NEW JERSEY
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FEATURED CASES

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

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

VERDICTS BY CATEGORY

FEATURED CASES

$11,900,000 SETTLEMENT – MEDICAL MALPRACTICE – OB/GYN – FAILURE TO PROPERLY RESUSCITATE 28-YEAR-OLD DELIVERING FIRST CHILD – PLAINTIFF STOPPED BREATHING AND MEDICAL TEAM TOOK 10 MINUTES TO CALL "CODE BLUE" – CHEST COMPRESSIONS STARTED 12 MINUTES AFTER LACK OF OXYGEN – CEREBRAL HYPOPERFUSION – CONSEQUENT CEREBRAL ANOXIA – CATASTROPHIC BRAIN DAMAGE – PERMANENT AND DISABLING DEFICITS.

Hudson County, NJ

This medical malpractice action was filed on December 31, 2020, by the plaintiff, parents, of Estefania Mesa Vanegas, against the defendants, Carepoint Health Hoboken University Medical Center and Selvia Zeklama, M.D., et al. for life-altering injuries sustained by their daughter when she was giving birth to her first child. The defendants denied negligence, pled insufficient knowledge and cross-claimed for allocation of negligence.

The plaintiffs alleged at 39.4 weeks pregnant, the plaintiff, mother, in an excellent state of health went to the defendant's hospital to deliver her first child and due to an arrest of labor and recurrent fetal heart rate deceleration the decision was made by the doctors to undergo a c-section rather than a vaginal childbirth. During the procedure she stopped breathing, her blood plummeted and her heart stopped beating and the plaintiffs alleged her face turned cyanotic before any member of the medical team called for a "Code Blue" 10 minutes later.

The plaintiff argued the defendant did not deploy the defibrillator, which was stored on a cart immediately outside the OR and did not use a Ambu-Bag, or other like device, to deliver positive pressure ventilation and despite the fact that the O.R. Was equipped with a cardiac monitor and pulse oximetry, the alarms warning of impending disaster were not heeded. The plaintiff contended the unborn infant was also deprived of oxygen and required resuscitation immediately upon delivery, receiving a one minute apparently score of 2.

The plaintiff pled injuries including cerebral hypoperfusion, consequent cerebral anoxia, hypoxia ischemic encephalopathy, cognitive deficits, inability to walk, inability to communicate including to speak more than 1 or 2-word phrases, inability to eat solid food or feed herself unassisted, minimal ability to move her extremities purposefully, incontinence of bladder and bowel, contracture so of arms and legs, rectovaginal fistula, severe hypoxia injury leaving permanent and disabling deficits, endotracheal and tracheostomy tubes, skin breakdowns, multiple episodes of infections, pain and suffering, mental anguish, painful medical interventions, seizures and medical expenses.

The parties entered into a settlement agreement for $11,900,000.

The defendant hospital will pay $10 million, the defendant anesthesiologist $1 million and the defendant doctor $900,000.

REFERENCE

Eduardo Argueta and Dario Puerto as Co-Guardians for Estefania Mesa a/k/a Estefania Mesa Vanegas, et al. vs. Carepoint Health Hobokon University, Selvia Zaklama, M.D., et al. Docket no. HUD-L-004809, 09-27-24.

Attorney for plaintiff: Samuel L. Davis of Davis, Saperstein & Salomon, PC in Teaneck, NJ. Attorney for defendant: Jennifer N. Cortopassi of The Law Office of William L. Brennan in Shrewsbury, NJ.

COMMENTARY

The settlement was approved by Superior Court judge Joseph R. Turula. In settlement documents, the plaintiff's lawyer said, "Ms. Mesa and her family were not only victims of Dr. Zaklama's gross negligence and malpractice, but also of CarePoint Hospital's system-wide failures that were permitted to persist amidst a culture of concealment and willful corporate ignorance and greed. While this case could have been litigated as one for simple medical malpractice, as this case progressed, it became clear that it was the defendant's collective deceitful and sordid practices and conduct are what ultimately gave rise to the conditions that allowed the events that transpired on July 20, 2020 to occur."

Ms. Mesa is still unable to verbally communicate, express her needs or concerns adequately, eat solid food or feed herself unassisted, walk, and go about the activities of daily life without total assistance. Nursing staff feed her liquid nutrition through a tube in her abdominal wall."

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$2,040,000 VERDICT – MEDICAL MALPRACTICE – SURGERY– DURING SURGERY TO REPAIR TORN LEFT BICEP TENDON, NERVE SEVERED IN HALF – PERMANENT NERVE DAMAGE – PAIN AND LOSS OF FUNCTION IN LEFT HAND – MULTIPLE SURGERIES.

Morris County, NJ

This medical malpractice action was filed on August 20, 2019, by the plaintiffs, Michael Arroyo and Liria Arroyo, against the defendants, Robert C. Petrucelli, M.D., et al., for injuries resulting form an alleged severed nerve during surgery. The defendant contended the nerve damage was an inherent risk associated with the type of tendon repair performed and that the plaintiff suffered from neuropraxia caused by the nerve being stretched or bruised when it was moved with a retractor during surgery, but typically improves over time.

The plaintiff alleged the plaintiff injured himself while lifting weights in February 2018 and sought treatment from defendant to repair a torn left bicep tendon and the defendants were negligent and careless in the medical care and treatment rendered and did thereby deviate from accepted medical standards, falling below the accepted standard of care, resulting in the severance of the plaintiff's nerve.

The plaintiff maintained that following the operation, the plaintiff reported persistent pain and loss of function in his left hand and an investigation by a second surgeon revealed the defendant surgeon had severed a nerve during surgery to repair the plaintiff's torn left bicep. The plaintiff asserted that said nerve injury was avoidable and the lacerated nerve directly resulted from surgical error. The plaintiff pled permanent nerve damage, pain and loss of function in left hand, additional surgery, loss of mobility, serious, painful and permanent disabling injuries, present and future loss of earnings, future pain, suffering and medical and physical disabilities.

The jury reached a verdict of $2,040,000. With prejudgment interest, the total judgment of $2,442,215.34 was entered in the plaintiff's favor.

REFERENCE

Michael Arroyo and Liria Arroyo vs. Robert C. Petrucelli, M.D., et al. Docket no. MRS-L-1785-19; Judge Marcy M. McMann, 01-21-25.

Attorney for plaintiff: Jeffrey J. Zenna of Blume, Forte, Fried Zerres & Molinari, P.C. in Chatham, NJ. Attorneys for defendant: John Talvacchia and Michael E. Mcgann of Orlovsky Moody Schaaff Conlon Bedell McGann & Gabrysiak in West Long Branch, NJ.

COMMENTARY

Plaintiff's counsel, Jeffrey Zenna, after the verdict, commented, "The nerve was cut in half, as opposed to be stretched or bruised. It wasn't an inherent risk. It was something they that they did. Everyone agrees, including our experts, that's a risk of the procedure. But here, that's not what happened. We know what happened because subsequent doctors went in to explore the cause of my client's problems. And the nerve had been cut in half."

Complications in tendon repair surgery include infection, bleeding, nerve damage and blood clots, in addition to scar tissue formation, adhesion formation and potential re-rupture or weakening of the tendon. After the plaintiff's second surgery he noted marked improvement 3 months after the procedure following a course of physical therapy.

$600,000 VERDICT – MEDICAL MALPRACTICE – PSYCHIATRY – PSYCHIATRIC HOSPITAL HELD LIABLE FOR DEATH OF 72-YEAR-OLD ALZHEIMER'S PATIENT – BLUNT FORCE INJURIES TO HEAD AND TORSO RESULTING IN IN SUBSEQUENT DEATH.

Middlesex County, NJ

This medical malpractice action was filed on December 17, 2021, by the plaintiff, Estate of Howard Pitchersky, against the defendant, Carrier Clinic, of Montgomery, part of Hackensack Meridian Health, et al. for injuries resulting in the death of the decedent. The defendant argued the decedent attempted to assault the mental health technician by swinging his arms and permissible restraint was used, testifying that a split-second decision had to be made for the protection of staff.

The plaintiff alleged the decedent was admitted into the defendant facility on January 1, 2020, for inpatient psychiatric treatment for his behavior issues related to his advanced Alzheimer's and doctors were adjusting his combinations of anti- psychotic, sedatives, benzodiazepine and mood stabilizer medications. The decedent, after his admission, became increasingly paranoid, aggressive and combative with staff and on February 14,2020, the decedent got us from his geriatric recliner, walked behind it and then attempted to ram the chair into a mental health technician and was secured by the staffer from behind by placing the decedent so arms behind his back.

The plaintiff alleged when the decedent started to walk away, he bent his knees and leaned forward, lifting up the staffer off the floor and fell face first onto the floor with the staffer on his back. Upon being taken to Robert Wood Johnson hospital a CT-scans revealed skull fractures and cranial bleeding and died one month later on March 17, 2020, with his death certificate listing the cause of death as complications following blunt force injuries to the head and torso. The plaintiff pled injuries including over a dozen fractures to face, skull, neck and rib fractures, brain injury causing internal bleeding.

After a 3-week trial, the jury reached a $600,000 verdict which includes an award for the decedent's pain and suffering between the fall and his death.

The jury held the supervising nurse 65% negligent and the technician 35 % negligent.

REFERENCE

Estate of Howard Pitchersky vs. Carrier Clinic, et al. Docket no. MID-L-7217-21; Judge Alberto Rivas, 06-18-24.

Attorney for plaintiff: Melissa Baxter of Kline & Spector in Philadelphia, PA. Attorney for defendant: Charles C. Loughery of Buckley Theroux Kline & Cooley, LLC in Princeton, NJ.

COMMENTARY

Plaintiff's counsel Lori Donnelly commented after the verdict, "We are grateful that this Middlesex County jury paid close attention to the evidence at trial and held Carrier Clinic and its agents accountable for failing to ensure their vulnerable patient was safe under their care."
The defendants asserted that the jury was prevented from fairly and informatively determining liability and causation based, in large part, on the insufficient jury charge and the conduct of plaintiff's counsel during trial arguing "..the oppositions' frequent highlighting of the policies and procedures of the defendant actually demonstrate the extent to which the plaintiff's case, and the jury's verdict, turned not on the strength or adequacy of expert testimony (which the plaintiff acknowledges is the true requirement for proving deviation from the standard of care), but rather on the impermissible theory that violations of policy alone can establish negligence."
Hackensack Meridian Health issued a statement, "Our top priority is the safety and well being of our team members and patients. We are disappointed in the Middlesex County jury's verdict and will plan our appeal."

$7,950,000 SETTLEMENT – POLICE LIABILITY – MOTOR VEHICLE NEGLIGENCE – PLAINTIFF'S VEHICLE, DISABLED AFTER COLLISION WITH MEDIAN, HIT BY DEFENDANT SHERIFF'S OFFICER GOING 83.6 MPH – TRANSVERSE PROCESS LUMBAR FRACTURES – RIB FRACTURES – LEFT PNEUMOTHORAX WITH SUBCUTANEOUS EMPHYSEMA – LEFT SACRAL ALAR FRACTURE.

Morris County, NJ

This action was filed on April 5, 2021, by the plaintiffs, Peter Klem and Samantha Klem, his wife, against defendants Scott Haggerty, individually, and Sussex County Sheriff, et al., for injuries sustained in a January 14, 2020 accident. The defendant denied negligence and contended plaintiff's own negligence caused his injuries when he negligently hit the cement divider; thus, creating a hazard.

The plaintiff alleged at approximately 2:49 a.m., the plaintiff was traveling on Interstate 80 westbound near mile marker 36.2 in Rockaway Township when his vehicle became disabled in the left lane/shoulder after striking the cement center divide. The plaintiff was not injured in the initial crash and shortly thereafter, the defendant officer, operating a 2017 Ford Explorer owned by the Sussex County Sheriff's office traveling in the left-hand westbound lane of Route 80, violently struck the plaintiff's vehicle causing significant injuries.

The plaintiff pled injuries of transverse process fractures to the left L1, bilateral L2, bilateral L3, left rib fractures to ribs 2,2,5 posterior, 5 lateral, 6,8,11,12, left pneumothorax with subcutaneous emphysema, left carpal alar fracture to the sacroiliac joint, left superior ramps fracture with extension to the acetabulum, left inferior Ramos fracture to the acetabulum, non-displaced fractures of the right acetabulum, transecting of aortic infundibulum, severe narrowing of the origin of celiac artery, narrowing of the origin of the SMA, sternum buckle, pulmonary contusions, diaphragmatic injuries, left and right kidney lacerations and future loss of wages. The defendant argued the plaintiff changed his version of the facts several times to absolve himself of negligence claims.

The parties entered into a settlement for $7,950,000.

REFERENCE

Peter Klem and Samantha Klem, his wife vs. Scott Haggerty, individually, and Sussex County Sheriff, et al. Docket no. MRS-L-000741-21, 07-08-24.

Attorney for plaintiff: Barry R. Eichen of Eichen Crutchlow Zaslow, LLP in Edison, NJ. Attorneys for defendant: Robert C. Ward and Sharon M. Flynn of Gebhardt & Kiefer, P.C. in Annandale, NJ.

COMMENTARY

New Jersey State Troopers investigated the collision, but did not issue any traffic violations against the defendant. The plaintiff contended the police investigators were biased toward a fellow officer, invoking the Blue Wall of Silence. The plaintiff's counsel motioned the court to retake the deposition of Sheriff Strada's with costs, who testified as to transportation procedures and manual provisions, alleging that the defense "abused" the Court rules by asserting various objections during his initial deposition.

The defense counsel told the court, "It's ironic that the plaintiff emphasizes the importance of the strict adherence to our Court rules in her Motion, yet the plaintiff's counsel cannot follow these Court rules herself." Citing the plaintiff's deposition, the defense counsel told the court the deposition "is riddled with plaintiff's counsel's improper interruptions, inappropriate objections asked of his own client during the defense counsel's taking of his deposition. The plaintiff's counsel comes to this Court with unclean hands. He seeks relief and sanctions from the defense for conduct that he is guilty of during his own client's deposition. Further, during no time during Sheriff Strada's deposition did defense counsel's objections lead the witness or suggest the answer to the witness."

$4,000,000 SETTLEMENT – CONSTRUCTION SITE NEGLIGENCE – ROOFER FALLS 20 FEET WHEN GUARDRAIL FAILS – FAILURE TO PROVIDE FALL PROTECTION – INJURIES TO PUBIS, SACRUM, CLAVICLE AND HUMERUS – MULTIPLE SURGERIES INCLUDING TOTAL HIP REPLACEMENT – MULTIPLE FRACTURES.

Bergen County, NJ

This construction site injury action was filed on April 17, 2020, by the plaintiff roofer against the defendants, Triple Five Worldwide Group, et al., for fall injuries sustained when a guardrail failed. The defendants denied negligence and pled affirmative defenses, including the seventh affirmative defense, that the plaintiff was the proximate cause of his own injuries.

The plaintiff was employed as a roofer on the construction site and the defendants, general contractor and project manager, were engaged in a construction project known as the American Dream Mall, located in the Township of East Rutherford and defendant, Triple Five owned, developed and constructed the construction project and resulting American Dream Mall.

The plaintiff alleged on May 15, 2018, while the plaintiff was engaged in the course of his employment with the defendants, the defendant's negligently and carelessly caused, or contributed to causing the plaintiff to fall over, around or through the safety rails installed on the roof of building G at the construction project, falling approximately 20 feet to the ground below sustaining serious and permanent injuries including injuries to his pubis, sacrum, clavicle, humerus, multiple fractures, multiple surgeries including total hip replacement, medical expenses, pain and suffering, inability from attending to regular pursuits, and permanently affecting employment and duties.

The parties entered into a settlement agreement for $4,000,000.

REFERENCE

Robert Smith vs. Triple Five Worldwide Group, et al. Docket no. BER-L-002367-20, 09-28-24.

Attorney for plaintiff: Mitchell L. Goldstein of Greenberg Minasian, LLC in West Orange, NJ. Attorneys for defendant: Lee Patten and Joseph Ross of Lydecker Diaz in Jersey City, NJ.

COMMENTARY

Plaintiff's counsel filed a motion to preclude the defendant from eliciting testimony or arguing that the plaintiff's employer, a subcontractor to the general contractor, was negligent in evaluating the negligence of the defendants arguing that the plaintiff's employer was named a party in the case solely for discovery purposes only and would be dismissed from the case prior to the commencement of the trial. Citing Ramos v Browning Ferris Industries of South Jersey, Inc. 103, NJ.177, 193 (1986) and the action being barred against employer under N.J.S.A. 34:15-8, the Workers' Compensation Statute, the plaintiff's counsel argued, the plaintiff's employer is "not a joint tortfeasor with the other defendants" and "pursuant to the Comparative Negligent Act, N.J.S.A. 2A:15-5.2b, the assessment of negligence by the jury is limited to the "parties to the suit. Clearly, [employer] will not be a party to the suit at the time of trial as recovery against [employer] is barred. As such [employer's] negligence cannot be submitted to the jury."

$1,250,000 RECOVERY – MOTOR VEHICLE NEGLIGENCE – REAR END COLLISION – DEFENDANT DRIVER OPERATING TRUCK WITHOUT REQUIRED CDL – PRE-TRIAL COURT HOLDS PRIMA FACIE CASE FOR WILLFUL AND WANTON CONDUCT EXISTED – CONCUSSION – 2 CERVICAL HERNIATIONS – CERVICAL SURGERY – TINNITUS.

Middlesex County, NJ

This motor vehicle negligence case involved a 48-year-old painter who was driving his work van home in stop-and-go traffic at the end of the day in which he was struck in the rear by the defendant diver of a masonry truck with a trailer attached. The plaintiff also contended that the masonry company acted in a willful manner in permitting the defendant driver to work despite the fact that he did not possess the required a Class A Commercial Driver's License for operation and punitive damages were demanded. The plaintiff was pushed into the car in front of him and contended that he struck his head, suffering traumatically-induced tinnitus, a concussion and 2 cervical herniations prompting percutaneous cervical discectomies and decompression at C4-5, and C5-6. The defendant driver maintained that the plaintiff negligently cut in front of the masonry truck, contributing significantly to the accident.

The plaintiff countered that the defendant driver did not make this claim to the investigating officer. During motion practice, the Court agreed that that the employer acted in a wanton and willful manner, providing the basis for a prima facie case for punitive damages and compelling financial discovery from the defendant employer. During discovery, the plaintiff established that the defendant corporation had a net worth of (actual amount confidential.)

As a result of the collision, the plaintiff sought treatment for neck and back injuries, concussion, and tinnitus. The treatment included pain management and a percutaneous cervical discectomy and decompression at C4-5, C5-6. The defendants alleged the conditions were age-related and not a result of the collision. However, during a discovery deposition, the defense ENT expert conceded that the plaintiff suffered a permanent tinnitus condition from the accident. The plaintiff would have testified that it is worse on the right side and interferes with his ability to focus.

The plaintiff would have claimed approximately in future $70,000 medical expenses. The plaintiff made no future wage claims

The case settled following the mediation $1,250,000.

REFERENCE

Janosi vs. Braga and QPD Quality Construction.; Judge Bradley J. Ferencz, J.S.C.(retired), 09-22-25.

Attorney for plaintiff: Edward J. Rebenack of Rebenack, Aronow & Mascolo in Somerville, NJ.

COMMENTARY

The leverage supplied by the decision that a prima facie case for wanton and willful and wanton conduct existed was clearly the most significant aspect of the case. In this regard, the mediator was aware of a substantial net worth of the defendant corporation. Additionally, although the defendants had claimed that the injuries were preexisting, the plaintiff emphasized that he had no prior symptoms or treatment. Moreover, the plaintiff stressed that the defense ENT expert found that the tinnitus was, in fact, related. Finally, the defendant driver claimed that the plaintiff cut in front of him. The plaintiff would have countered that the defendant driver did not make this contention to the investigating officer.

$1,250,000 VERDICT – HOSTILE WORK ENVIRONMENT – SEXUAL HARASSMENT – FEMALE POLICE OFFICER ALLEGED MALE POLICE OFFICERS IN DEPARTMENT SEXUAL HARASSED PLAINTIFF AND OTHER FEMALE OFFICERS ON NEAR DAILY BASIS – SEVERE EMOTIONAL DISTRESS; HUMILIATION; PSYCHOLOGICAL AND EMOTIONAL HARM.

Essex County, NJ

This action was filed on September 27, 2016 and May 1, 2018, by the plaintiff, Lisa Rodriguez, a City of Newark police officer, against the defendant, Jose Pereira, a lieutenant, for unlawful hostile work environment, sexual harassment and sexual battery. The defendant vehemently denied the plaintiff's accusations and filed cross complaints for defamatory injury to reputation, libel and slander.

The plaintiff alleged in her work environment she was subjected to unwanted sexual contact, sexual harassment, sexual intimidation and sexual assault by the defendant and further, from the start of her employment with the Department, she became the target of these sexual advances, harassment and flirtation at the hands of superior officers throughout the years. The plaintiff maintained that the harassment included constant romantic propositions to go out on dates and comments such as the plaintiff was "hot" or pretty and as the harassment persisted and plaintiff continued to resist the constant advances, the plaintiff was transferred amongst different posts within the Department.

The plaintiff contended that she told her sergeant she was "sick" of being transferred and questioned the reason and the sergeant indicated it was because the plaintiff was "not sleeping with people" and that the Officers within the Department figured that she would get tired of resisting their advances and that she would eventually give in. The plaintiff asserted

that the Sergeant told her that she was a pretty girl that people wanted to "conquer". The plaintiff alleged during her employment, it was readily apparent that sexual harassment of female officers within the Department was not a serious consideration as plaintiff was either ignored or ridiculed for the harassment she endured and in one sexual harassment class put on by the Department, male officers were laughing and making light of the fact that the plaintiff and other female officers were harassed on a near daily basis.

The plaintiff pled severe physical and bodily injuries, severe emotional distress, humiliation, embarrassment, anguish, personal hardship, career and social disruption, psychological and emotional harm, economic losses, and lost employment opportunities.

After a week-long trial, the jury reached a verdict of $1,250,000. The defendant was held liable for $1,000,000 and the City of Newark $250,000.

REFERENCE

Lisa Rodriguez vs. Jose Pereira. Docket no. ESX-L-3703; Judge A. Scoca, 11-21-24.

Attorneys for plaintiff: Gregory B. Noble and Daniel Bause of O'Connor, Parsons Lane Noble in Westfield, NJ. Attorney for defendant: Patrick P. Toscano of The Toscano Law Firm in Caldwell, NJ.

COMMENTARY

The defendant, regarding being denied legal representation for the case, alleged the City violated the New Jersey Employer-Employee Retaliation Act, N.J.S.A. 34: 13A- 1, by unilaterally changing the terms and conditions of employment and repudiating the parties collective negotiations agreement when they refused to provide the defendant with legal representation after he was served with this civil action. The Commission Officer Pereira had not established a substantial likelihood of prevailing in a final Commission decision based upon its legal allegations. They also found Officer Pereira had not demonstrated irreparable harm, any relative hardship, or that the public interest would not be injured by granting interim relief.
The Office of Affirmative Action advised the defendant in a memorandum that the allegations had been substantiated and constituted actions that did not arise out of and are NOT directly related to the lawful exercise of police powers in furtherance of his official duties.

$500,000 ARBITRATION AWARD – DOG ATTACK – PLAINTIFF ATTACKED AND BITTEN BY DEFENDANTS' DOG WHILE JOGGING – DOG BITE INJURY TO RIGHT HIP AND PELVIS – PERMANENT SCARS – LEFT KNEE SPRAIN – PATELLA TENDONITIS – RIGHT HIP SPRAIN – PTSD – DEPRESSION.

Monmouth County, NJ

In this dog attack action, the plaintiff suffered injury when she was attacked and bitten by the defendants' dog while she was jogging. The defendants generally denied all allegations of negligence.

On September 17, 2023, the plaintiff was lawfully jogging on Branch Avenue in Little Silver, New Jersey. At this time, the defendants were walking their dog in the same area, on Branch Avenue. On this day, the defendant couple legally owned the dog, and was entirely responsible for the supervision and control of the dog. At the time of the incident, the dog approached the plaintiff and began to attack her, biting her on the hip and pelvis while she was running.

The plaintiff maintained that the defendants were negligent in failing to prevent the dog from attacking, failing to keep the dog away from strangers despite prior knowledge of the dog's violent behavior, and failing to prevent the dog form encountering people in public. Consequently, the plaintiff sustained injuries, including dog bite injury to the right hip/pelvis that resulted in 2 permanent scars, as well as left knee sprain, patella tendonitis, right hip sprain, PTSD and depression.

The arbitrator in this case found the defendants 100% liable for the accident and reported an award for the plaintiff in the amount of $500,000. Following arbitration, the plaintiff's counsel made an offer of judgment which was declined. The defendants' counsel then requested a trial de novo, which was scheduled to begin on April 28, 2025. However, the parties entered into a settlement on April 25.

REFERENCE

Kaitlin Gilday vs. Joseph Freeman. Docket no. MONL003404-23; Judge Chad Cagan, 04-25-25.

Attorney for plaintiff: Norman Hobbie of Hobbie & Decarlo, P.C. in Eatontown, NJ. Attorney for defendant: Michael Dolich of Bennett, Bricklin & Saltzburg, LLC in Marlton, NJ.

COMMENTARY

The settlement amount in this case was likely determined by the severity of the plaintiff's injuries, as well as the fact that the subject dog had attacked and injured strangers before, in a similar scenario to the above case. The defendants in this case had been sued previously by another victim of their dog's violent behavior. Following this prior attack, the defendants had hired a dog trainer, but had not followed his recommendations for training the dog.
The plaintiff maintained that allowing the dog to interact with strangers in a public setting was reckless and sought punitive damages as a result. On top of this, the plaintiff sustained prolonged injury and lifestyle changes due to the dog attack. Her injuries rendered her unable to continue running, which worsened symptoms of her pre-existing psychiatric problems, including depression and bipolar disorder.

Verdicts By Category

LANDLORD NEGLIGENCE

$450,000 SETTLEMENT

Landlord negligence – Plaintiff tenant slips and falls on ice on exterior stairs at defendant apartment complex – Failure to place salt or otherwise take measures to melt ice and snow on stairs – L4-5 disc herniation – L5-S1 disc bulge – Cervical disc injuries.

Middlesex County, NJ

In this action, the plaintiff tenant slipped and fell on ice on the exterior stairs at the defendant apartment complex, causing her to become injured. The defendants generally denied all allegations of negligence.

On February 6, 2021, the plaintiff was attempting to exit her apartment building, located on the premises of 190-A Cedar Lane in Highland Park, New Jersey. At this time, the subject building was owned, operated, and maintained by the defendants. On this day, there had been a snowstorm, which had caused ice and snow to accumulate on the exterior stairs of the subject building. While the plaintiff was exiting the building, she slipped on ice on the exterior stairs and fell.

The plaintiff maintained that the defendant was negligent in failing to place salt or otherwise take measures to melt ice and snow on the stairs, failing to provide safe passage on the premises, and failing to warn of a slipping hazard. Consequently, the plaintiff sustained injuries, including an L4-5 disc herniation with thecal sac impingement, L5-S1 disc bulge with impression on the anterior epidural space, and cervical disc injuries. The plaintiff's injuries were treated with cervical and lumbar epidural injections, as well as a lumbar discectomy at L4-5, cervical discectomy at C5, and anterior cervical decompression and fusion with instrumentation at C5-6.

The arbitrator in this case found the defendants 90% liable for the accident and the plaintiff 10% liable, reporting an award for the plaintiff in the amount of $1,400,000. Following arbitration, the defendants requested a trial de novo, which was scheduled to begin on April 21, 2025. However, the parties entered into a settlement for $450,000 before the trial could begin.

REFERENCE

Patricia Stevenson vs. Cedar Arms Associates, LLC. Docket no. MIDL004335-22; Judge Bina K. Desai, 05-30-25.

Attorney for plaintiff: Karim Arzadi of Law Offices of Karim Arzadi in Perth Amboy, NJ. Attorney for defendant: John M. Sapata of Tango, Dickinson, Lorenzo McDermott & McGee, LLP in Millburn, NJ.

$37,318 ARBITRATION AWARD

Landlord negligence – Plaintiff tenant injured when glass pane from mirror falls onto her in apartment owned and maintained by defendant – Concussion – Post-concussion syndrome – Dizziness – Headaches – Back pain.

Essex County, NJ

In this action, the plaintiff tenant was injured when a glass pane from a mirror fell onto her in her apartment bathroom. The defendant generally denied all allegations of negligence.

On August 31, 2021, the plaintiff was inside the bathroom in her apartment home, located on the premises of 245 Leslie Street in Newark, New Jersey. At this time, the premises was owned, operated, and maintained by the defendant. On this day, plaintiff was standing by the sink when a glass pane from the mirror cabinet became dislodged from the mirror and fell onto her. The plaintiff had made complaints about the mirror cabinet before, but the defendant landlord had not made any corrective repairs to it.

The plaintiff maintained that the defendant landlord was negligent in failing to make repairs to the mirror in a timely manner, failing to prevent the glass from falling, and failing to warn that the glass may fall. Consequently, the plaintiff sustained injuries, including post-concussion syndrome, dizziness, lightheadedness, headaches, and back pain.

The arbitrator in this case found in favor of the plaintiff and reported an award for the plaintiff in the amount of $37,317.75. The case was dismissed following arbitration, on September 27, 2024.

REFERENCE

Narda Davis vs. Michael Erinosho. Docket no. ESXL003451-22; Judge Mayra V. Tarantino, 09-27-24.

Attorney for plaintiff: Randall Richards of Wilentz, Goldman, & Spitzer, P.A. in Woodbridge, NJ. Attorney for defendant: Janet L. Pisansky, Esq. of Burke & Potenza in Parsippany, NJ.

MOTOR VEHICLE NEGLIGENCE

Auto/Motorcycle Collision

$350,000 ARBITRATION AWARD

Motor vehicle negligence – Auto/motorcycle collision – Plaintiff motorcyclist struck by defendant's vehicle turning left into parking lot – Fracture of distal metacarpal – Thumb ligament tears – C5-6 disc herniation with impingement – L4-5 disc herniation with impingement.

Middlesex County, NJ

In this motor vehicle negligence action, the plaintiff motorcyclist was struck by the defendant's vehicle making a left turn into a parking lot, causing the plaintiff to become injured. The defendant generally denied all allegations of negligence.

On June 19, 2023, the plaintiff motorcyclist was traveling on Main Street in East Brunswick, New Jersey. At the same time, the defendant's vehicle was also traveling on Main Street, in the opposite direction as the plaintiff motorcyclist. At the time of the incident, the defendant's vehicle attempted to make a left turn from Main Street into a parking lot. As the defendant was making a left turn, the defendant's vehicle struck the plaintiff's motorcycle.

The plaintiff maintained that the defendant was negligent in failing to wait for clearance before making a left turn, failing to observe traffic conditions, and failing to remain adequately attentive. Consequently, the plaintiff sustained injuries, including a fracture of the distal metacarpal, thumb ligament tears, C5-6 disc herniation with impingement and radiculopathy, and L4-5 disc herniation with impingement.

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 case was dismissed.

REFERENCE

Youssef Wahbah vs. Joseph Padula. Docket no. MIDL005548-23; Judge Joseph Rea, 04-09-25.

Attorney for plaintiff: Gregg A. Williams of Law Offices of Gregg A. Williams in East Brunswick, NJ. Attorney for defendant: Sonya Lopez Bright of Law Offices of Francis D. Mackin in Florham Park, NJ.

Auto/Pedestrian Collision

$350,000 ARBITRATION AWARD

Motor vehicle negligence – Auto/pedestrian collision – Plaintiff pedestrian struck by defendant's vehicle while crossing parking lot in crosswalk – Failure to obey crosswalk – Lumbar sprain/strain – C5-6 disc injury – Surgery required.

Monmouth County, NJ

In this motor vehicle negligence action, the plaintiff pedestrian was struck by the defendant's vehicle while crossing the parking lot in a crosswalk, causing him to become seriously injured. The defendant generally denied all allegations of negligence.

On December 4, 2019, the plaintiff was a pedestrian walking in a hospital parking lot, located on the premises of 90 Brick Road in Marlton, New Jersey. At this time, the plaintiff was attempting to cross the parking lot in a crosswalk. At the same time, the defendant's vehicle was traveling in the same parking lot, in the same area as the plaintiff. As the plaintiff was crossing, he was struck by the defendant's vehicle.

The plaintiff maintained that the defendant was negligent in failing to obey a crosswalk, failing to observe the plaintiff pedestrian, and failing to remain adequately attentive. Consequently, the plaintiff sustained injuries, including lumbar spine sprain/strain, as well as a disc injury at C5-6, which required fusion surgery to repair.

The arbitrator 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 begin on August 26, 2024. However, the parties entered into a settlement prior to the initial hearing.

REFERENCE

Anthony Dillulo vs. Martin Belsky. Docket no. MONL000459-21; Judge Linda G. Jones, 09-25-24.

Attorney for plaintiff: Michael J. Hanus of Hanus & Parsons, LLC in Middletown, NJ. Attorney for defendant: Michael J. Lynch of Carton Law Firm, LLC in Manasquan, NJ.

Head-on Collision

$85,000 ARBITRATION AWARD

Motor vehicle negligence – Head-on collision – Plaintiff's vehicle struck head-on by defendant's vehicle after defendant crossed double-yellow line and entered wrong lane – Cervical and lumbar disc bulges – 2 cervical disc bulges – Lumbar disc herniation.

Middlesex 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 the double-yellow line and entered the wrong lane causing both the plaintiff driver and passenger to be injured. The defendant generally denied all allegations of negligence.

On August 31, 2020, the plaintiff driver and plaintiff passenger were traveling northbound on New Brunswick Avenue in South Plainfield, New Jersey. At the same time, the defendant's vehicle was traveling southbound on New Brunswick Avenue, toward the plaintiff's vehicle. At the time of the incident, the defendant's vehicle crossed the double-yellow line and entered the northbound lane of travel. The defendant's vehicle then struck the plaintiff's vehicle head-on, causing both the plaintiff driver and passenger to be injured.

The plaintiffs maintained that the defendant was negligent in failing to remain in the correct lane of travel, failing to remain adequately attentive, and failing to observe traffic conditions. Consequently, the plaintiffs sustained injuries. The plaintiff driver sustained both cervical and lumbar disc bulges, which were treated with 3 sets of facet injections. The plaintiff passenger sustained 2 cervical disc bulges, as well as a lumbar disc herniation, which were treated with facet injections.

The arbitrator in this case found the defendant 100% liable for the accident and reported an award for $60,000 to the plaintiff passenger and $25,000 to the plaintiff driver, resulting in a net award of $85,000. Following arbitration, the defendant's counsel requested a trial de novo, which was scheduled to begin on March 31, 2025. However, the parties entered into a settlement prior to the initial hearing.

REFERENCE

Juan Ortiz-Gamboa vs. Keith Benson. Docket no. MIDL004383-22; Judge Christoph Rafano, 09-29-25.

Attorney for plaintiff: Paula Nunes, Esq. of Lord, Kobrin, Alvarez & Fattell in Mountainside, NJ. Attorney for defendant: Kimberly M. Wood, Esq. of Law Office of Cindy L. Thompson in Piscataway, NJ.

Intersection Collision

$292,776 ARBITRATION AWARD

Motor vehicle negligence – Intersection collision – Host vehicle containing plaintiff passenger struck broadside by defendant's vehicle after defendant ran stop sign – Disc herniations at C5-6 and C6-7 – Disc herniation at L5-S1 – Surgery required.

Hudson 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 March 19, 2021, the plaintiff was a passenger in the host vehicle, which was traveling eastbound on Central Avenue at or near its intersection with St Nicholas Avenue in Lakewood, New Jersey. At this time, the host vehicle was preparing to proceed straight through the subject intersection after stopping at a stop sign. At the same time, the defendant's vehicle was traveling northbound on St Nicholas Avenue, toward the same intersection. At the time of the incident, the defendant's vehicle ran the stop sign at the intersection and struck the host vehicle broad side.

The plaintiff maintained that the defendants were negligent in failing to obey a stop sign, failing to remain adequately attentive, and failing to obey traffic conditions. Consequently, the plaintiff sustained injuries, including disc herniations at C5-6 and C6-7, as well as a disc herniation at L5-S1. The plaintiff's injuries required both a cervical and lumbar discectomy.

The arbitrator in this case found the defendants 100% liable for the accident and reported an award for the plaintiff in the amount of $292,776. 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 on September 13, 2024, prior to the initial hearing.

REFERENCE

Anthony Mitto vs. Alrick Brown. Docket no. HUDL003689-22; Judge Kalimah H. Ahmad, 09-13-24.

Attorney for plaintiff: Diane L. Cardoso of Brady, Brady & Reilly in Kearny, NJ. Attorney for defendant: Thomas B. Hight of Chasan Lamparello Mallon & Cappuzzo, PC in Secaucus, NJ.

$210,000 ARBITRATION AWARD

Motor vehicle negligence – Intersection collision – Plaintiff's vehicle struck broadside by defendant's vehicle after defendant runs red light – Failure to obey traffic signals – Lumbar disc injury – Lumbar nerve root impingement at L5 – Right foot drop symptoms.

Monmouth 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 resulting in the plaintiff suffering injuries. The defendant generally denied all allegations of negligence.

On November 17, 2021, the plaintiff's vehicle was traveling eastbound on Route 36, at or near its intersection with Wyckoff Road in Eatontown, New Jersey. At this time, the plaintiff was proceeding straight through the intersection with a green light in her favor. At the same time, the defendant's vehicle was traveling southbound on Wyckoff Road, toward the same intersection. At the time of the incident, the defendant's vehicle ran a red light and entered the intersection, striking the plaintiff's vehicle.

The plaintiff maintained that the defendant was negligent in failing to obey traffic signals, failing to remain adequately attentive, and failing to wait for a green light before entering the intersection. Consequently, the plaintiff sustained injuries, including lumbar disc injury, lumbar nerve root impingement at L5, and right foot drop symptoms.

The arbitrator in this case found the defendant 60% liable for the accident and the plaintiff 40% liable, and reported a net award for the plaintiff in the amount of $210,000. Following arbitration, the defendant's counsel requested a trial de novo. However, the parties entered into a settlement amount before a trial date could be set.

REFERENCE

Marling Urbina-Garache vs. Thomas Ligotti, Jr. Docket no. MONL001975-23; Judge David A. Nitti, 09-13-24.

Attorney for plaintiff: Scott McPherson of Escandon Fernicola Anderson & Covelli, LLC in Allenhurst, NJ. Attorney for defendant: John M. Malaspina of Law Offices of Francis D. Mackin in Florham Park, NJ.

$130,000 ARBITRATION AWARD

Motor vehicle negligence – Intersection collision – Defendant disregards red light and enters intersection causing collision with plaintiff's vehicle – Failure to obey red traffic signal – Cervical and lumbar disc injuries – Concussion – Post-concussion syndrome.

Atlantic County, NJ

The plaintiff in this vehicular negligence action was lawfully operating her vehicle at an intersection when the defendant disregarded a red light at the same intersection and entered the intersection striking the plaintiff's vehicle causing head, neck and back injuries to the plaintiff. The defendant maintained the accident resulted from the negligence of the plaintiff.

On or about February 15, 2022, at approximately 4:27 p.m., the 66-year-old female plaintiff was carefully operating her motor vehicle while attempting to make a left hand turn from the Garden State Parkway southbound exit ramp onto east Jimmie Leeds Road in Galloway Township, New Jersey. The defendant negligently and carelessly failed to obey a red traffic signal when traveling west on Jimmie Leeds Road, entered the intersection and caused a collision with the plaintiff's vehicle.

The plaintiff alleged the defendant was negligent in failing to obey a red traffic light, failing to keep a proper lookout and traveling at an excessive speed at an intersection. The plaintiff suffered injuries to her hip, neck, back and head. Specifically, she suffered lumbar and cervical disc injuries, cervicalgia, L3 radiculopathy, concussion with post concussive syndrome including confusion, forgetfulness, agitation, leading to early retirement. The defense argued that the plaintiff's exams were objectively normal without signs of spasm or radiculopathy. The plaintiff's injuries were from advanced degenerative changes at multiple levels with no objective evidence of trauma from the accident.

The board found in favor of the plaintiff and awarded damages of $130,000.

REFERENCE

Rita M. Taliaferro vs. Matthew D. Lanzoni, Carla A. Lanzoni, John Does 1-10; Jane Does 1-10; ABC Partnerships 1-10; XYZ Corporations 1-10. Docket no. ATL -001260-23; Panel Arbitration, 07-23-25.

Attorney for plaintiff: Michael J. Pender of Pender & Strickland, LLC in Atlantic City, NJ. Attorney for defendant: Robert J. Ritacco, Esq. of Leyden, Capotorto, Ritacco, Corrigan & Sheehy in Toms River, NJ.

Parking Lot Collision

$150,000 ARBITRATION AWARD

Motor vehicle negligence – Parking lot collision – Plaintiff passenger injured when defendant's vehicle backs into host vehicle in parking lot – Cervical disc herniations from C4-7 – Lumbar disc herniations from L4-S1 – Lumbar disc bulges – Surgery required.

Essex County, NJ

In this motor vehicle negligence action, the plaintiff passenger was injured when the defendant's vehicle backed into the host vehicle in a parking lot, causing the plaintiff passenger to become injured. The defendant generally denied all allegations of negligence.

On January 12, 2022, the plaintiff was a restrained front seat passenger in the host vehicle, which was traveling in the parking lot at 334 W. Market Street in Newark, New Jersey. At the same time, the defendant's vehicle was also traveling in the same parking lot, and was backing out of a parking spot. At the time of the incident, the defendant's vehicle backed into the host vehicle as it was passing by.

The plaintiff maintained that the defendant was negligent in failing to wait for clearance before backing out of a parking spot, failing to observe the host vehicle, and failing to remain adequately attentive. Consequently, the plaintiff sustained injuries, including cervical disc herniations from C4-7, lumbar disc herniations from L4-S1, and lumbar disc bulges. The plaintiff's injuries were treated with 2 cervical spine epidural injections and 2 lumbar spine epidural injections, as well as a lumbar discectomy surgical procedure.

The arbitrator in this case found the defendant 100% liable for the accident and reported an award for the plaintiff in the amount of $150,000. Following arbitration, the matter was amicably adjusted between the parties, and a stipulation of dismissal was submitted on April 21, 2025.

REFERENCE

Kevin Messanvi Nouvi vs. Omesh Sehgal. Docket no. ESXL000769-23; Judge L. Grace Spencer, 04-21-25.

Attorney for plaintiff: James Vasquez, Esq. of The Law Offices of James Vasquez, P.C. in Clifton, NJ. Attorney for defendant: Michele Benenato of Law Offices of Pamela D. Hargrove in Clark, NJ.

Rear End Collision

$327,600 VERDICT

Motor vehicle negligence – Rear end collision – Plaintiff's vehicle struck in rear by defendant's vehicle while attempting to merge into traffic – 2 cervical disc herniations – Neck and back pain.

Atlantic County, NJ

In this motor vehicle negligence action, the plaintiff's vehicle was struck in the rear by the defendant's vehicle while attempting to merge into traffic, causing the plaintiff to become injured. The defendant generally denied negligence.

On March 16, 2019, the plaintiff's vehicle was traveling on Wrangleboro Road in Hamilton, New Jersey. At this time, the plaintiff's vehicle was attempting to merge from Wrangleboro Road onto the Black Horse Pike. While attempting to merge, the plaintiff stopped her vehicle. While the plaintiff's vehicle was stopped, it was suddenly struck in the rear by the defendant's vehicle.

The plaintiff maintained that the defendant was negligent in failing to maintain a safe distance from other vehicles, failing to remain adequately attentive, and failing to observe the plaintiff's stopped vehicle. Consequently, the plaintiff sustained injuries, including 2 cervical disc herniations, as well as neck and back pain. The plaintiff sought chiropractic care for her injuries, and a physician for the plaintiff suggested surgery, but the plaintiff did not pursue it. The defendant maintained that any injuries or damages were a result of the plaintiff's own negligence.

A board of arbitrators found in favor of the plaintiff and reported an award for $61,400. Following arbitration, the defendant's counsel requested a trial de novo, which took place on April 22, 2024 through April 24, 2024 before the Honorable Sarah Beth Johnson. The jury returned a verdict in favor of the plaintiff for $327,600. Post-trial interest brought the award to $359,400.40. The defendant then petitioned the court for a new trial, which was denied by the judge.

REFERENCE

Bonnie Costa vs. Lisa Brown. Docket no. ATLL000083-21; Judge Sarah B. Johnson, 04-24-24.

Attorney for plaintiff: Patrick T. D'Arcy of D'arcy Johnson, PC in Egg Harbor Township, NJ. Attorney for defendant: Robert M. Kaplan of Margolis Edelstein in Mt. Laurel, NJ.

$97,500 ARBITRATION AWARD

Motor vehicle negligence – Rear end collision – Plaintiff's vehicle struck in rear by defendant's vehicle while stopped in traffic – Cervical disc herniation at C4-5 – Lumbar disc herniation at L3-4 – Lumbar radiculopathy at L5.

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

On January 23, 2021, the plaintiff's vehicle was traveling northbound on Interstate 95 in the Bronx, New York, specifically on the George Washington Bridge. At the same time, the defendant's vehicle was also traveling northbound on the George Washington Bridge, directly behind the plaintiff's vehicle. At the time of the incident, the plaintiff's vehicle was completely 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.

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. Consequently, the plaintiff sustained injuries, including cervical disc herniation at C4-5, lumbar disc herniation at L3-4, and lumbar radiculopathy at L5. The plaintiff's injuries were treated conservatively, but according to the arbitration report, the plaintiff is a candidate for L3-L5 decompression and fusion. 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 $97,500. Following arbitration, the defendant's counsel requested a trial de novo, which was scheduled to take place on February 12, 2024. However, the parties entered into a settlement on February 8, 2024, before the trial could begin. A stipulation of dismissal was submitted on February 14, 2024.

REFERENCE

Osarhume Oviasogie vs. Kevin Krohner. Docket no. MIDL006732-21; Judge Gary K. Wolinetz, 02-17-24.

Attorney for plaintiff: John Gorman of Lutz Shafranski Gorman & Mahoney in New Brunswick, NJ. Attorney for defendant: Helen Anne Cummings of Campbell, Foley, Delano & Adams, LLC in Wall, NJ.

$80,000 ARBITRATION AWARD

Motor vehicle negligence – Rear end collision – Plaintiff's vehicle struck in rear by defendant's vehicle while stopped at red light – Herniated cervical and lumbar discs – Radiculopathy.

Monmouth County, NJ

In this motor vehicle negligence action, the plaintiff's vehicle was struck in the rear by the defendant's vehicle while stopped at a red light resulting in her suffering injuries. The defendant generally denied all allegations of negligence.

On June 18, 2022, the plaintiff's vehicle was traveling in the southbound left lane of State Highway 35 in Neptune, New Jersey. At this time, the plaintiff's vehicle was stopped for a red light at the intersection with West Park Avenue. At the same time, the defendant's vehicle was also traveling southbound on State Highway 35, directly behind the plaintiff's vehicle. At the time of the incident, the defendant's vehicle struck the plaintiff's vehicle in the rear while the plaintiff was stopped at the red light.

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 herniated cervical and lumbar discs with radiculopathy. The plaintiff's injuries were treated with trigger point injections, as well as lumbar epidural and facet injections.

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. Following arbitration, the defendant's counsel requested a trial de novo, which was scheduled to begin on September 30, 2024. However, the parties entered into a settlement before the trial could begin. A stipulation of dismissal was submitted on October 23, 2024.

REFERENCE

Elizabeth Fleck vs. Susan Carrigan. Docket no. MONL000502-23; Judge Gregory L. Acquaviva, 09-18-24.

Attorney for plaintiff: Kathleen DiGiovanni of Levinson Axelrod, PA in Howell, NJ. Attorney for defendant: Suzanne Montgomery of Law Offices of James H. Rohlfing in Marlton, NJ.

$65,000 VERDICT

Motor vehicle negligence – Rear end collision – Intoxicated defendant strikes rear of plaintiff's vehicle lawfully stopped at red light – Driving while under influence of alcohol – Lumbar disc injuries – Lumbar radiculopathy.

Monmouth County, NJ

The plaintiff in this motor vehicle negligence action suffered serious injuries to his low back when his stopped vehicle was struck in the rear by the defendant who was operating a vehicle while under the influence of alcohol. The defendant admitted liability, but argued that the plaintiff did not suffer any serious or permanent injuries in the accident.

On September 16, 2019, the 66-year-old male math teacher was operating a vehicle southbound on Burnt Tavern Road in Berkeley, New Jersey. The plaintiff brought his vehicle to a stop at a red light. Suddenly and without warning, the plaintiff's vehicle was struck in the rear by the defendant driver. The defendant was cited for intoxicated driving at the scene of the accident.

The plaintiff maintained that the defendant was negligent in driving under the influence of alcohol, failing to have the vehicle the vehicle under proper control and careless and reckless driving. Following the accident the plaintiff was diagnosed with disc herniations at L4-5 to L5-S1, lumbar radiculopathy, and disc bulges L2-L4. The plaintiff required 2 lumbar epidurals.

The board of arbitrators found in favor of the plaintiff and awarded him $65,000.

REFERENCE

Joseph Falana vs. Tara McDonough. Docket no. L000901-21; Panel Arbitration.

Attorney for plaintiff: Jeffrey V. Puff of Puff & Cockerill, LLC in Woodbury, NJ. Attorney for defendant: Colleen M. Ready of Margolis Edelstein in Mt. Laurel, NJ.

$25,000 VERDICT

Motor vehicle negligence – Rear end collision – Plaintiff's vehicle, stopped for red light, struck in rear by defendant's vehicle – Cervical disc herniations with stenosis – Disc bulge at C5-6 and C6-7 causing foraminal narrowing – Lumbar disc herniations causing stenosis – Left sided carpal tunnel syndrome – Bilateral radiculopathy at L5-S1.

Hudson 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 a red light, causing the plaintiff to become injured. The defendant denied negligence.

On December 1, 2018, the plaintiff's vehicle was traveling southbound on US Route 1, at or near its intersection with South Park Avenue in Linden, New Jersey. At the same time, the defendant's vehicle was also traveling southbound on Route 1, directly behind the plaintiff's vehicle. At the time of the incident, the plaintiff's vehicle was approaching the intersection of Route 1 and S. Park Avenue, at which point the light turned yellow and then red. The plaintiff's vehicle slowed and stopped for the red light. As the plaintiff's vehicle stopped for the red light, it was suddenly struck in the rear by the defendant's vehicle.

The plaintiff maintained that the defendant was negligent in failing to obey traffic signals including a red light, 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 C3-4 and C4-5 causing stenosis, disc bulges at C5-6 and C6-7 causing foraminal narrowing, lumbar disc herniation at L3-4 causing stenosis, left sided carpal tunnel syndrome, and bilateral radiculopathy at L5-S1. Surgery was recommended to the plaintiff but he did not pursue it. The defendant generally denied all allegations of negligence and stated that while he was traveling on Route 1, the plaintiff's vehicle made a sudden stop at a yellow light, rendering the defendant unable to stop in time to avoid a collision.

The arbitrator in this case found the defendant 100% liable 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, 11, 15, and 18, 2024. On April 18, 2024, the court submitted a jury verdict in favor of the plaintiff for $25,000. A stipulation of dismissal was submitted on April 25, 2024.

REFERENCE

Elston Sullins vs. Dinoshka Lugo-Valez. Docket no. HUDL000374-20; Judge Veronica Allende, 04-18-24.

Attorney for plaintiff: Alexander O. Bentsen of Miller, Meyerson & Corbo in Jersey City, NJ. Attorney for defendant: Ryan J. Gaffney of Chasan Lamparello Mallon & Cappuzzo, PC in Secaucus, NJ.

$15,000 SETTLEMENT

Motor vehicle negligence – Rear end collision – Plaintiff passenger injured when host vehicle strikes another vehicle in rear – Cervical disc herniations and bulges.

Camden County, NJ

In this motor vehicle negligence action, the plaintiff passenger was injured when the host vehicle struck another vehicle in the rear. The defendants denied all allegations of negligence.

On September 29, 2020, the plaintiff was a restrained passenger in the defendant driver's vehicle, which was traveling near mile marker 12.8 on the Atlantic City Expressway in Hamilton, New Jersey. At this time, the other defendant's vehicle was also traveling on the Atlantic City Expressway, in the same location but in a different traffic lane. At the time of the incident, the defendant driver attempted to move the host vehicle into another traffic lane. While changing lanes, the host vehicle suddenly struck the other defendant's vehicle in the rear, causing the plaintiff passenger to become injured.

The plaintiff maintained that the defendants were negligent in failing to maintain a safe distance from other vehicles, failing to remain adequately attentive, and failing to safely and properly change lanes. Consequently, the plaintiff sustained injuries, including cervical disc herniations and bulges.

The arbitrators in this case found each of the defendants 50% liable for the accident, and reported an award for the plaintiff in the amount of $20,000. Following arbitration, the parties entered into a settlement conference and reported that they had arrived at a settlement amount of $15,000. On May 10, 2024, the Honorable Steven J. Polansky ordered that the plaintiff's settlement claim be enforced.

REFERENCE

Janet Jackson vs. Joel Rodriguez Fuentes. Docket no. CAML002224-22; Judge Steven J. Polansky, 05-28-24.

Attorney for plaintiff: George S. Marion of Liss & Marion, PC in Philadelphia, PA. Attorney for defendant: Christopher J. Campise of Earl R. Uehling & Associates in Mt. Laurel, NJ.

Sideswipe Collision

$100,000 ARBITRATION AWARD

Motor vehicle negligence – Sideswipe collision – Plaintiff's vehicle sideswiped by defendant's vehicle on highway – Cervical disc herniation at C2-3 – Cervical and lumbar disc bulges.

Middlesex County, NJ

In this motor vehicle negligence action, the plaintiff's vehicle was sideswiped by the defendant's vehicle on a highway, causing the plaintiff to become injured. The defendant generally denied all allegations of negligence.

On June 29, 2022, the plaintiff's vehicle was traveling southbound on Route 1 in Woodbridge, New Jersey. At this time, the defendant's vehicle was also traveling southbound on Route 1, in the same area as the plaintiff's vehicle. At the time of the incident, the defendant's vehicle sideswiped the plaintiff's vehicle.

The plaintiff maintained that the defendant was negligent in failing to maintain a safe distance from other vehicles, failing to obey traffic conditions, and failing to remain in the correct lane of travel. Consequently, the plaintiff sustained injuries, including a cervical disc herniation at C2-3, as well as both cervical and lumbar disc bulges, which were treated with epidural steroid injections, ablations, and 2 medial branch 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 $100,000. Following arbitration, the defendant's counsel requested a trial de novo. However, the case was dismissed on March 10, 2025, before the trial could begin.

REFERENCE

Juliet Iannia vs. Thi Le. Docket no. MIDL004350-23; Judge Joseph Rea, 04-07-25.

Attorney for plaintiff: Maureen Goodman of Palmissano & Goodman in Woodbridge, NJ. Attorney for defendant: John A. Camassa of Camassa Law Firm, P.C. in Wall, NJ.

Tractor-Trailer Negligence

$405,000 SETTLEMENT

Motor vehicle negligence – Tractor-trailer negligence – Left turn collision – Cervical disc herniations – Surgery – No wage claims.

Morris County, NJ

In this motor vehicle negligence case, the plaintiff driver, age 48 at the time, contended that the defendant driver of a tractor-trailer made a left turn into his path, causing a collision in which the plaintiff sustained serious injuries. The light controlling defendant's travel had a turn signal. The defendant initially told the investigating officer that the defendant's light was green and later during the interview advised that he was turning with the arrow.

The plaintiff maintained that when PE became inadequate, he underwent a cervical injection. The plaintiff also contended that he suffered a tear of the medial meniscus. The plaintiff had shots for both conditions. The plaintiff maintained that the injections were ineffective and that he underwent disc and knee surgery. The plaintiff asserted that despite the surgeries, he will suffer permanent pain and difficulties with everyday activities.

The plaintiff made no income claims. The defendant had $1,000,000 in coverage.

The case settled prior to trial for $405,000.

REFERENCE

Plaintiff's orthopedic surgeon expert: George Nazareeth, M.D. from Morristown, NJ.

Gundersen vs. Bakshivev, et al. Docket no. MRS-L-288-24, 06-24-25.

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

MUNICIPAL LIABILITY

$400,000 SETTLEMENT

Municipal liability – Plaintiff trips and falls over uneven sidewalk slab raised due to tree roots – Failure to provide safe passage on public sidewalk – Right shoulder dislocation and tear – Surgery required.

Middlesex County, NJ

In this action, the plaintiff tripped and fell over an uneven sidewalk slab which was raised due to tree roots, causing him to become injured. The defendants generally denied all allegations of negligence.

On August 7, 2020, the plaintiff was walking on a public sidewalk near the premises of 102 Livingston Avenue in Edison, New Jersey. At this time, the subject sidewalk was owned, operated, and maintained by the defendant township. At the time of the incident, the plaintiff tripped over a raised sidewalk slab, which had been lifted by unmaintained tree roots growing underneath. The plaintiff then fell.

The plaintiff maintained that the defendant was negligent in failing to provide safe passage on a public sidewalk, failing to repair or replace a broken sidewalk slab, and failing to prevent tree roots from lifting the sidewalk. Consequently, the plaintiff sustained injuries, including a right shoulder dislocation and tear, which required arthroscopic surgery to repair.

The arbitrator in this case found the defendants 80% liable for the accident and the plaintiff 10% liable, and reported an award for the plaintiff in the amount of $560,000. Following arbitration, the defendants' counsel requested a trial de novo, which was scheduled to begin on May 5, 2025. However, the parties entered into a settlement for $400,000 before trial.

REFERENCE

Chiman Patel vs. Township of Edison. Docket no. MIDL003756-22; Judge JR Corman, 05-07-25.

Attorney for plaintiff: Andrew S. Maze of Andrew S. Maze, Esq., PC in Woodbridge, NJ. Attorney for defendant: Garry J. Clemente of James P. Nolan and Associates, L.L.C. in Woodbridge, NJ.

$150,000 ARBITRATION AWARD

Municipal liability – Plaintiff riding scooter on defendant's street strikes pothole and falls – Facial lacerations and scarring.

Middlesex County, NJ

In this action, the plaintiff was riding a scooter on a city street when she struck a pothole in the road and fell resulting in injury. The defendants generally denied all allegations of negligence.

On August 3, 2021, the plaintiff was riding an electric scooter in the area on Lincoln Avenue in Dunellen, New Jersey in the area of the Metuchen train station, where the road was uneven with several potholes and other divots. The plaintiff's scooter struck a pothole, causing the plaintiff to fall and to become injured. The plaintiff maintained that the defendants were negligent in failing to repair potholes or other uneven parts of the road, failing to provide safe passage on the premises, and failing to warn of an uneven roadway. Consequently, the plaintiff sustained injuries, including facial lacerations and scarring. The defendants maintained that the plaintiff had been heavily intoxicated while operating the subject scooter and at the time of the accident.

The arbitrator in this case found the defendants 50% liable for the accident and the plaintiff 50% liable. The arbitrator reported an award for the plaintiff in the amount of $150,000. Following arbitration, the parties entered into a settlement conference with a judge, and settled on April 22, 2025.

REFERENCE

Erin Tegue vs. Borough of Dunellen. Docket no. MIDL001975-23; Judge Bina K. Desai, 05-19-25.

Attorney for plaintiff: Michael R. Lombardi of Lombardi & Lombardi, P.A. in Edison, NJ. Attorney for defendant: Difrancesco, Bateman, Kunzman, Davis, Lehrer & Flaum, P.C. in Warren, NJ.

PREMISES LIABILITY

Fall Down

$450,000 ARBITRATION AWARD

Premises liability – Fall down – Plaintiff construction worker trips and falls on cracked sidewalk at defendant's home – Ankle sprain with tendon tear – Disc bulge at L4-5 – Lumbar radiculopathy – Surgery required.

Essex County, NJ

In this premises liability action, the plaintiff construction worker tripped and fell on a cracked sidewalk at the defendant's home and became injured. The defendant generally denied all allegations of negligence.

On February 12, 2020, the plaintiff was a construction worker performing duties of her employment at the defendant's home, located on the premises of 97 High Street in Bloomfield, New Jersey. At this time, the plaintiff was bringing material to a dumpster on the premises. The defendant homeowner directed the plaintiff to exit the home and approach the dumpster on a particular path. While the plaintiff was walking to the dumpster on the path as instructed, the plaintiff tripped on a crack in the sidewalk.

The plaintiff maintained that the defendant was negligent in failing to repair a broken or uneven sidewalk, failing to provide safe passage on the premises, and failing to warn of the sidewalk's hazardous condition. Consequently, the plaintiff sustained injuries, including an ankle sprain with a tendon tear, which required surgery to repair. Additionally, the plaintiff sustained a disc bulge at L4-5, and lumbar radiculopathy.

The arbitrator in this case found the defendant 90% liable for the accident and the plaintiff 10% liable. The arbitrator reported an award for the plaintiff in the amount of $450,000. Following arbitration, the defendant's counsel requested a trial de novo, which was meant to begin on September 16, 2024. However, the parties entered into a settlement on September 13, 2024, before the initial hearing.

REFERENCE

Janay Pipkin vs. Jason Fortuna. Docket no. ESXL009865-21; Judge L. Grace Spencer, 09-16-24.

Attorney for plaintiff: Paul A. Krauss, Esq. of Brandon J. Broderick, LLC in River Edge, NJ. Attorney for defendant: Patricia Howlett of Goldberg, Miller & Rubin in Fairfield, NJ.

$74,750 ARBITRATION AWARD

Premises liability – Fall down – Plaintiff trips and falls on uneven sidewalk adjacent to restaurant premises – Fracture of left lateral malleolus and fibula.

Camden County, NJ

In this premises liability action, the plaintiff tripped and fell on an uneven sidewalk adjacent to the defendant restaurant causing her to injure her ankle. The defendants generally denied negligence.

On October 8, 2022, the plaintiff was a lawful visitor and business invitee at the defendant restaurant, located on the premises of 700 Haddon Avenue in Collingswood, New Jersey. At this time, the plaintiff was exiting the restaurant and was traversing on a sidewalk just outside the building. The plaintiff encountered uneven ground on the subject sidewalk, which caused her to trip and fall.

The plaintiff maintained that the defendants were negligent in failing to provide safe passage on the premises, failing to repair broken or uneven sidewalk on the premises, and failing to warn of a tripping hazard near the restaurant's exit. Consequently, the plaintiff sustained injuries, including a fracture of the left lateral malleolus and fibula, which was treated with stem cell injections. The defendants denied all allegations of negligence, maintaining that the plaintiff should've watched where she was walking.

The arbitrator in this case found the defendants 65% liable for the accident and the plaintiff 35% liable. The arbitrator reported a net award for the plaintiff in the amount of $74,750. Following arbitration, the parties entered into a settlement for the same amount. A warrant of satisfaction was submitted on April 28, 2025.

REFERENCE

Laura Cline-Ney vs. Kitchen Consigliere Cafe, LLC. Docket no. CAML002640-23; Judge Steven J. Polansky, 04-22-25.

Attorney for plaintiff: Mark B. Johnson of Borbi Clancy & Patrizi, LLC in Marlton, NJ. Attorney for defendant: Stephen L. Jones of Law Office of John M. Palm, LLC in Gibbsboro, NJ.

$34,542 ARBITRATION AWARD

Premises liability – Fall down – Plaintiff trips over clothing hanger and falls at defendant retail store – Right wrist injury – Aggravation of right knee and right shoulder injuries.

Middlesex County, NJ

In this premises liability action, the plaintiff tripped over a clothing hanger and fell at the defendant retail store, causing her to become injured. The defendants generally denied all allegations of negligence.

On January 14, 2022, the plaintiff was a lawful visitor and business invitee at the defendant retailer, which was located on the premises of 2220 Highway 27 in Edison, New Jersey. At this time, the plaintiff was traversing inside the store, near the clothing sections. While traversing in this area, the plaintiff tripped over a clothing hanger that had fallen on the floor. The plaintiff then fell.

The plaintiff maintained that the defendants were negligent in failing to provide safe passage on the premises, failing to remove items from the floor, and failing to prevent a tripping hazard. Consequently, the plaintiff sustained injuries, including right wrist injury, as well as aggravation of right knee and right shoulder injuries. A doctor for the defendants disputed causation and permanency.

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 $34,542. Following arbitration, the defendants' counsel requested a trial de novo, which was scheduled to begin on November 18, 2024. However, the parties entered into a settlement on September 27, 2024, prior to the initial hearing. A stipulation of dismissal was submitted on December 17, 2024.

REFERENCE

Shashi Bala vs. Walmart, Inc. Docket no. MIDL005211-22; Judge Bina K. Desai, 12-17-24.

Attorney for plaintiff: Howard N. Weiner of Tobin Kessler Greenstein Caruso Wiener & Konray, PC in Clark, NJ. Attorney for defendant: James J. Green of BBC Law, LLP in Mt. Laurel, NJ.

Hazardous Premises

$180,000 ARBITRATION AWARD

Premises liability – Hazardous premises –- Plaintiff trips and falls over raised metal grate surrounding tree on sidewalk – Failure to provide safe passage on premises – Left shoulder contusion – Displaced fractures of proximal phalanxes of 4th and 5th fingers on left hand – Surgery required.

Middlesex County, NJ

In this premises liability action, the plaintiff suffered injuries when she tripped and fell over a raised metal grate surrounding a tree on a sidewalk. The defendants generally denied all allegations of negligence.

On September 15, 2021, the plaintiff was lawfully walking on a sidewalk on French Street, in front of the Gamma Knife Center in New Brunswick, New Jersey. At this time, the subject sidewalk was owned, operated, and maintained by the defendant hospital as the sidewalk was a part of the hospital's campus area. While walking on the sidewalk, the plaintiff suddenly tripped over a raised metal grate which surrounded a tree on the subject sidewalk. The plaintiff then fell, causing her to become injured.

The plaintiff maintained that the defendants were negligent in failing to provide safe passage on the premises, failing to prevent a tripping hazard, and failing to warn that the metal grate was not flush with the surface of the sidewalk. Consequently, the plaintiff sustained injuries, including left shoulder contusion, as well as displaced fractures of the proximal phalanxes of the left fourth and fifth fingers, which required open reduction and internal fixation surgery to repair.

The arbitrator in this case found the defendants 90% liable for the accident and the plaintiff 10% liable. The arbitrator reported a net award for the plaintiff in the amount of $180,000. Following arbitration, the defendants' counsel requested a trial de novo, which was scheduled to begin on June 2, 2025. However, the parties settled on April 7, 2025, prior to an initial hearing.

REFERENCE

Debra Crovicz vs. RWJ Barnabas Health. Docket no. MIDL006027-22; Judge Gary K. Wolinetz, 05-19-25.

Attorney for plaintiff: John Gorman of Lutz Shafranski Gorman & Mahoney in New Brunswick, NJ. Attorney for defendant: MaryJane Dobbs of Bressler, Amery & Ross in Florham Park, NJ.

$72,000 ARBITRATION AWARD

Premises liability – Hazardous premises – Plaintiff trips and falls over wood protruding into sidewalk from defendant restaurant's basement access doors – Right shoulder labral fraying – Right shoulder rotator cuff tear – Surgery required.

Hudson County, NJ

In this premises liability action, the plaintiff tripped and fell over wood protruding into the sidewalk from the defendant restaurant's basement access doors, causing her to become injured. The defendants generally denied all allegations of negligence.

On December 7, 2020, the plaintiff was a pedestrian walking on the sidewalk in the area of the defendant restaurant, located on the premises of 293½ Grove Street, Jersey City, New Jersey. On this day, the premises was owned, operated, and maintained by the defendants. At the time of the incident, the plaintiff was walking by the defendant restaurant, when she suddenly tripped over wood blocks protruding onto the sidewalk from the restaurant's basement access doors. The plaintiff then fell.

The plaintiff maintained that the defendants were negligent in failing to provide safe passage in the area of the building, failing to warn of a tripping hazard, and failing to cordon off the basement access doors or otherwise prevent pedestrians from encountering a tripping hazard. Consequently, the plaintiff sustained injuries, including right shoulder labral fraying, as well as a right shoulder rotator cuff tear with impingement syndrome. The plaintiff's injuries were treated with decompression surgery.

The arbitrator in this case found the defendants 80% liable for the accident and the plaintiff's 20% liable. The arbitrator reported a net award for the plaintiff in the amount of $72,000. Following arbitration, the defendants' counsel requested a trial de novo, which was scheduled to begin on September 11, 2024. However, the parties entered into a settlement on September 18, 2024, and the case was dismissed.

REFERENCE

Leticia Ortiz vs. Shadman Restaurant. Docket no. HUDL004014-22; Judge Anthony V. Delia, 10-14-24.

Attorney for plaintiff: Lee Law Firm, LLC in Springfield, NJ. Attorney for defendant: Gwyneth Murray-Nolan of Murray-Nolan Berutti, LLC in Cedar Knolls, NJ.

$9,000 ARBITRATION AWARD

Premises liability – Hazardous premises – Plaintiff trips and falls over piece of rebar in defendant restaurant's parking lot – Left wrist injury – Injury to left tenth rib.

Essex County, NJ

In this premises liability action, the plaintiff tripped and fell over a piece of rebar in the defendant restaurant's parking lot, causing him to become injured. The defendants generally denied all allegations of negligence.

On January 23, 2021, the plaintiff was a lawful visitor and business invitee at the defendant quick service restaurant, located on the premises of 177 Washington Avenue in Nutley, New Jersey. At this time, the plaintiff was walking in the restaurant's parking lot toward his vehicle. While traversing the parking lot, the plaintiff tripped over a piece of rebar and fell.

The plaintiff maintained that the defendants were negligent in failing to provide safe passage on the premises, failing to remove a piece of rebar from the parking lot, and failing to prevent a tripping hazard. Consequently, the plaintiff sustained injuries, including left wrist injury, as well as injury to the tenth rib.

The arbitrator in this case found the defendants 90% liable for the accident and the plaintiff 10% liable. The arbitrator reported an award for the plaintiff in the amount of $9,000. Following arbitration, the defendant's counsel requested a trial de novo, which was scheduled to begin on September 3, 2024. However, the parties entered into a settlement prior to the initial hearing and the case was dismissed.

REFERENCE

Thomas Aromando vs. Dunkin' Donuts. Docket no. ESXL004010-22; Judge Richard T. Sules, 09-03-24.

Attorney for plaintiff: James C. Dezao of Law Offices of James C. Dezao, P.A. in Parsippany, NJ. Attorney for defendant: Sean Cascio of Law Office of Alphonso H. Ibrahim in Scranton, PA.

Negligent Maintenance

$100,750 ARBITRATION AWARD

Premises liability – Negligent maintenance – Plaintiff slips and falls on ice in parking lot at defendant supermarket – Failure to place salt or take other measures to melt snow and ice – Right knee contusion – L5-S1 disc herniation – Aggravation of L5 spondylosis.

Middlesex County, NJ

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

On December 18, 2022, the plaintiff was a lawful visitor and business invitee at the defendant supermarket, located on the premises of 2909 Washington Road in Parlin, New Jersey. At this time, the plaintiff was walking in a parking lot adjacent to the building. While walking through the parking lot toward the store, the plaintiff slipped on ice and fell.

The plaintiff maintained that the defendants were negligent in failing to place salt or take other measures to melt snow and ice, failing to provide safe passage on the premises, and failing to warn of a slipping hazard on the premises. Consequently, the plaintiff sustained injuries, including right knee contusion, L5-S1 disc herniation, and aggravation of L5 spondylosis.

The arbitrator in this case found the defendants 65% liable for the accident and the plaintiff 35% liable. The arbitrator reported an award for the plaintiff in the amount of $100,750. Following arbitration, the parties entered into a settlement.

REFERENCE

Tiffany Noakes vs. Shoprite of Ernston Road. Docket no. MIDL006229-22; Judge Gary K. Wolinetz, 04-29-25.

Attorney for plaintiff: Kelly Castor of Castor Law, LLC in Hasbrouck Heights, NJ. Attorney for defendant: Lawrence Citro of Biancamano & DeStefano, PC in Edison, NJ.

$80,000 ARBITRATION AWARD

Premises liability – Negligent maintenance – Plaintiff slips and falls on icy exterior stairs – Failure to remove ice and snow from front stairs – Disc herniations at C3-4, T11-12, and T12-L1 – Disc bulges at C5-6 and C6-7 with radiculopathy.

Union County, NJ

In this premises liability action, the plaintiff slipped and fell on icy exterior stairs while visiting the defendants' home, causing him to become injured. The defendants generally denied all allegations of negligence.

On March 10, 2022, the plaintiff was lawfully visiting the defendants' home, located on the premises of 65 Bush Avenue in Woodland Park, New Jersey. After visiting, the plaintiff was attempting to leave the defendants' home, and was descending a set of exterior stairs. At this time, the exterior stairs were coated in snow and ice from a recent snowstorm. The plaintiff then slipped on the ice and fell down the stairs.

The plaintiff maintained that the defendants were negligent in failing to remove ice and snow from the front stairs, failing to provide safe passage on the premises, and failing to prevent a slipping hazard on the premises. Consequently, the plaintiff sustained injuries, including disc herniations at C3-4, T11-12, and T12-L1, as well as disc bulges at C5-6 and C6-7 with radiculopathy. The plaintiff's injuries were treated with an epidural steroid injection. A doctor for the defendants disputed causation and permanency.

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 $80,000. Following arbitration, the plaintiff's counsel requested a trial de novo, which was scheduled to begin on September 3, 2024. However, a notice of settlement was submitted that same day. A stipulation of dismissal was submitted on September 17, 2024.

REFERENCE

Nemer Marai vs. Francesco Caci. Docket no. UNNL002372-22; Judge John G. Hudak, 09-17-24.

Attorney for plaintiff: Anthony M. Prieto of Anthony M. Prieto, Esq. in Cranford, NJ. Attorney for defendant: Nicholas J. Lombardi of Harrington & Lombardi, LLP in Wayne, NJ.

$22,500 ARBITRATION AWARD

Premises liability – Negligent maintenance – Plaintiff trips and falls over raised sidewalk at defendant hospital – Failure to repair broken, raised, or otherwise defective sidewalk – Cervical and lumbar disc herniations – Left knee tear – Shoulder injuries.

Essex County, NJ

In this premises liability action, the plaintiff tripped and fell over a raised sidewalk slab at the defendant hospital, causing her to become injured. The defendants generally denied all allegations of negligence.

On November 7, 2020, the plaintiff was a lawful visitor at the defendant hospital, located on the premises of 300 Central Ave., East Orange, New Jersey. At this time, the plaintiff was walking around outside on the premises, in the area of a parking lot. The plaintiff was traversing on a sidewalk adjacent to the hospital building when she encountered an uneven area of the sidewalk where a slab had become raised due to overgrown tree roots. The plaintiff then tripped over the raised slab and fell.

The plaintiff maintained that the defendants were negligent in failing to repair a broken, raised, or otherwise defective sidewalk, failing to warn of a tripping

hazard on the premises, and failing to provide safe passage on the premises. Consequently, the plaintiff sustained injuries, including cervical and lumbar disc herniations, as well as a left knee tear and shoulder injuries.

The arbitrator in this case found the defendants 75% liable for the accident and the plaintiff 25% liable. The arbitrator reported an award for the plaintiff in the amount of $22,500. Following arbitration, the plaintiff's counsel requested a trial de novo, which was scheduled to begin on October 15, 2024. However, the parties entered into a settlement on September 20, 2024, before the trial could begin.

REFERENCE

Mitchell Marion vs. East Orange General Hospital. Docket no. ESXL007499-21; Judge Mayra V. Tarantino, 09-20-24.

Attorney for plaintiff: Michael Goldstein of Goldstein & Goldstein, LLP in East Orange, NJ. Attorney for defendant: Ruderman & Roth, LLC in Springfield, 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

SUPPLEMENTAL VERDICT DIGEST

$3,500,000- VERDICT – MEDICAL MALPRACTICE – PRIMARY CARE NEGLIGENCE – PLAINTIFF COMPLAINING OF CHEST PAINS AND GAS ADVISED 2 DAYS IN ROW DOCTOR HAD NO APPOINTMENTS AND TO "TAKE TUMS" – PLAINTIFF ASKS FOR PRESCRIPTION FOR EKG AND DIAGNOSED WITH MYOCARDIAL INFARCTION – PERMANENT HEART DAMAGE WITH SIGNIFICANT CONSEQUENCES FROM LOST BLOOD FLOW TO LEFT ANTERIOR DESCENDING ARTERY.

Philadelphia County, PA

This medical malpractice action was filed on October 29, 2019, by the plaintiffs, against the defendants, Fred and Nancy Dimeo, Peter Gross, D.O., et al., for injuries sustained from a heart attack which resulted from a failure to diagnose. The defendant argued the evidence indicated the plaintiff would likely have suffered a heart attack regardless of timing.

The plaintiff became a patient of the defendant, who operates a family medicine practice in Philadelphia and on September 17, 2018, the plaintiff called the defendant's office to complain about intermittent chest pains and gas and to request a same day appointment. The plaintiff alleged the receptionist advised the plaintiff that the defendant did not have an appointment available and the staffer advised the plaintiff to take Tums for gas relief. The plaintiff contended the symptoms persisted through the night and upon calling back the defendant the next day, the staffer again told the plaintiff the doctor did not have any appointments available.

The plaintiff decided to request a prescription for an electrocardiogram, which was provided by the defendant doctor in addition to a prescription for a chest x-ray. Around 10:23 p.m., the plaintiff was rushed to the emergency room and diagnosed with a myocardial infarction and was transferred to a hospital for cardiac catheterization. The plaintiff sustained permanent heart damage.

The jury reached a verdict for the plaintiff of $3,500,000, consisting of $1,250,000 for pain and suffering; $1,250,000 for loss of ability to enjoy life's pleasures; $500,000 for future pain and suffering and $500,000 for future loss of ability to enjoy life's pleasures. The verdict was unanimous, and as agreed between counsels, the jury verdict was molded as if the jury found against both Dr. Gross and the Gross Practice.

REFERENCE

Dimeo vs. Gross. Case no. 191003447; Judge Susan Schulman.

Attorney for plaintiff: Louis F. Tumolo of Beasley Firm, LLC in Philadelphia, PA. Attorneys for defendant: Harry Jay Levin and Colleen Flynn Cyphers of Flaster Greenberg, PC in Philadelphia, PA.

$3,160,000 GROSS VERDICT – MEDICAL MALPRACTICE – SURGERY – DEFENDANTS SEVER PLAINTIFF'S C8 NERVE ROOT DURING BACK SURGERY – PERMANENT INJURIES TO MAJOR NERVE – NEUROLOGIC DEFICITS – PAIN; SUFFERING; DISABILITY.

Middlesex County, NJ

This medical malpractice action was filed November 28, 2016, by the plaintiff patient against the defendants, Ronniel Nazarian, M.D., et al. for negligence in the irreparable severing of the plaintiff's C-8 root nerve during surgery. The defendants admitted only that a physician patient relationship existed, but denied the material allegations of the complaint pertaining to negligence causation and damages.

The plaintiff alleged on May 21, 2015, the plaintiff placed himself under the care of the defendant to perform surgery on his back. The plaintiff maintained

that the plaintiff had a second operation in the same year and the surgeon informed him the first surgery damaged the plaintiff's nerve.

The plaintiff contended that the defendant negligently failed to exercise ordinary care he operated on the plaintiff causing the C8 nerve root to become severed and otherwise irreparably damaged. The plaintiff alleged as a direct and proximate result of the negligence of the defendant, the plaintiff sustained substantial and permanent injuries to his major nerve and developed neurologic deficits, pain syndrome and an altered ability to live life.

After 6-week trial, the jury reached a gross verdict of $3,160,000 consisting of $2,000,000 for pain and suffering, disability, impairment and loss of enjoyment of life; $660,000 for economic loss and $500,000 for loss of society, services and consortium. The total verdict was against defendants Harshpal Singh, M.D. and North Brain & Spine Center Jersey, with Dr. Nazarian being dismissed from the plaintiff's complaint with prejudice. The court molded the entire verdict in accord with Scafidi v. Seiler to $2,370,000 for the plaintiff's verdict. With set-offs and pre-judgment interest, the total net judgment is $2,469,900.68.

REFERENCE

Steven Rosen vs. Ronniel Nazarian, et al. Docket no. MID-L-006854-16; Judge Joseph L. Rea, 07-18-24.

Attorney for plaintiff: Jeffrey Strauss of Mintz & Geftic, LLC in Elizabeth, NJ. Attorney for defendant: Gregory J. Giordano of Lenox, Socey, Formidoni, Giordano, Cooley, Lang & Casey, LLC in Lawrenceville, NJ.

PRODUCT LIABILITY

$3,056,573 VERDICT – PRODUCT LIABILITY – DEFECTIVE PRODUCT – FAILURE TO WARN – EMPLOYER LIABILITY – PLAINTIFF WORKING AT DEFENDANT SHIPPING COMPANY, USING DEFENDANT MANUFACTURER'S HEAT GUN TO SEAL BOXES, RECEIVES ELECTRICAL SHOCK FROM HEAT GUN AND FALLS BACKWARD TO FLOOR – ELECTRIC SHOCK INJURY PLUS FALL INJURIES TO BACK, NECK, SHOULDER AND FACE – ANTERIOR CERVICAL DISCECTOMY, DECOMPRESSION AND FUSION AT C4-7.

Miami-Dade County, FL

This product liability/employer liability case arose out of an incident in which the plaintiff was severely injured after she was electrocuted at her place of work. The plaintiff contended that her injuries were caused by a defect in a product she was using to perform her job. The plaintiff brought suit against the defendant product manufacturer for strict liability and made claims against her employer. Prior to trial, the defendant manufacturer of the heat gun was dismissed on summary judgment and the defendant employer and supervisor were found in default for failure to comply with court orders. The matter continued as to damages.

On August 2, 2017, the plaintiff was electrocuted while using a heat gun provided to her by her employer to prepare a package for shipment in the course and scope of her employment. The defective heat gun was sold to the plaintiff's employer by the co-defendant corporation. The plaintiff suffered injuries to her back, neck, shoulder and face. She was transported to the hospital where she received emergency treatment for effects of the electronic charge to her spinal medulla, as well as her other injuries.

The plaintiff required anterior cervical discectomy, decompression and fusion at C4-7 with instrumentation. Since the initial hospitalization, the plaintiff has been subsequently hospitalized for treatment, surgery and continued care and has long-term, debilitating pain in her neck, middle back, lower back, coccyx, right ankle, left shoulder, and left ankle.

The jury awarded the plaintiff $1,056,573 for lost earnings in the past, loss of earning capacity in the future, and past and future medical expenses and $2,000,000 for past and future pain and suffering, disability, physical impairment, disfigurement, mental anguish, inconvenience, aggravation of a disease or physical defect and loss of capacity for the enjoyment of life. Thus, the plaintiff received total damages of $3,056,573.

REFERENCE

Mahecha vs. Angel, et al. Case no. 2018-011264-CA-01; Judge Spencer Eig, 02-19-25.

Attorney for plaintiff: Maria Lopez of Gallardo Law Office, P.A. in Miami, FL. Attorneys for plaintiff: Michelle M. Urbistondo and John R. Sutton of Sutton Law Group, P.A. in South Miami, FL. Attorney for defendant employer and supervisor: Luis S. Konski of Fowler White Burnett, P.A. in Miami, FL. Attorney for defendant heat gun manufacturer: Shawn Libman of Bowman and Brooke, LLP in Miami, FL.

MOTOR VEHICLE NEGLIGENCE

$2,525,000 VERDICT – MOTOR VEHICLE NEGLIGENCE – REAR END COLLISION – PLAINTIFF 18-YEAR-OLD PASSENGER IN MOTHER'S VEHICLE STRUCK FROM BEHIND BY DEFENDANT DRIVER – CERVICAL AND LUMBER DISC HERNIATIONS – INJECTIONS, PHYSICAL THERAPY AND 2 DISCECTOMIES.

Suffolk County, NY

In this motor vehicle negligence case, the plaintiff passenger, an 18-year-old student, asserted that the defendant driver, driving a vehicle owned by the co-defendant, struck the vehicle in which the plaintiff was a passenger. As a result of the incident, the plaintiff was taken to the hospital emergency room where she was treated with pain medication and instructed to follow up with her physician. The plaintiff received pain management injections and she ultimately underwent lumbar and cervical discectomies approximately 1 year after the accident. The defendants argued that the plaintiff passenger's injuries had or should have resolved.

The defendants called an orthopedic surgeon who examined the plaintiff and offered his opinion as to her injuries and prognosis. The defendants' expert asserted that the plaintiff's record indicated that she was treated and released at the emergency room with no significant injuries reported. Further, the defendants' expert opined that the discectomy the plaintiff underwent was not an effective procedure for a herniated disc condition.

The trial was bifurcated as to liability and damages. The liability portion of the trial resulted in a finding of 100% fault against the defendant driver who struck the rear of the plaintiffs' vehicle. In the damages trial, the jury found that the plaintiff passenger was permanently injured and awarded damages in the amount of $2,525,000 broken down as follows: $25,000 for past medical expenses; $0 for future medical expenses; $1,000,000 for past pain and suffering; and $1,500,000 for future pain and suffering.

REFERENCE

Eismati vs. Denny. Index no. 61798312018; Judge David T. Reilly, 07-11-24.

Attorney for plaintiff passenger: Rory Shectman of William Schwitzer & Associates, P.C. in New York, NY. Attorney for plaintiff driver: Frank A. Ross of Law Office of Charles E. Finelli in Bronx, NY. Attorney for defendant: Adam M. Prestifilippo of Martin, Fallon & Mulle in Commack, NY.

$917,096 GROSS VERDICT – MOTOR VEHICLE NEGLIGENCE – AUTO/PEDESTRIAN COLLISION – PLAINTIFF ATTEMPTS TO CHECK ON DEFENDANT DRIVER, WHO LOST CONTROL OF VEHICLE AND LEFT ROADWAY, WHEN DEFENDANT'S VEHICLE STRUCK AND PUSHED INTO PLAINTIFF BY CO-DEFENDANT WHO LOST CONTROL OF VEHICLE WHILE APPROACHING SCENE OF ACCIDENT – BILATERAL LEG FRACTURES – RIB FRACTURES – PULMONARY EMBOLI – PERIPHERAL ARTERY DISEASE.

Allegheny County, PA

The plaintiff in this action for motor vehicle negligence pulled over to the side of the road as a Good Samaritan to check on the defendant who lost control of his vehicle and left the roadway. While walking to the defendant's vehicle, the plaintiff was struck by the defendant's vehicle that had been struck by the codefendant. Consequently, the plaintiff suffered a left tibial plateau fracture, left comminuted fibular head fracture, and comminuted proximal tibial fracture, left rib fractures, acute pulmonary embolism, kidney hematoma and scalp laceration. The plaintiff's leg injuries resulted in peripheral artery disease in both legs. Both defendants denied negligence and argued the other defendant and the plaintiff were contributorily negligent.

The plaintiff maintained both defendants were negligently operating their vehicles at a high and excessive rate of speed, and traveling too fast for current weather conditions.

The jury found that all parties were negligent. The jury apportioned liability at 10% against the defendant Abdelaziz, 60% against Barry and 30% against the plaintiff. The jury awarded the plaintiff $917,096 in damages which was reduced by 30% and then an additional 10% bases on pro rata joint tortfeasors' release agreement for a total award of $550,257.

REFERENCE

Nicholas Solominsky vs. Husam Abdelaziz, Greenix, LLC and Jennifer L. Barry. Case no. GD 22-002834; Judge Arnold Klein, 06-04-25.

Attorney for plaintiff: Mark Homyak of The Homyak Law Firm, P.C. in Pittsburgh, PA. Attorney for defendant: Dennis Geis, Jr. of Margolis Edelstein in Pittsburgh, PA. Attorney for defendant: Gregg Guthrie of Summers McDonnell Hudock & Guthrie, PC in Pittsburgh, PA.

PREMISES LIABILITY

$13,911,500 VERDICT – PREMISES LIABILITY – NEGLIGENT SECURITY – WRONGFUL DEATH – PLAINTIFF'S DECEDENT LAWFULLY ON DEFENDANT CONDOMINIUM PROPERTY SHOT AND KILLED BY TRESPASSER WHO ACCESSED PREMISES DUE TO DEFENDANTS' INADEQUATE SECURITY ON PROPERTY IN KNOWN HIGH-CRIME AREA – MINOR DAUGHTER SURVIVOR – DEFENDANTS FOUND IN DEFAULT.

Miami-Dade County, FL

In this premises liability/wrongful death case, the plaintiff asserted that the defendant condominium complex and its property management company breached its duty to its residents. The plaintiff contended that the plaintiff's decedent was attacked and killed on the property due to the defendants' failure to provide appropriate security. The defendants failed to answer or appear before the court. A default judgment was entered as to liability against the defendants on May 17, 2023.

The plaintiff alleged that the defendants failed to have a sufficient number of security guards in visible areas to deter crime, failed to have adequate surveillance cameras, and failed to implement adequate security policies, measures, and procedures to prevent trespassers access to the subject property, thereby failing to protect its residents and invitees, including the decedent.

The plaintiff estate sought to recover the loss of net accumulations including funeral expenses and the decedent's pain and suffering from the time of the incident until time of death, and recovery for loss of parental companionship, instruction, and guidance and for mental pain and suffering by the decedent's surviving minor daughter.

The matter was set down for jury trial as to damages wherein the jury found each defendant 50% liable and awarded the plaintiff $13,911,500 in damages broken down as follows: $11,500 in damages to the estate; $1,900,000 in damages to the decedent's minor child for loss of support and services; and $12,000,000 for the damages sustained by the minor child for parental companionship and guidance and for pain and suffering.

REFERENCE

Estate of Coriolan vs. Sunset Palms Villas Condominium Association, Inc. et al. Case no. 2022-017724-CA-01; Judge Daryl E. Trawick, 02-19-25.

Attorneys for plaintiff: Mark A. Gaeta and Carson L. Hancock of Hancock Gaeta, P.A. in Fort Lauderdale, FL.

$2,500,000 VERDICT – PREMISES LIABILITY – FALL DOWN AT PUBLIC STORAGE – PLAINTIFF'S FOOT CAUGHT ON STEP AT ENTRANCEWAY, CAUSING FALL – NEGLIGENT MAINTENANCE – BROKEN LEFT ELBOW – MULTIPLE SURGERIES – LEFT ELBOW JOINT SURGICALLY REPLACED – 2 CARPAL TUNNEL SURGERIES TO ALLEVIATE SWELLING FROM INITIAL, INJURY-RELATED SURGERY – PAIN AND SUFFERING.

Middlesex County, NJ

This premises liability action was filed on October 28, 2020, by the plaintiff, a 66-year-old female, against the defendant, Public Storage, for injuries sustained from falling on the defendant's premises. The plaintiff alleged a step was not up to code and had multiple defects which caused her foot to get caught resulting in fracture injuries to her left elbow. The defendant argued the plaintiff was prone to falling and had fallen at the site before the subject incident.

The plaintiff contended she is left-handed and her left elbow joint was surgically replaced. The plaintiff pled injuries of fracture, joint surgery, 2 carpal tunnel surgeries to alleviate swelling from the initial, injury related surgery, pain and suffering.

The jury reached a verdict for the plaintiff of $2,500,000 after 4-day trial. The award was for past, present and future pain and suffering. The jury found the defendant 100% liable for the plaintiff injuries.

REFERENCE

Bishop vs. Public Storage. Docket no. MID-L-7490-20; Judge Michael A. Toto, 07-11-24.

Attorney for plaintiff: K. Raja Bhattacharya of Bendit Weinstock, PA in West Orange, NJ. Attorney for defendant: Colin Hackett of Lewis Brisbois Bisgaard & Smith in Newark, NJ.

ADDITIONAL VERDICTS OF PARTICULAR INTEREST

Construction Site Negligence

$12,170,294 VERDICT – CONSTRUCTION SITE NEGLIGENCE – WORKER FALLS APPROXIMATELY 18 FEET FROM LADDER WHILE WORKING AT SITE – SEVERE, PERMANENT INJURIES INCLUDING BURST FRACTURE AND OTHER SERIOUS SPINAL INJURIES – SURGERIES, INCLUDING CERVICAL, THORACIC AND LUMBAR FUSION PROCEDURES – HOSPITALIZATION.

Westchester County, NY

This negligence action was filed on July 29, 2019 by a construction worker against the defendants, John P. and Eileen M. Davis, owners and operators of the construction site, for injuries sustained when the plaintiff fell approximately 18 feet from a ladder. The plaintiff sustained severe and permanent injuries including a burst fracture. The plaintiff underwent multiple, surgeries, including cervical, thoracic and lumbar fusion procedures and hospitalization. The defendants denied negligence allegations, asserted affirmative defenses and filed a cross-claim for contribution of named defendants seeking apportionment of responsibility for damages.

The plaintiff alleged that on March 30, 2017, at around 10:00 a.m., the plaintiff was working on a roof and gutter repair project on a ladder erected outside the structure and the ladder posed a hazard and violated New York State Labor Law Sections 200 and 240. The plaintiff further alleged the defendants negligently failed to provide a safe work environment and necessary safety equipment required by New York law to prevent falls from height and the ladder was faulty and unsecured and the proximate cause of injuries.

The jury reached a verdict for the plaintiff of $12,170,294 consisting of $5,000,000 for past pain and suffering, $5,000,000 for future pain and suffering, $472,242 for past medical expenses, $1,495,000 for future medical expenses and $203,052 for past lost income.

REFERENCE

Guayara, Luis P. vs. Davis, John P. et al. Index no. 61185-19; Judge Doris M. Gonzalez, 01-24-25.

Attorney for plaintiff: Daniel G. Ecker of Lever & Ecker, PLLC in White Plains, NY. Attorney for defendant: Stephen J. Cassels of Varvaro, Cotter, Bender & Walthall in White Plains, NY.

Crane Collapse

$860,000,000 VERDICT – CRANE COLLAPSE – WRONGFUL DEATH ACTION – COLLAPSE OF TOWER CRANE ONTO APARTMENT COMPLEX DURING SEVERE WEATHER KILLS 29-YEAR-OLD PLAINTIFF AND INJURES 5 OTHERS.

Dallas County, TX

This wrongful death action was filed on November 1, 2023, by the plaintiffs, the Estate of Kiersten Smith and Michele Williams, mother of Kierston Smith, from the June 2019 death, Kiersten, when a tower crane owned by the defendant collapsed during sever weather conditions onto the Elan City Lights apartment complex in Old East Dallas. The plaintiff's sued defendant's, Greystar Development & Construction, LP (developer), Gabriella Towers and Bigge Crane & Rigging company (the company that leased the crane and operator to the developer) and alleged negligence in crane maintenance and operation. The defendant's contended the collapse was due to operator error and blamed each other's operator and equipment. Greystar (developer) had rented the crane from Bigge Crane and Rigging and was in the process off building a new apartment complex next door.

On June 9, 2019, Kierston Smith is alleged to have been sitting on a couch when a crane smashed through her apartment roof, killing her and injuring 5 others in the accident. The plaintiff alleged that the crane was not left in a position to handle predicted severe weather on that Sunday nor was it allowed to "weathervane" meaning move with the direction of the wind. The plaintiff contended had it been allowed to "weathervane" it would have been able to take the pressure of the wind conditions by swiveling from side to side rather than falling forward or backward.

The jury reached a verdict for the plaintiff after 7 hours of deliberation and a 2-week trial. Gross verdict: $860,000,000. Awards: Estate of Kierston Smith - $500,000,000; mother - $50,000,000 for loss of companionship, $140,000,000 for mental anguish, $50,012,006 for future mental anguish, $100,000,000 for future loss of companionship; father - $3,000,000 for loss of companionship, $7,000,000 for mental anguish; $6,000,000 for future loss of companionship.

REFERENCE

Williams, et al. vs. Bigge Crane & Rigging Co. Case no. CC-23-07310; Judge Charles Stokes, 04-28-23.

Attorneys for plaintiff: Jason Itkin and Alexandria Poulson of Arnold & Itkin, LLP in Houston, TX. Attorneys for plaintiff: Christopher C. White and Katherine A. Compton of Lewis, Brisbois, Bisgaard & Smith, LLP in Dallas, TX.

Fraud

$7,000,000 SETTLEMENT – FRAUD – PUTATIVE SECURITIES CLASS ACTION – DEFENDANT MADE MISLEADING STATEMENTS LEADING UP TO IPO – SALES SLUMPED, BASED ON MISREPRESENTATIONS CAUSING HIGH EMPLOYEE TURNOVER – VIOLATIONS OF SECTIONS 11 AND 15 OF SECURITIES ACT OF 1933.

San Mateo County, CA

In September 2017, this securities class action lawsuit was filed against Tintri, Inc., a company specializing in virtualized data storage. The plaintiffs alleged that Tintri and certain executives violated Sections 11 and 15 of the Securities Act of 1933 by making material misrepresentations and omissions in the Registration Statement and Prospectus for Tintri's June 30, 2017, Initial Public Offering (IPO).

Sales slumped, based on the forced misrepresentations, causing high employee turnover and discontentment within the sales force whose salaries were in part dependent on commissions. After the IPO, light shined quickly as Tintri posted disappointing financial results for the second and third fiscal quarters of 2018, the 2 quarters immediately after the IPO.

The case concluded with a $7,000,000 settlement approved on August 22, 2024, intended to compensate individuals and entities that purchased or otherwise acquired Tintri common stock between June 30, 2017, and December 26, 2017. San Mateo Superior Court, Honorable Susan Greenberg, granted final approval of $7,000,000 Putative Class Action Settlement.

REFERENCE

In re Tintri vs. Mustafin. Case no. 17-CIV-04312; Judge Susan Greenberg, 08-22-24.

Attorney for plaintiff: Cohen Milstein of Law Office of Cohen Milstein in Los Angeles, CA. Attorneys for defendant: James Kreissman, Stephen Blake and Wyatt Honse of Simpson Thacher & Bartlett, LLP in Palo Alto, CA.

Lead Poisoning

$24,141,000 VERDICT – LEAD POISONING LAWSUIT – CHICAGO HOUSING AUTHORITY GROSSLY NEGLIGENT FOR FAILING TO ADDRESS LEAD BASED PAINT HAZARDS WHICH LED TO POISONING OF CHILDREN – SEVERE, SIGNIFICANT DEVELOPMENTAL INJURIES INCLUDING DIFFICULTIES WITH MOTOR SKILLS AND EMOTIONAL REGULATION – LIFELONG COGNITIVE AND PHYSICAL INJURIES – BLOOD LEAD LEVEL NEARLY 10 TIMES CDC'S REFERENCE LIMIT.

Cook County, IL

This lead based paint poisoning action was filed on January 4, 2022 by the plaintiffs, mother and children, against the defendant, Chicago Housing Authority, for injuries sustained from lead poisoning from lead hazards in their unit. The defendant argued they complied with all federal and local regulations regarding lead-based paint disclosures and mitigation.

The plaintiff maintained that child #1 Amiah was 2 years old at the time of move-in, started showing signs of developmental regression, severe cognitive and behavioral issues and blood lead level (BLL) was 34 micrograms per deciliter, nearly 10 times the U.S. Centers for Disease Control and Prevention's (CDC) reference limit of 3.5 micrograms per deciliter and x-rays revealed that lead had entered her bones, where it could continue to leach into her bloodstream, causing ongoing harm. The plaintiff maintained child #2, Jah'mir was a newborn at move-in and both children were diagnosed with lead poisoning in 2019, after over 50 complaints about the apartment's unsafe conditions.

The jury reached a verdict for the plaintiffs after 6-week trial. The gross verdict was $24,141,000, consisting of $20, 641,000 to Amiah and $3,500,000 to Jah'mir.

REFERENCE

Amiah McGee Collins (Minor), et al. vs. Chicago Housing Authority, et al. Case no. 2022-L-00095; Judge Thomas M. Cushing, 01-15-25.

Attorney for plaintiff: Matthew Sims of Rapoport Sims Perry & VanOverloop, P.C. in Chicago, IL.