffic signals, failing to remain adequately attentive, and failing to maintain a safe distance from other vehicles. Consequently, the plaintiff sustained injuries, including cervical disc herniations, lumbar disc herniation with annular tear, and cervical disc bulge. The plaintiff's injuries were treated with 2 cervical epidural injections. A doctor for the defendant opined that the plaintiff did not suffer a permanent injury from 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 $55,000. Following arbitration, neither party requested a trial de novo, submitted a consent order for dismissal, nor moved to confirm the arbitration award. As such, the case was dismissed by the court on June 1, 2023.

REFERENCE

Paola Romero vs. Sekou Bakayoko. Docket no. L002655-21; Judge Daniel R. Lindemann, 07-25-23.

Attorney for plaintiff: Walter F. Janneck of Walter F. Janneck, Attorney at Law, PC in Oradell, NJ. Attorney for defendant: Kenneth Foreman of Lewis Brisbois Bisgaard & Smith in Newark, NJ.

DEFENDANT'S VERDICT

Motor vehicle negligence – Rear end collision – Plaintiff's vehicle struck in rear by plaintiff's vehicle in traffic – Cervical disc herniations at C3-4, C4-5, C5-6 and C6-7 – Lumbar disc herniations at L4-5 and L5-S1 – Disc bulges at L2-3 and L3-4 – Left shoulder internal derangement.

Bergen County, NJ

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

On November 8, 2019, the plaintiff's vehicle was traveling northbound on Broad Avenue, at or near Fort Lee Road in Leonia, New Jersey. At this time, the defendant's vehicle was also traveling northbound on Broad Avenue, directly behind the plaintiff's vehicle. At the time of the incident, the plaintiff's vehicle

slowed to accommodate traffic conditions. As the plaintiff's vehicle slowed, it was suddenly struck in the rear by the defendant's vehicle.

The plaintiff maintained that the defendant was negligent in failing to maintain a safe distance from other vehicles, failing to obey traffic conditions, and failing to remain adequately attentive. Consequently, the plaintiff sustained injuries, including cervical disc herniations at C3-4, C4-5, C5-6 and C6-7, lumbar disc herniations at L4-5 and L5-S1, disc bulges at L2-3 and L3-4 and left shoulder internal derangement. The plaintiff received conservative treatment in the form of an epidural injection. A doctor for the defendant maintained that the plaintiff's injuries were resolved without permanence.

The arbitrator in this case found the defendant 100% liable for the accident and reported an award for the plaintiff in the amount of $32,500. Following arbitration, the defendant's counsel requested a trial de novo. The trial took place from July 15, 2024, to July 17, 2024, at which time the jury returned a verdict of no cause for action in favor of the defendant. On August 12, 2024, the honorable Lina P. Corriston ordered to have the plaintiff's complaint dismissed.

REFERENCE

Song Daewon vs. Lim Se. Docket no. BERL007149-21; Judge Thomas A. Sarlo, 07-17-24.

Attorney for plaintiff: Steven M. Davis of Albert Buzetti & Associates, LLC in Englewood Cliffs, NJ. Attorney for defendant: Brittany L. Lukac of Pomeroy, Heller, Ley, Digasbarro & Noonan, LLC in New Providence, NJ.

Taxi Negligence

$65,000 ARBITRATION AWARD

Motor vehicle negligence – Taxi negligence – Plaintiff passenger struck by defendant cab while exiting vehicle – Failure to wait for clearance before moving vehicle – Non-displaced fracture of lower leg – Cervical disc herniations – Cervical disc bulges.

Essex County, NJ

In this motor vehicle negligence action, the plaintiff passenger was struck by the defendant's cab while exiting the vehicle, causing her to become injured. The defendant generally denied all allegations of negligence.

On May 28, 2020, the plaintiff was a lawful passenger in the defendant's taxi cab, which was transporting the plaintiff to 371 Washington Avenue in Belleville, New Jersey. When the cab arrived at this location, the plaintiff exited the vehicle and prepared to walk away. However, while the plaintiff was still exiting the vehicle, it began to proceed forward. The defendant's vehicle then struck the plaintiff.

The plaintiff maintained that the defendant cab driver was negligent in failing to wait for clearance before moving the vehicle, in failing to safely and properly transport passengers, and in failing to remain adequately attentive. Consequently, the plaintiff sustained injuries, including a non-displaced fracture of the lower leg, as well as cervical disc herniations and cervical disc bulges.

The arbitrator in this case found the defendant 100% liable for the accident and reported an award for the plaintiff in the amount of $65,000. Following arbitration, the defendants' counsel requested a trial de novo, which was scheduled to begin on September 16, 2024. However, the parties entered into a settlement on September 13, 2024, before the trial could begin.

REFERENCE

India Norwood vs. Berry Racine. Docket no. ESXL002905-22; Judge Aldo J. Russo, 09-13-24.

Attorney for plaintiff: Carlos H. Acosta, Jr. of Law Offices of Carlos H. Acosta, Jr. in Union City, NJ. Attorney for defendant: Harry L. Starret in West Orange, NJ.

MUNICIPAL LIABILITY

DEFENDANT'S JUDGMENT

Municipal liability – Plaintiff falls while playing tennis on tennis courts at park owned by defendant township – Failure to ensure safe conditions on tennis courts – Left frontal subdural hematoma – Right subdural hematoma – Scattered traumatic subarachnoid hemorrhages.

Morris County, NJ

In this municipal liability action, the plaintiff sustained injury when he fell while playing tennis on a tennis court at a park owned by the defendant township. The defendants generally denied all allegations of negligence.

On September 7, 2020, the plaintiff was lawfully playing tennis on a tennis court at a park owned by the defendant township. The park was located on the premises of 480 Main Street in Chatham, New Jersey. While playing tennis, the plaintiff suddenly fell to the ground, striking his head. The plaintiff lost consciousness and became injured as a result.

The plaintiff maintained that the defendants were negligent in failing to ensure and maintain safe conditions on the tennis courts, failing to prevent a fall hazard on the premises, and failing to provide safe passage on the premises. Consequently, the plaintiff sustained injuries, including left frontal subdural hematoma, right subdural hematoma, and scattered traumatic subarachnoid hemorrhages. A doctor for the defendants disputed and causality and permanence of the plaintiff's injuries.

The arbitrator in this case found the defendants 80% liable for the accident and the plaintiff 20% liable. The arbitrator reported a net award for the plaintiff in the amount of $96,000. Following arbitration, the defendants' counsel motioned for summary judgment. Oral argument took place on September 13, 2024, after which was summary judgment was granted in favor of the defendants by the Honorable Noah Franzblau.

REFERENCE

Robert Lombardi vs. Borough of Chatham. Docket no. MRSL001359-22; Judge Noah Franzblau, 09-13-24.

Attorney for plaintiff: Benjamin M. Del Vento of Benjamin M. Del Vento, Esq. in Livingston, NJ. Attorney for defendant: William G. Johnson of Johnson & Johnson, Esqs. in Morristown, NJ.

PREMISES LIABILITY

Fall Down

$239,700 ARBITRATION AWARD

Premises liability – Fall down – Plaintiff trips and falls on defective outdoor stairs at defendant pizza restaurant – Left elbow fracture – Non-displaced fracture of head of left radius.

Middlesex County, NJ

In this premises liability action, the plaintiff tripped and fell on defective outdoor stairs at the defendant pizza restaurant, causing her to become injured. The defendants generally denied all allegations of negligence.

On October 17, 2021, the plaintiff was a lawful visitor and business invitee at the defendant pizza restaurant, which was located on the premises of 428 W. St. Georges Avenue in Linden, New Jersey. At this time, the plaintiff was picking up a pizza in the scope of her employment with a food delivery service. When the plaintiff picked up the pizza, she exited the restaurant and proceeded to walk down a set of outdoor stairs on the premises. The plaintiff then tripped over a defect on the stairs and fell down the stairs.

The plaintiff maintained that the defendants were negligent in failing to keep the outdoor stairs in a safe and adequate condition, failing to prevent a tripping hazard, and failing to warn of dangerous conditions on the outdoor stairs. Consequently, the plaintiff sustained injuries, including a left elbow fracture, as well as a nondisplaced fracture of the head of the left radius. The plaintiff's injuries were treated with open reduction and internal fixation surgery to the left elbow.

The arbitrator in this case found the defendants 85% liable for the accident and the plaintiff 15% liable. The arbitrator reported a net award for the plaintiff in the amount of $239,700. Following arbitration, the defendants' counsel requested a trial de novo, which was scheduled to begin on September 30, 2024. However, the parties entered into a settlement on September 25th.

REFERENCE

Aracelis Bautista-Gonzalez vs. Pizza Hut. Docket no. MIDL005010-22; Judge Patrick Bradshaw, 10-28-24.

Attorney for plaintiff: Robert Peluso, Esq. of Murphy Peluso, LLC in West New York, NJ. Attorney for defendant: Joshua E. Sonstein of Hardin Thompson, P.C.

$75,000 ARBITRATION AWARD

Premises liability – Fall down – Plaintiff trips and falls over uneven floor mat at defendant restaurant – Rotator cuff tear.

Middlesex County, NJ

In this premises liability action, the plaintiff tripped and fell over an uneven floor mat at the defendant restaurant. The plaintiff then fell, causing him to become injured. The defendants generally denied all allegations of negligence.

On November 19, 2020, the plaintiff was a lawful visitor and business invitee at the defendant restaurant, located on the premises of 154 Woodbridge Avenue in Highland Park, New Jersey. At the time of the incident, the plaintiff was leaving the restaurant and was attempting to exit the front door, when he encountered a mat on the floor. The mat was "buckled up" slightly, causing uneven ground, and the plaintiff's foot became caught on the mat.

The plaintiff maintained that the defendants were negligent in failing to provide safe passage on the premises, failing to prevent or address a tripping hazard, and failing to warn of uneven ground. Consequently, the plaintiff sustained injuries, including a rotator cuff tear, which was treated conservatively.

The arbitrator in this case found the defendants 66% liable for the accident and the plaintiff 33% liable. The arbitrator reported a net award for the plaintiff in the amount of $75,000. Following arbitration, the defendant's counsel requested a trial de novo, which was scheduled to begin on October 21, 2024. However, the parties entered into a settlement on September 5, 2024.

REFERENCE

Anthony Bianchi vs. White Rose Hamburgers. Docket no. MIDL005622-22; Judge Bruce Kaplan, 09-05-24.

Attorney for plaintiff: George F. Hendricks of Hendricks & Hendricks in New Brunswick, NJ. Attorney for defendant: Andrew S. Karlbon of Methfessel & Werbel, Esqs. in Edison, NJ.

Falling Object

$65,000 ARBITRATION AWARD

Premises liability – Falling object – Plaintiff injured when box falls onto her at defendant wholesale retailer – Failure to secure merchandise on high shelves – Aggravation of chronic shoulder pain – Surgery required.

Middlesex County, NJ

In this premises liability action, the plaintiff was injured when a box fell onto her at the defendant wholesale retailer, causing her to become injured. The defendant generally denied negligence.

On November 12, 2020, the plaintiff was a lawful visitor and business invitee at the defendant wholesale retailer, which was located on the premises of 2361 State Route 66 in Ocean, New Jersey. At this time, the plaintiff was traversing the aisles inside the store, most of which were lined with high shelves stacked with merchandise. While the plaintiff was traversing inside the store, a box suddenly fell from a high shelf and fell onto her.

The plaintiff maintained that the defendants were negligent in failing to secure merchandise on high shelves, failing to prevent merchandise from falling, and failing to warn of falling objects. Consequently, the plaintiff sustained injuries, including aggravation of chronic shoulder pain. The plaintiff's injuries were treated with surgery to the left shoulder. A doctor for the defendants maintained that the plaintiff did not sustain a permanent injury and that the plaintiff's surgery was not related to the accident.

The arbitrator in this case found the defendants 100% liable for the accident and reported an award for the plaintiff in the amount of $65,000. Following arbitration, the parties entered into a settlement for the same amount. A stipulation of dismissal was submitted on November 14, 2024.

REFERENCE

Amal Morgan vs. Costco Wholesale Corporation. Docket no. MIDL005348-22; Judge Benjamin S. Bucca, 11-14-24.

Attorney for plaintiff: John E. Gregory, Jr. of Spevack Law Firm in Iselin, NJ. Attorney for defendant: Robert A. Ballou of Garvey, Ballou, P.C. in Allenwood, NJ.

SEXUAL ASSAULT

DEFENDANT'S VERDICT ON SUMMARY JUDGMENT

Sexual assault – Municipal liability – Defendant electrical inspector in scope of employment with defendant City sexually assaults plaintiff after performing electrical inspection of plaintiff's house – Violating plaintiff's bodily integrity pursuant to Fourteenth Amendment and §1983 – Physical and emotional injuries.

Union County, NJ

The plaintiff in this case alleged the defendant inspector assaulted the plaintiff after performing an electrical inspection of the plaintiff's home for the defendant City as required by law. The plaintiff alleged negligence against both parties. The defendants denied the plaintiff's allegations.

The plaintiff was in the process of buying her home "as is." Because the plaintiff was buying her home "as is," the City of Plainfield required that the plaintiff have her home inspected by an inspector employed by the City so that she could obtain a Certificate of Occupancy. On April 17, 2017, the City of Plainfield had scheduled an electrical inspection of the plaintiff's home. The defendant, an inspector employed by the City of Plainfield (the "Inspector") arrived at the plaintiff's home to perform the mandated electrical inspection. The plaintiff was home alone in her house with her dog. The inspector entered the plaintiff's home and proceeded to the basement, purportedly to perform any necessary and mandated inspections on the electrical panel in the basement.

After some time passed, the inspector emerged from the basement and approached the plaintiff, telling her that her home failed the electrical inspection, and then the inspector beckoned for the plaintiff to follow him into the kitchen. Immediately upon entering the kitchen, the inspector sexually assaulted the plaintiff. As a result of the attack, the plaintiff suffered serious bruising on her body including, but not limited to, her breast, arms, and pubic bone. She suffered severe emotional distress.

The plaintiff maintained The City of Plainfield acted with recklessness or deliberate indifference by failing to properly vet and hire the inspector, failing to properly hire and train the inspector and failing to supervise the inspector. The plaintiff maintained the defendant inspector and City violated the plaintiff's bodily integrity pursuant to the Fourteenth Amendment and §1983. At all times relevant to this complaint, the defendant, as an Inspector of the City of Plainfield was and is a "public accommodation" as defined by NJLAD, N.J.S.A. 10:5-5(l) and the plaintiff belongs to a group protected by the NJLAD. The defendant City denied all allegations of negligence. The defendant inspector denied all allegations of negligence and argued the defendant did not commit any of the acts alleged by the plaintiff in the complaint.

The defendant City motioned the court for summary judgment arguing that the alleged assault occurred after the inspection had been completed for the city and the inspector informed the plaintiff that she passed the inspection. As such, the inspector's behavior in relation to his job with the City was complete. The court granted the defendant's motion and dismissed the action against the City. The attorney for the defendant inspector contacted the court and indicated that if the City was dismissed by summary judgment the plaintiff's counsel would not pursue the action against the defendant Longo.

REFERENCE

Karen McDermott vs. City of Plainfield and Daniel Longo. Docket no. UNN-L-001314-19; Judge Mark P. Ciarrocca, 11-22-24.

Attorney for plaintiff: Michael DiChiara of Krakower DiChiara, LLC in Park Ridge, NJ. Attorney for defendant: Frank J. Dyevoich of Rainone Coughlin Minchello, LLC in Iselin, NJ. Attorney for defendant: Robert F. Varady of La Corte, Bundy, Varady & Kinsella in Union, NJ.

The following digest is a composite of additional significant verdicts reported in full detail in our companion Copies of the full summary with analysis can be obtained by contacting our publication office.

Supplemental Verdict Digest

MEDICAL MALPRACTICE

$17,100,000 VERDICT – MEDICAL MALPRACTICE – HOSPITAL NEGLIGENCE – MATERNAL AND FETAL CARE NEGLIGENCE – STILLBORN DAUGHTER – MOTHER SUFFERS SEVERE EMOTIONAL DISTRESS.

Stamford County, CT

This medical malpractice action was filed by Jacqueline Rodezno, Administratrix of the Estate of her daughter against the defendant, Greenwich Hospital and its Northeast Medical Group. The plaintiff alleged that her daughter went to the defendant's outpatient center complaining of full body itching and was diagnosed with cholestatis of pregnancy and was given a prescription for ursodiol and then was told to stop taking it prematurely. Further, she returned to the hospital's emergency room experiencing facial numbness and a headache was tested and discharged. The plaintiff alleged after 3 days with worsening conditions of bile and abdominal problems, she returned to the hospital. Doctors were unable to find a fetal heart rate and 8-pound baby Sarai was delivered stillborn. The defendant denied any negligence and contended they acted consistent with acceptable standards.

The plaintiff brought this action for negligence in causing Sarai's death by failing to recognize the significance of Rodezno's abnormal liver function tests and to manage her prenatal care appropriately. The plaintiff alleged severe emotional and physical pain, mental anguish as a result of the defendant's carelessness causing her to lose her baby.

The jury reached a verdict after a day-and-a-half of deliberation. Gross verdict: $17,100,000; award as Administratrix - $10,600,000; award in personal capacity - $6,500,000.

REFERENCE

Rodezno, Jacqueline, Administratrix of the Estate of Sarai Santiago et al. vs. Greenwich Hospital et al. Case no. FST-CV17-6033083-S; Judge Robert L. Genuario, 08-08-24.

Attorney for plaintiff: Carol Doty of Kaufman Borgeest & Ryan in Stamford, CT. Attorney for defendant: Rachel S. Pearson of Saxe Doernberger & Vita in Trumbull, CT.

$1,000,000 SETTLEMENT – MEDICAL MALPRACTICE – PRIMARY CARE NEGLIGENCE – DECEDENT PRESENTS TO DEFENDANT DOCTOR WITH SYMPTOMS OF INFLUENZA PNEUMONIA THAT DEFENDANT FAILS TO APPRECIATE – DECEDENT DIES DAY AFTER PRESENTING TO DEFENDANT – WRONGFUL DEATH OF 47-YEAR-OLD FEMALE.

Bucks County, PA

This medical malpractice action arose when the plaintiff's decedent presented to the defendant with severe symptoms of the flu that had worsened over 4 days. The defendant diagnosed the decedent with a cough and prescribed inefficacious medicine and sent the decedent home. She was found unresponsive in her bed the following day. The defendant generally denied all allegations of negligence and injury.

The estate maintained the defendant failed to timely diagnose and treat influenza pneumonia, failed to diagnose and treat pneumonia type A, failed to perform proper diagnostic testing including chest X-ray, chest CT, sputum culture, nasal swab, CBC with differential, blood cultures, ABG or bronchoscopy, failed to prescribe proper antiviral medications, failed to send the decedent to the hospital and failed to appreciate the clinical signs, symptoms and pathology consistent with worsening influenza pneumonia. The decedent is survived by her husband and 2 children.

The parties settled for $1,000,000.

REFERENCE

The estate of Jennifer Flynn by Daniel Flynn vs. Bruce D. Richman, D.O. Case no. 202100412; Judge C. Theodore Fritsch, 02-25-25.

Attorney for plaintiff: Stephen W. Bruccoleri of Bruccoleri Law, LLC in Philadelphia, PA. Attorney for defendant: Paul C. Troy of Kane Pugh Knoell Troy & Kramer in Blue Bell, PA.

PRODUCT LIABILITY

$11,000,000 VERDICT – PRODUCT LIABILITY– DEFECTIVE DESIGN – PLAINTIFF SUES DEFENDANT MANUFACTURER FOR INJURIES SUSTAINED WHEN DEFENDANT'S PISTOL DISCHARGED UNINTENTIONALLY AS PLAINTIFF DESCENDING STAIRCASE WITH FIREARM IN POCKET – BULLET PASSED THROUGH PLAINTIFF'S QUADRICEPS AND EXITED ABOVE KNEE CAUSING EXTENSIVE TISSUE DAMAGE, SIGNIFICANT BLOOD LOSS, NERVE INJURY AND SEVERE EMOTIONAL TRAUMA.

Philadelphia County, PA

This strict product liability and negligence action filed by the plaintiff against the defendant Sig Sauer and alleged the defendant manufactured a defective firearm (P320) that discharged unintentionally as the plaintiff walked down-stairs with the gun in his pocket. The plaintiff maintained that the bullet wound caused extensive tissue damage, significant blood loss, nerve injury and severe emotional trauma, debilitating physical limitations including challenges with running, sitting, and standing, requiring medical treatment with permanent effects to his daily life and future abilities. The defendant contended the plaintiff owned the gun for more than 18 months before the accident but had never trained with it nor fired it prior to the incident.

The plaintiff alleged the defendant was strictly liable having designed, manufactured, and sold the P320 in a defective condition; and despite knowing the risks, the defendant failed to implement safety measures causing the plaintiff's injuries. The defendant contended the gun was safe and reliable and argued comparative negligence and contended the plaintiff ignored safety rules and warnings while handling the firearm.

A Philadelphia jury reached a verdict after a 3-week trial. Gross verdict: $11,000,000 including $1 million compensatory damages and $10 million punitive damages. The jury found the defendant (1) defectively designed the P320 pistol, (2) negligently sold the firearm, (3) acted with reckless indifference to the rights of others during its distribution.

REFERENCE

George Abrahams vs. Sig Sauer. Case no. 1:21-cv-04196; Judge Daniel J. Anders, 11-20-24.

Attorneys for plaintiff: Robert W. Zimmerman, Larry E. Bendesky, Daniel Leo Ceisler, Samuel A. Haaz and Ryan D. Hurd of Saltz, Mongeluzzi, & Bendesky in Philadelphia, PA. Attorneys for defendant: Ericka A. Esposito, Charles S. Toomey and Joyce Uchetti Littleton of Marshall, Dennehey, Warner, Coleman & Goggin in Philadelphia, PA.

MOTOR VEHICLE NEGLIGENCE

$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 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 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 con-

ditions, jackknifed on the wet pavement, before striking her. The plaintiff alleged that she was pinned against the guardrail.

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.

$53,728,050 VERDICT – MOTOR VEHICLE NEGLIGENCE – HEAD-ON COLLISION – PLAINTIFF PERSONAL REPRESENTATIVE, BRINGS WRONGFUL DEATH ACTION – INTOXICATED DEFENDANT DRIVING PICKUP TRUCK WHEN PICKUP TRUCK JUMPED MEDIAN AND STRUCK DECEDENT'S CAR HEAD-ON RESULTING IN FATAL INJURIES.

Broward County, FL

This wrongful death/motor vehicle negligence action was filed by the plaintiff against the defendant for accident occurring on September 3, 2019. The plaintiff alleged the decedent, a 64-year-old rideshare driver, was hit head when the defendant's vehicle jumped the median resulting in fatal injuries. Default judgment was entered against the defendant employer and counsel for the defendant withdrew prior to trial as the defendant did not have insurance coverage; the trial was for damages only.

The plaintiff alleged the defendant, traveling at 73 mph, was negligent in the operation of his vehicle and amended the lawsuit to include the defendant's employer for vicarious liability. The plaintiff alleged the defendant had been weaving in and out of traffic prior to the accident, had a worn-down back tire and skidded on the wet road, doing excessive speed, causing the truck to jump the median causing the fatal collision.

The jury reached a verdict after 49 minutes of deliberation and a 1-day trial. The gross verdict was $53,728,049.52 including $28,049.52 for funeral and medical expenses and lost accumulations (daughter) and $17,900,000 for non-economic damages (son) and 17,900,000 for non-economic damages (wife).

REFERENCE

Nancy H. Raik, entitled to appointment as Personal Representative of the Estate of Brian K. Raik, deceased, and on behalf of the Estate and Survivors of Brian K. Raik vs. Elie Charles. Case no. CACE19022367; Judge Michael A. Robinson, 04-11-23.

Attorneys for plaintiff: Robert W. Kelley and Todd R. Falzone of Kelley Uustal, PLC in Ft Lauderdale, FL. Attorney for defendant: None of record.

PREMISES LIABILITY

$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 by the plaintiff for injuries resulting from retail employees chasing a suspected shoplifter. The plaintiff alleged that as she walking past Save Smart 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 plaintiff pled injuries of a subdural hematoma, a mild-traumatic brain injury, hospitalization and ongoing treatment for her traumatic brain injury. The defendants denied the multiple claims for negligent security, negligent supervision and training, negligent hiring and retention, negligent agency, assault and battery and premise liability.

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

further pled physical pain, cognitive difficulties, persistent headaches, emotional distress and diminished quality of life.

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.

$4,386,608 GROSS VERDICT – PREMISES LIABILITY – HAZARDOUS PREMISES – PLAINTIFF FALLS DOWN DEFENDANT PROPERTY OWNER'S EXTERIOR STAIRCASE – FAILURE TO PROPERLY MAINTAIN STAIRCASE – TIBIA/FIBULA FRACTURE – MULTIPLE RIB FRACTURES – PULMONARY EMBOLISM – BILATERAL DVT IN LOWER EXTREMITIES.

Waterbury County, CT

The plaintiff in this premises liability action tripped and fell down the defendant's exterior steps due to the defective condition of the staircase. The plaintiff sustained a fracture of the proximal end of the right tibia, fracture of the proximal end of the right fibula, chest contusion with chest pain and chest injuries, fracture of multiple ribs bilaterally, head injury with traumatic brain injury, pulmonary embolism, fracture of the head of the right humorous, large frontal parietal hematoma to the head, right knee injury, DVT of bilateral legs and permanent scarring and severe emotional distress. The defendant denied that the staircase was defective and argued that it was the actions of the plaintiff that caused the incident and the resulting injuries.

The plaintiff maintained that the stairway was defective and dangerous and that it had risers of variable dimensions and tread depths, the railing height was too high above the risers so that it was not easy to grab, and that the riser treads were set at variable heights on the riser and the upper treads were not level. The plaintiff maintained that the defendant property owner failed to make proper and reasonable inspections to the exterior stairway, failed to properly maintain the premises, allowed the premises to be in a dangerous and or defective condition and failed to remedy the situation.

The jury found for the plaintiff. The jury found the defendant to be 75% liable and the plaintiff 25% liable. The jury awarded the plaintiff economic damages in the amount of $513,391.66 and $4,386,608.34 and non-economic damages. After applying the 25% reduction the plaintiff was awarded $3,675,000 in damages.

REFERENCE

James and Jessica Papp vs. Hedgegrow Properties. Case no. UWY-CV22-6069124; Judge W. Glen Pierson, 09-06-24.

Attorney for plaintiff: John Breen of Mills & Cahill, LLC in New Haven, CT. Attorney for defendant: Christian A. Sterling of Katz & Seligman, LLC in Hartford, CT.

$3,991,402 VERDICT – PREMISES LIABILITY – FALL DOWN – PLAINTIFF SLIPS ON FLOOR CLEANING FLUID AT DEFENDANT NURSING HOME, FALLING AND STRIKING HEAD ON FLOOR – DISC HERNIATIONS; KNEE INJURY – CLOSED HEAD INJURY; CONCUSSION; POST-CONCUSSION SYNDROME; ACUTE POST-TRAUMATIC HEADACHE; BLURRED VISION; MEMORY LOSS; DISC BULGE AT L3 THROUGH S1; T11-12 AND BILATERAL RADICULOPATHY – PLAINTIFF GRANTED SUMMARY JUDGMENT ON LIABILITY AGAINST DEFENDANT; MATTER GOES TO TRIAL ON DAMAGES.

Erie County, NY

In this premises liability case, the plaintiff, a hospice aide, asserted that she sustained permanent personal injuries when she slipped and fell on an unidentified liquid on the floor of the defendant's nursing home. As a result of the fall, the plaintiff claimed closed head injury; concussion; post-concussion syndrome; intractable acute post-traumatic headache; blurred vision; memory loss; concentration issues; disc bulge at L3 through S1; T11-12; and bilateral radiculopathy. The defendant denied all allegations of negligence and maintained that the condition was open and obvious.

The EMT who responded to the call, reported that, upon her arrival, she encountered the plaintiff lying supine on a floor soaked with floor cleaner water which was coming from underneath a joint doorway where someone else was cleaning the floors in the next room. The plaintiff contended that the defendant possessed and controlled the property where the accident occurred; created the dangerous con-

dition which caused the accident; and had constructive notice of the condition which caused the accident.

The court granted summary judgment on the issue of negligence against the defendants and in favor of the plaintiff on May 25, 2022. The matter went to jury trial as to damages wherein the jury awarded the plaintiff $3,991,402 in damages broken down as follows: $177,290 for past lost earnings; $895,411 for future lost earnings; $18,701 for past medical expenses; $2,500,000 for future medical expenses; $200,000 for past pain and suffering; and $200,000 for future pain and suffering.

REFERENCE

Morrison vs. South Union RD HC, LLC, et al. Index no. 807103/2018; Judge Timothy J. Walker.

Attorney for plaintiff: Peter M. Kooshoian of Rosenthal, Kooshoian & Lennon, LLP in Buffalo, NY. Attorney for defendant: Caitlin Robin of Caitlin Robin & Associates in Buffalo, NY.

ADDITIONAL VERDICTS OF PARTICULAR INTEREST

Construction Site Negligence

$4,150,000 GROSS VERDICT – CONSTRUCTION SITE NEGLIGENCE – PLAINTIFF CARPENTER ON JOB AT DEFENDANT'S PROPERTY – DEFENDANT BAKERY USING CONTACT CEMENT GLUE PROVIDED BY DEFENDANT CONTRACTOR CAUSING EXPLOSION AND FIRE DUE TO HEAT CONTACTING FLAMMABLE GLUE – SEVERE BURNS TO FACE, NECK, EARS, BILATERAL HANDS AND LIPS – MULTIPLE SURGERIES AND SKIN GRAFTS – SIGNIFICANT SCARRING, LIMITED RANGE OF MOTION – COMPLETE DISABILITY FROM WORK.

Westchester County, NY

In this construction site negligence case, the plaintiff, a 41-year-old carpentry worker, asserted that the defendants violated sections of the Labor Law of the State of New York. The plaintiff was doing carpentry work in the container room at the back of the building when a flash fire occurred. As a result of the incident, the plaintiff suffered 8.75% TBSA second-degree flame burns to face, neck, ears, bilateral hands and lips; full thickness, and partial thickness 2nd and 3rd degree burns to multiple body parts, including face, neck, ears, bilateral hands (including all digits) and lips. The plaintiff was compelled to undergo surgical debridement with sheet grafting to hands bilaterally and has been left with severe disfiguring scarring, hyperpigmentation, and discoloration to multiple body parts.

The plaintiff brought suit against the defendant property owner and the defendant contractor on the construction project. The defendants denied negligence and brought a third-party claim against the plaintiff's employer, arguing that the plaintiff's employer was responsible for the safety and equipment provided to his crew, including the plaintiff.

The jury found the plaintiff 10% liable; the defendant general contractor 60% liable; and the third-party defendant employer of the plaintiff 30% liable. The jury awarded gross damages of $4,150,000 reduced to $3,735,000 for plaintiff's comparative negligence. The adjusted damages were broken down as follows: $135,000 for medical expenses; $2,160,000 for past pain and suffering and $1,440,000 for future pain and suffering.

REFERENCE

Velazquez vs. 104 Ashburton Ave, LLC, et al. Index no. 65671/2018; Judge David F. Everett, 05-01-24.

Attorneys for plaintiff: Frank Kelly, Martin J. Moskowitz and Roy A. Kuriloff of Gorayeb & Associates, P.C. in New York, NY. Attorneys for defendant building owner and contractor/bakery: Donald Derrico and Michael Schacher of Gordon Rees Scully Mansukhani, LLP in Harrison, NY. Attorney for defendant third-party plaintiff's employer: Jim Castro-Blanco of Novick, Ponzini, Cossu & Venditti, LLP in White Plains, NY.

Invasion of Privacy

$17,324,000 VERDICT – INVASION OF PRIVACY – PLAINTIFF CLAIMS DEFENDANT RECORDED PARTIES HAVING SEX AND SOLD AND DISTRIBUTED VIDEO WITHOUT PLAINTIFF'S CONSENT – INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS – DAMAGE TO PERSONAL AND PROFESSIONAL REPUTATION; MONETARY DAMAGES.

Miami-Dade County, FL

In this invasion of privacy case, the plaintiff asserted that the defendant took video, uploaded video, and sold viewing rights to an explicit video of the plaintiff without her permission. The plaintiff filed claims for violation of Fla. Stat Ann. § 540.08(1) (right of publicity); unjust enrichment; invasion of privacy; and intentional infliction of emotional distress. The defendant failed to answer or appear before the court. A default judgment was entered as to liability against the defendant.

The plaintiff and defendant met at the defendant's apartment and the parties engaged in sexual intercourse where the defendant secretly recorded the 2 having sexual intercourse. During sexual intercourse the plaintiff noticed that the defendant was recording them without her permission. The plaintiff immediately demanded that the defendant stop recording them having sexual intercourse and to delete the video from his cell phone.

The plaintiff contended that the defendant pretended to delete the videos but in fact never did delete them. To the plaintiff's horror and dismay, the defendant released a clip of him and the plaintiff having sexual intercourse to his fan base of nearly 300,000 people. As a direct and proximate result of the release of the sex video, the plaintiff has suffered damages to her personal and professional reputation, as well monetary damages and severe emotional distress and anxiety due to the defendant's actions.

The jury awarded the plaintiff $17,324,000 in damages broken down as follows: $750,000 for past lost earnings; $10,105,082 for future lost earnings; $630,000 for past medical expenses; $5,838,918 for future medical expenses.

REFERENCE

McQueen vs. Harris. Case no. 2021-019261-CA-01; Judge Ariana Fajardo Orshan, 12-19-24.

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

Landlord Negligence

$2,000,000 JUDGMENT – LANDLORD NEGLIGENCE – PLAINTIFF TENANT SLIPS AND FALLS ON ICY CONDITIONS ON STAIRCASE ON DEFENDANT OWNED AND MANAGED PROPERTY – L4-L5 DISC HERNIATION; TEAR OF STYLOID ATTACHMENT OF TFCC IN LEFT WRIST WITH DE QUERVAIN SYNDROME – SURGERY ON BOTH SPINE AND WRIST – DEFENDANT FAILS TO ANSWER; FOUND IN DEFAULT.

Bronx County, NY

In this case, the plaintiff resident, a 40-year-old woman, asserted that the defendant housing authority and property manager were negligent in allowing icy, slippery conditions to exist on the subject property which caused the plaintiff to fall. As a result of the fall, the plaintiff presented to the emergency room complaining of injury to her right hand and lower back. The plaintiff was x-rayed and her right hand splinted. MRIs revealed a herniation at the L4-L5 level. She also suffered a tear of the styloid attachment of the TFCC in the left wrist and was diagnosed with De Quervain Syndrome. The plaintiff did not improve and ultimately underwent hemilaminectomy and fusion surgery at L4-5 and left wrist surgery. The defendant failed to answer or appear before the court. A default judgment was entered as to liability against the defendant and the matter was set down for inquest as to damages.

The plaintiff contended that the defendants allowed snow and ice to accumulate on the premises. The plaintiff claimed that the defendant negligently, recklessly and carelessly failed to properly inspect, remedy and remove the dangerous condition, allowing a defective, dangerous, trap like condition to be present. The plaintiff alleged that the force of the fall resulted in permanent injuries.

Following the inquest, the court awarded the plaintiff $2,354,080 comprising $1,000,000 for past pain and suffering and loss of enjoyment of life; $1,000,000 for future pain and suffering and loss of enjoyment of life; interest in the amount of $351,500; and costs and disbursements of $2,580.

REFERENCE

Wayman vs. CPE Housing Development Fund Company, Inc., et al. Index no. 25691/2020E; Judge Alison Y. Tuitt, 05-09-23.

Attorneys for plaintiff: Boris Bernstein, Dean N. Liakas and Stephen J. Liakas of Liakas Law, P.C. in New York, NY. Attorney for defendant: Denis P. O'Leary of Neufeld, O'Leary & Giusto in New York, NY.

Racial Discrimination

$6,225,282 VERDICT – RACIAL DISCRIMINATION AND RETALIATION – 4 AFRICAN-AMERICAN EMPLOYEES CONTEND RACE IMPACTED SUCCESS – PLAINTIFFS DEMOTED FOR NOTIFYING HUMAN RESOURCES – NON-ECONOMIC DAMAGES – EMOTIONAL DISTRESS – PAIN AND SUFFERING – LOSS OF INCOME.

Sacramento County, CA

This action was filed by 4 plaintiffs against their employer, Sacramento Municipal Utility District (SMUD), one of Northern California's largest energy companies. All 4 employees are African-American and contended their race impacted their success within the company.

The plaintiffs set forth 3 causes of action: (1) Race Discrimination, (2) Failure to Prevent Discrimination and (3) Retaliation. The plaintiffs contended "more specifically,[that] Sacramento Municipal Utility District retaliated against the plaintiffs by continuing with their steadfast refusal to promote them even though they are equally or more qualified than their white coworkers who have been promoted in their place, by refusing to take action on their collective complaints of discrimination and refusal to treat the plaintiffs with the same dignity and respect it affords their white coworkers."

The Sacramento County Superior Court jury reached a gross verdict of $6,225,282.

REFERENCE

Amy Ayers, Deborah Bates-Pettaway, Dwayne Pugh and Rodney James vs. Sacramento Municipal Utility District. Case no. 34-2022-00313429; Judge Renuka R. George, 11-07-24.

Attorney for plaintiff: Michael Justice of Michael Justice Law Office in Westlake Village, CA. Attorney for defendant: CDF Labor Law, LLP.