



NEW JERSEY

JURY VERDICT

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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.

\$2,850,000 RECOVERY – Municipal liability – Police liability – Officer driving recklessly to mall/scene of carjacking after number of officers already arrived loses control and fatally strikes sidewalk pedestrian – Wrongful death of 65-year-old female from severe blunt force trauma – Several minutes of conscious pain and suffering 2

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FEATURED CASES

\$2,850,000 RECOVERY – MUNICIPAL LIABILITY – POLICE LIABILITY – OFFICER DRIVING RECKLESSLY TO MALL/SCENE OF CARJACKING AFTER NUMBER OF OFFICERS ALREADY ARRIVED LOSES CONTROL AND FATALLY STRIKES SIDEWALK PEDESTRIAN – WRONGFUL DEATH OF 65-YEAR-OLD FEMALE FROM SEVERE BLUNT FORCE TRAUMA – SEVERAL MINUTES OF CONSCIOUS PAIN AND SUFFERING.

Passaic County, NJ

In this case, the plaintiff contended that the defendant police officer on duty with the defendant municipality acted in a reckless manner after an attempted carjacking at a mall situated approximately 20 minutes away, and at which a number of police officers had already arrived. The plaintiff maintained that defendant traveled at a high rate of speed on a roadway containing 2 lanes in each direction, drove into the on-coming lane where he lost control and struck the 65-year-old pedestrian who was walking on the sidewalk, causing her to sustain fatal injuries. The decedent left a husband and 2 adult children. The defendant denied that the plaintiff's claims were accurate.

The defendant asserted that he lost control because an unidentified driver in the right lane cut him off while attempting to make a left turn from the right lane as the officer was in the left lane. The plaintiff countered that a video from a nearby business was inconsistent with the defendant's position and supported the plaintiff's version. The plaintiff contended that although other officers were at the scene of the carjacking, the defendant officer, who was younger and not on the force for a long period, decided he wanted to be a part of the case and sped towards the scene. The plaintiff maintained that such actions were clearly reckless.

The plaintiff's anesthesiologist would have maintained that the cause of death was severe blunt force trauma. The plaintiff contended that the decedent had several minutes of conscious pain and suffering. The plaintiff would have pointed out that both the de-

fendant officer and members of EMTs who arrived a short time after the accident, observed that she was in great pain.

The evidence reflected that the decedent and her husband emigrated from their native South Korea some 30 years earlier. The plaintiff would have contended that the decedent spoke better English than she did, that the husband depended on her extensively and that she was the center of his universe. The plaintiff's economist would have concluded that the value of the loss of services was approximately \$3.9 million. The decedent was working part time and the claim for lost wages would have been very limited.

The case settled before motions for \$2,850,000.

REFERENCE

Plaintiff's anesthesiologist expert: Peter Salgo, M.D. from New York, NY. Plaintiff's economist expert: Kristen Kuzma from Livingston, NJ.

Lee vs. City of Clifton, et al. Docket no. PAS-L-1872-21, 10-24.

Attorney for plaintiff: Andrew O'Connor of Nagel Rice, LLP in Roseland, NJ.

COMMENTARY

The defendant had denied that the plaintiff's version was accurate and contended that he lost control when a driver to his right attempted to make a left turn from the right lane. The evidence that the officer's position was directly contradicted by the surveillance video taken from a nearby business that supported the plaintiff's contentions was undoubtedly particularly significant. In this regard, it has been noticed that when the parties evidence, such as this video, can greatly undermine a defense case and prompt a strong jury reaction.

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Ira J. Zarin, Esq.

President

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Contributing Editors

Brian M. Kessler, Esq.

Michael Bagen

Laine Harmon, Esq.

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Customer Services

Meredith Whelan

Circulation Manager

Ellen Loren

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Main Office:

973/376-9002 Fax 973/376-1775

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\$750,000 VERDICT – MOTOR VEHICLE NEGLIGENCE – REAR END COLLISION – PLAINTIFF’S VEHICLE STRUCK IN REAR BY DEFENDANT’S VEHICLE WHILE IN TRAFFIC – DISC HERNIATIONS AND BULGES IN NECK AND LOWER BACK – TREATED CONSERVATIVELY AND WITH EPIDURAL INJECTIONS.

Middlesex County, NJ

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

On September 17, 2018, the plaintiff’s vehicle was traveling northbound on Terminal Road in New Brunswick, New Jersey. At this time, the defendant’s vehicle was also traveling northbound on Terminal Road, directly behind the plaintiff’s vehicle. At the time of the incident, the plaintiff’s vehicle began to slow down to accommodate traffic conditions. As the plaintiff’s vehicle slowed down, it was suddenly struck in the rear by the defendant’s vehicle.

The plaintiff maintained that the defendant was negligent in failing to remain adequately attentive, failing to maintain a safe distance from other vehicles, and failing to stop the vehicle in a timely manner. Consequently, the plaintiff sustained injuries, including disc herniations and bulges of the neck and lower back, which were treated conservatively, and then with epidural injections. A doctor for the defendant alleged that the plaintiff only suffered soft tissue injuries and aggravation of pre-existing degeneration, and that the plaintiff recovered without permanency.

The arbitrator in this case found the defendant 100% liable for the accident and reported an award for the plaintiff in the amount of \$57,500. Following arbitration, the defendant’s counsel requested a trial de novo. The trial took place on July 8, 2024, at which time the jury returned a verdict in favor of the plaintiff for \$750,000. On August 5, 2024, the Honorable Christopher D. Rafano ordered that the verdict be entered as a judgment in favor of the plaintiff. The defendant’s counsel then motioned for a new trial, maintaining that the verdict amount was excessive related to the plaintiff’s injuries, but the motion was denied on August 30, 2024.

REFERENCE

Chrisonda Branham vs. Arvindbha Patel. Docket no. MIDL005182-20; Judge Christoph Rafano, 07-16-24.

Attorney for plaintiff: Lawrence A. LeBrocq of Garces, Grabler & Lebrocq, PC in New Brunswick, NJ. Attorney for defendant: Eric Kuper of Martin Kane & Kuper in East Brunswick, NJ.

\$735,000 SETTLEMENT – MOTOR VEHICLE NEGLIGENCE – AUTO/PEDESTRIAN COLLISION – DEFENDANTS OWNED AND CONTROLLED BOX TRUCK WHICH MINOR EXITED – TRUCK PULLED AWAY AND REAR TIRE OF TRUCK STRUCK MINOR AND RAN HER OVER – PELVIC FRACTURE – L5 TRANSVERSE PROCESS FRACTURE – ROAD RASH – PERMANENT SCARRING.

Ocean County, NJ

The minor plaintiff in this motor vehicle negligence action was a lawful passenger in a box truck owned, controlled, and operated by the various defendants. The minor exited the truck while the truck was stopped at an intersection. The truck then pulled away before the minor cleared the area and the rear tire struck the minor and ran her over, causing her to sustain serious injuries. The defendants

raised all applicable defenses and argued that the minor assumed the risk of her actions and was comparatively negligent.

On April 15, 2019, the female minor was a passenger in a box truck owned by the defendant energy analysis group and operated by the defendant Kahanow. The defendant driver brought the box truck to a stop at an intersection of Miller Rd. and Central Ave. in Lakewood, New Jersey, to let the minor out of the vehicle. The vehicle had been loaned to the defendant driver by the defendant Pilchick, who owned the defendant company. The defendant driver failed to wait for the plaintiff to walk away from the truck before starting to move and the defendant struck the plaintiff and ran over her body with the rear tire.

As a result of the defendant's negligence, the minor suffered a displaced pelvic fracture, comminuted fracture of the L5 transverse process which continued in the sacrum and extended vertically into S1-S5, and road rash with permanent scarring.

\$280,194 ARBITRATION AWARD – PREMISES LIABILITY – FALL DOWN – PLAINTIFF TRIPS ON UNEVEN SIDEWALK INSIDE DEFENDANT GATED COMMUNITY – DISPLACED FRACTURE OF RIGHT RADIUS – OPEN REDUCTION AND INTERNAL FIXATION SURGERY TO REPAIR – DISLOCATION OF RIGHT ELBOW.

Monmouth County, NJ

In this premises liability action, the plaintiff tripped and fell over a broken or uneven area of a sidewalk inside the defendant gated community, causing her to become injured. The defendants generally denied all allegations of negligence.

On July 14, 2020, the plaintiff was walking on a sidewalk inside the gated community in which she lived, specifically on Raintree Drive, between Snowdrop Place and Daisy Drive. At this time, the sidewalk was owned, operated, and maintained by the defendant community association. As the plaintiff was walking on the subject sidewalk, she encountered a broken or uneven section. The plaintiff then tripped over the uneven sidewalk tile and fell.

The plaintiff maintained that the defendants were negligent in failing to maintain safe and adequate conditions inside the community, failing to ensure the safety of the sidewalk for resident use, failing to repair a broken or uneven sidewalk, failing to prevent a tripping hazard, failing to erect signs or otherwise warn of a tripping hazard, failing to inspect the premises, fail-

The defendants Kahanow and Energy Analysis Group, LLC paid \$720,000 and the defendant Pilchick paid \$15,000 for a total settlement of \$735,000.

REFERENCE

Bracha Stengel a minor by and through his png Joshua Stengel vs. Dov Kahanow and Energy Analysis Group, LLC and Meir Pilchick. Docket no. OCNL000018-22; Judge Craig L. Wellerson.

Attorney for plaintiff: Lori Zeid of The Rothenberg Law Firm in Cherry Hill, NJ. Attorneys for defendant: Dennis M. Haffey, Matthew Mitchell & Samantha L. Wallis of Cipriani & Werner in Mt. Laurel, NJ. Attorneys for defendant: Barry Eichen and Christopher Conrad of Law Offices of Michael G. David in Marlton, NJ.

ing to provide safe passage, and failing to regard for the health and safety of community residents using the subject sidewalk, including the plaintiff. Consequently, the plaintiff sustained injuries, including a displaced fracture of the right radius, which required open reduction and internal fixation surgery to repair, as well as a dislocation of the right elbow.

The arbitrators found in favor of the plaintiff and reported an award for \$280,193.71.

REFERENCE

Buffer Enid vs. Raintree Community Association. Docket no. L001882-22; Judge Lourdes Lucas, 02-19-24.

Attorney for plaintiff: David H. Sternlieb of Shapiro & Sternlieb, LLC in Englishtown, NJ. Attorney for defendant: Mark S. Kundla of Hardin Kundla McKeon Poletto in Springfield, NJ.

Verdicts By Category

CONSTRUCTION NEGLIGENCE

\$120,000 ARBITRATION AWARD

Construction negligence – Plaintiff trips over uneven new flooring installed by defendant construction company – Fracture of left shoulder.

Atlantic County, NJ

In this negligence action, the plaintiff tripped and fell over uneven new flooring installed by the defendant construction company. The plaintiff became injured as a result. The defendants generally denied all allegations of negligence.

On May 17, 2019, the plaintiff was lawfully on the premises of a school, located at 1400 Albany Avenue in Atlantic City, New Jersey, where she was employed as a teacher. At this time, the plaintiff was traversing a hallway, in which the defendant construction company was installing new flooring inside the school. As the plaintiff was traversing the hallway, she was suddenly caused to trip and fall by a steeply elevated ramp, which had not been there previously.

The plaintiff maintained that the defendants were negligent in failing to warn of an elevation change in the flooring, failing to place orange paint or otherwise signal the presence of the ramp, and failing to keep the construction site in a safe condition. Conse-

quently, the plaintiff sustained injuries, including a left shoulder fracture. A physician for the plaintiff alleged that the plaintiff will likely develop post traumatic arthritis, which will cause her to need surgery in the future. The defendants maintained that there was, in fact, orange paint evident at the ramp, and that the plaintiff failed to make proper observations.

The arbitrator in this case found the defendants 75% liable for the accident in this case, and the plaintiff 25% liable. The arbitrator reported an award for the plaintiff in the amount of \$120,000. On February 16, 2024, the defendants' counsel requested a trial de novo, which was scheduled to take place on April 29, 2024. On April 4, 2024, however, the parties entered into a settlement for an amount not specified on the docket. On the same day, the Honorable Sarah B. Johnson ordered that the case be dismissed.

REFERENCE

Elizabeth Toland vs. Maxwell Construction Co. Docket no. ATLL000682-21; Judge Sarah B. Johnson, 04-04-24.

Attorney for plaintiff: Michael A. Gibson of D'Arcy Johnson Day in Egg Harbor Township, NJ.

DOG BITE

\$87,500 ARBITRATION AWARD

Dog bite – Plaintiff injured when defendant's dog attacks him at defendant's home – Dog bite injury to left hand – Plastic surgery required.

Bergen County, NJ

In this dog bite action, the plaintiff was injured when the defendant's dog attacked and bit him while he was visiting the defendant's home. The defendant generally denied all allegations of negligence.

On July 30, 2020, the plaintiff was a lawful visitor at the defendant's home, located on the premises of 57 Campbell Avenue in Hackensack, New Jersey. At this time, the plaintiff was preparing to enter the defendant's home through the front entryway. As the plaintiff was maneuvering through the entryway, he was approached by the defendant's dog. The defendant's dog then began to attack the plaintiff without provocation. The plaintiff attempted to push the dog off of him, and the dog bit the plaintiff's dominant left hand.

The plaintiff maintained that the defendant was negligent in failing to properly train the dog, failing to leash the dog, failing to otherwise restrain the dog, failing to muzzle the dog, failing to keep the dog away from visitors and strangers, failing to keep the dog in another room, failing to prevent the dog from attacking, failing to intervene while the dog was attacking, failing to warn of the dog's violent tendencies, and failing to prevent the dog from biting. Consequently, the plaintiff sustained injuries, including dog bite injuries to the left hand, which required rabies shots as well as plastic surgery to repair.

The arbitrators found in favor of the plaintiff and reported an award for \$87,500.

REFERENCE

Pallo Johnny vs. Kemradge Gopaul. Docket no. L003208-22; Judge Gregg A. Padovano, 04-23-24.

Attorney for plaintiff: Thomas A. McCarter of Thomas A. McCarter Attorneys at Law in Hackensack, NJ.
Attorney for defendant: Angela Lavelle of State Farm.

MOTOR VEHICLE NEGLIGENCE

Auto/Pedestrian Collision

\$22,500 SETTLEMENT

Motor vehicle negligence – Auto/pedestrian collision – Minor plaintiff pedestrian struck by defendant’s vehicle while crossing street – Failure to obey crosswalk – Cervical, thoracic and lumbar misalignment with sprains.

Hudson County, NJ

In this motor vehicle negligence action, the minor plaintiff pedestrian was struck by the defendant’s vehicle while crossing the street, causing her to become injured. The defendant generally denied all allegations of negligence.

On October 25, 2022, the minor plaintiff was a pedestrian walking on Kennedy Boulevard, at or near its intersection with 85th Street in North Bergen, New Jersey. At this time, the minor plaintiff was attempting to cross Kennedy Boulevard in the designated crosswalk. At the same time, the defendant’s vehicle was traveling on Kennedy Boulevard, toward the same intersection. At the time of the incident, the defendant’s vehicle struck the minor plaintiff as she was crossing the street.

The plaintiffs maintained that the defendant was negligent in failing to obey a crosswalk, failing to observe the minor plaintiff pedestrian, and failing to avoid striking the minor plaintiff pedestrian. Consequently, the minor plaintiff sustained injuries, including cervical, thoracic, and lumbar misalignment with sprains. The minor plaintiff’s injuries were treated conservatively, with chiropractic adjustments and physical therapy.

Prior to arbitration, the parties entered into a friendly conference to resolve the matter in this case. The conference was scheduled to take place on July 24, 2024. On this day, the parties entered into a settlement for \$22,500. On the same day, the Honorable Susanne Lavelle ordered that the settlement amount be entered as a judgment in favor of the plaintiffs.

REFERENCE

Sophia Rigattieri vs. Hernando Ruizzorilla. Docket no. HUDL000768-24; Judge Susanne Lavelle, 07-24-24.

Attorney for plaintiff: Gabriel Luaces of Alum, Ferrer, Diaz & Luaces in North Bergen, NJ.

Driveway Exit Collision

\$55,000 ARBITRATION AWARD

Motor vehicle negligence – Driveway exit collision – Plaintiff’s vehicle backing out of driveway struck by defendant’s vehicle traveling in reverse – Failure to obey one-way street – Cervical disc herniations – Lumbar disc herniation – Radiculopathy at L5 – Left knee lateral meniscus tear with fracture of tibial plateau.

Hudson County, NJ

In this motor vehicle negligence action, the plaintiff’s vehicle was backing out of a driveway when it was struck by the defendant’s vehicle traveling in reverse. The plaintiff became injured as a result. The defendant generally denied all allegations of negligence.

On August 24, 2021, the plaintiff’s vehicle was backing out of a driveway on 27th Street, at or near its intersection with Grand Avenue in North Bergen, New Jersey. At the same time, the defendant’s vehicle was traveling reverse in an east direction on 27th Street, which was a one-way street in a west direction. As the plaintiff’s vehicle was backing out, it was suddenly struck by the defendant’s vehicle traveling the wrong way in reverse.

The plaintiff maintained that the defendant was negligent in failing to obey a one-way street, failing to travel in the correct direction, and failing to observe

the plaintiff’s vehicle backing out. Consequently, the plaintiff sustained injuries, including cervical disc herniations at C2-3, C3-4, and C5-6, lumbar disc herniation at L4-5, radiculopathy at L5, and a left knee lateral meniscus tear with a fracture of the tibial plateau. A doctor for the defendant concurred with the plaintiff’s cervical disc injuries but disputed the cause and permanency of the plaintiff’s lumbar disc herniation and radiculopathy. The doctor did not review the plaintiff’s left knee MRI.

The arbitrator in this case found the defendant 100% liable and reported an award for the plaintiff in the net amount of \$55,000. Following arbitration, the plaintiff’s counsel requested a trial de novo. The trial was scheduled to take place on July 16, 2024. However, the parties entered into a settlement for an amount not specified on the docket on July 9, 2024, before the trial could begin.

REFERENCE

Manuel Prado vs. Luis Vazquez-Alvarez. Docket no. HUDL002704-22; Judge Anthony V. Delia, 07-22-24.

Attorney for plaintiff: Edgar Navarrete of Law Office of Edgar J. Navarrete, LLC in North Bergen, NJ.

Attorney for defendant: Teresa Kassim of Gregory P. Helfrich & Associates in Summit, NJ.

■ \$50,000 ARBITRATION AWARD

Motor vehicle negligence – Driveway exit collision – Plaintiff passenger injured when host vehicle struck by defendant’s vehicle backing out of driveway – Lumbar disc herniations – Lumbar disc bulges – Cervical disc bulges – Radiculopathy – Cervical and lumbar sprain/strain.

Bergen County, NJ

In this motor vehicle negligence action, the plaintiff passenger was injured when the host vehicle was struck by the defendant’s vehicle backing out of a driveway. The defendant generally denied all allegations of negligence.

On September 28, 2020, the plaintiff was a restrained backseat passenger in the host vehicle, which was traveling on Lawrence Street, specifically near 112 Lawrence Street in Hackensack, New Jersey. At this time, the defendant’s vehicle was attempting to back out of the driveway at 112 Lawrence Street. The defendant attempted to back the vehicle out of the driveway at the same time that the host vehicle was attempting to pass the premises. As a result, the defendant’s vehicle struck the host vehicle in the rear driver’s side, causing the plaintiff passenger to become injured.

The plaintiff maintained that the defendant was negligent in failing to keep a proper lookout, failing to exercise due care, failing to wait for clearance before backing out of the driveway, failing to observe the host vehicle, failing to yield, failing to obey traffic conditions, failing to remain adequately attentive, failing to keep the vehicle under proper and adequate control, failing to utilize rear and side-view mirrors, failing to apply the brakes in a timely manner, failing to slow or stop, and failing to avoid striking the host vehicle. Consequently, the plaintiff passenger sustained injuries, including lumbar disc herniations, lumbar disc bulges, cervical disc bulges, radiculopathy, and cervical and lumbar sprain/strain.

The arbitrators found in favor of the plaintiff and reported an award for \$50,000.

REFERENCE

Silva vs. Paguay. Docket no. L003924-22; Judge David V. Nasta, 04-15-24.

Attorney for plaintiff: Thomas A. McCarter of Thomas A. McCarter Attorneys at Law in Hackensack, NJ.

Intersection Collision

■ \$75,000 ARBITRATION AWARD

Motor vehicle negligence – Intersection collision – Plaintiff’s vehicle struck broadside by defendant’s vehicle after defendant fails to stop at stop sign – Cervical disc herniations at C4-5 and C5-6 – Cervical disc bulges at C2-3, C3-4 and C6-7 – Lumbar disc herniations at T12-L1 and L4-5.

Burlington County, NJ

In this motor vehicle negligence action, the plaintiff sustained injury when her vehicle was struck broadside by the defendant’s vehicle after the defendant failed to stop at a stop sign. The defendant generally denied all allegations of negligence.

On March 4, 2020, the plaintiff’s vehicle was traveling on Cooper Street, at or near its intersection with Henderson Avenue in Edgewater Park, New Jersey. At this time, the plaintiff was attempting to proceed in a straight direction through the aforementioned intersection. At the same time, the defendant’s vehicle was traveling eastbound on Henderson Avenue and was also attempting to proceed through the intersection. As the plaintiff’s vehicle began to move forward, the defendant driver ignored a stop sign at the subject intersection and struck the plaintiff’s vehicle on the drivers’ side.

The plaintiff maintained that the defendant was negligent in failing to remain adequately attentive, failing to obey a stop sign, and failing to yield to the plaintiff’s vehicle. Consequently, the plaintiff sustained injuries, including cervical disc herniations at C4-5 and C5-6, cervical disc bulges at C2-3 C3-4 and C6-7, and lumbar disc herniations at T12-L1 and L4-5. The plaintiff’s injuries were treated with radiofrequency neurolysis, as well as several epidural steroid injections to the cervical and lumbar spine. A doctor for the defense opined that the plaintiff’s injuries were related to a 2017 work accident and not the motor vehicle accident in this case.

The arbitrator in this case found the defendant 100% liable for the accident and reported an award for the plaintiff in the amount of \$75,000. Following arbitration, the parties entered into a settlement for an amount not specified on the docket. A notice of settlement was submitted on April 20, 2023, and a stipulation of dismissal was submitted on May 22, 2023.

REFERENCE

Lois Tucker vs. Ebru Gundogdu. Docket no. L002225-21; Judge Aimee R. Belgarde, 05-22-23.

Attorney for plaintiff: Thomas F. Flynn of Flynn Associates, PC in Mount Laurel, NJ. Attorney for defendant: Brad A. Parker of Parker Young & Antinoff in Marlton, NJ.

■ \$35,000 ARBITRATION AWARD

Motor vehicle negligence – Intersection collision – Plaintiff passenger injured when host vehicle struck broadside by defendant’s vehicle – Failure to obey stop sign – 2 cervical disc bulges – 3 cervical disc herniations – Cervical radiculopathy – 2 lumbar disc bulges – Lumbar radiculopathy.

Hudson County, NJ

In this motor vehicle negligence action, the plaintiff passenger was injured when the host vehicle was struck broadside by the primary defendant’s vehicle in an intersection. The defendant generally denied all allegations of negligence.

On May 5, 2021, the plaintiff was a restrained front seat passenger in the host vehicle, which was owned and operated by the secondary defendant driver. At this time, the host vehicle was traveling on 12th Street, at or near its intersection with Central Avenue in Union City, New Jersey. On this day, the subject intersection was controlled by a 3-way stop. At the time of the incident, the defendant driver proceeded through the subject intersection in a straight direction. The defendant driver maintained that he stopped at the designated stop sign before proceeding, but the plaintiff passenger maintained that the host vehicle proceeded through the intersection without stopping. As the host vehicle proceeded, it was struck broadside by the primary defendant’s vehicle in the subject intersection.

The plaintiff maintained that the primary defendant was negligent in failing to obey a stop sign, failing to yield, and failing to avoid striking the host vehicle. Consequently, the plaintiff sustained injuries, including 2 cervical disc bulges, 3 cervical disc herniations, cervical radiculopathy, 2 lumbar disc bulges, lumbar radiculopathy, and left knee arthritis pain. A doctor for the defendant opined that each of the plaintiff’s injuries showed no evidence of permanency or impairment.

The arbitrator in this case found the primary defendant 90% liable for the accident, the secondary defendant driver 10% liable, and the plaintiff 0% liable. The arbitrator reported a net award for the plaintiff in the amount of \$35,000, assigning \$31,500 worth of damages to the primary defendant and \$3,500 worth of damages to the secondary defendant. Following arbitration, the primary defendant’s counsel requested a trial de novo, which was scheduled to take place on July 8, 2024. However, the parties entered into a settlement for an amount not specified on the docket prior to the trial hearing. On July 2, 2024, the Honorable Jane L. Weiner ordered that the case be dismissed, and a stipulation of dismissal was submitted on July 9, 2024.

REFERENCE

Gutierrez vs. Zidan. Docket no. HUDL003726-22; Judge Anthony V. Delia, 07-02-24.

Attorney for plaintiff: Edgar J. Navarrete of Law Office of Edgar J. Navarrete, LLC in North Bergen, NJ.

■ DEFENDANT’S VERDICT

Motor vehicle negligence – Intersection collision – Plaintiff’s vehicle struck in rear driver’s side after defendant runs red light – 2 cervical disc herniations with nerve root impingement – Lumbar disc herniation with impinged nerve root.

Essex County, NJ

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

On June 10, 2019, the plaintiff’s vehicle was traveling westbound on Third Avenue, at or near its intersection with McCarter Highway in Newark, New Jersey. At the same time, the defendant’s vehicle was traveling northbound on McCarter Highway, toward the same intersection. At the time of the incident, the plaintiff was preparing to proceed straight through the subject intersection with a green light in his favor. As the plaintiff began to proceed through the intersection, the defendant also entered the intersection, despite having a red light. The defendant’s vehicle then struck the plaintiff’s vehicle in the rear driver’s side.

The plaintiff maintained that the defendant was negligent in failing to obey a red traffic signal, and failing to yield the right-of-way. Consequently, the plaintiff

sustained injuries, including 2 cervical disc herniations with nerve root impingement, a lumbar disc herniation with nerve root impingement, right knee pain and swelling, and right ankle pain and swelling. A doctor for the defendant opined that the plaintiff’s neck and back injuries were degenerative, and not permanent in nature.

The arbitrator in this case found the defendant 100% liable for the accident and reported an award for the plaintiff in the amount of \$25,000. Following arbitration, the defendant’s counsel requested a trial de novo. The trial took place on July 8, 2024, at which time the jury returned a unanimous verdict of no cause for action on behalf of the defendant. On the same day, the Honorable Russell J. Passamano ordered that the verdict be entered as a final judgment.

REFERENCE

Sergio Herrera-Pesantez vs. Jeremiah Sanchez. Docket no. ESXL004340-21; Judge Russell J. Passamano, 07-17-24.

Attorney for plaintiff: Donald Werner of Donald Werner, Esq. in Newark, NJ. Attorney for defendant: Frank R. Gerber of Ibrahim and Jackson in Scranton, PA.

Left Turn Collision

■ \$62,711 ARBITRATION AWARD

Motor vehicle negligence – Left turn collision – Plaintiff’s vehicle struck in side by defendant’s vehicle making abrupt left turn – L5-S1 disc herniation – Cervical and lumbar sprain/strain with radiculopathy.

Mercer County, NJ

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

On September 7, 2019, the plaintiff’s vehicle was traveling in a southbound direction on Route 539 in Little Egg Harbor, New Jersey. At the same time, the defendant’s vehicle was traveling northbound on Route 539, toward the plaintiff’s location. At the time of the incident, the 2 vehicles were about to pass one another, when the defendant’s vehicle made an abrupt attempt to turn left from Route 539 onto an intersecting road. As the defendant’s vehicle turned left, it struck the plaintiff’s vehicle in the driver’s side.

The plaintiff maintained that the defendant was negligent in failing to wait for clearance before making a left turn, failing to safely and properly execute a left

turn, and failing to yield the right-of-way. Consequently, the plaintiff sustained injuries, including a disc herniation at L5-S1, as well as cervical and lumbar sprain/strain with radiculopathy. The plaintiff’s injuries were treated conservatively, but L5-S1 decompression and discectomy were recommended. 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 \$62710.78. Following arbitration, the plaintiff’s counsel requested a trial de novo, which was scheduled to take place on March 11, 2024. However, the parties entered into a settlement for an unspecified amount on February 26, 2024. A stipulation of dismissal was submitted on April 12, 2024.

REFERENCE

Maryanne Lehmann vs. Thomas Stackhouse. Docket no. MERL000670-21; Judge Brian McLaughlin, 04-12-24.

Attorney for plaintiff: Michael N. Colacci of Levinson Axelrod, P.A. in Edison, NJ. Attorney for defendant: John R. Johnson of Geico.

■ \$15,000 ARBITRATION AWARD

Motor vehicle negligence – Left turn collision – Defendant causes collision with plaintiff’s vehicle after making abrupt left turn in front of plaintiff – Cervical disc herniations – Cervical disc bulge – Aggravation of lumbar disc herniation.

Bergen County, NJ

In this motor vehicle negligence action, the defendant caused a collision with the plaintiff’s vehicle after making an abrupt left turn in front of the plaintiff’s vehicle, causing the plaintiff to become injured. The defendant generally denied all allegations of negligence, maintaining that the plaintiff was guilty of contributory negligence.

On December 17, 2019, the plaintiff’s vehicle was traveling westbound on Monroe Street, at or near its intersection with Parker Avenue in Passaic, New Jersey. At this time, the defendant’s vehicle was traveling eastbound on Monroe Street, toward the same intersection. At the time of the incident, the plaintiff attempted to proceed straight through the intersection with a green light in his favor, when the defendant’s vehicle made a sudden left turn directly in front of him. The defendant’s vehicle then struck the plaintiff’s vehicle.

The plaintiff maintained that the defendant was negligent in failing to wait for clearance before making a left turn, failing to properly and safely execute a left turn, and failing to yield the right of way. Consequently, the plaintiff sustained injuries, including cervical disc herniations, cervical disc bulge, and aggravation of lumbar disc herniation. A doctor for the defendant opined that the plaintiff’s injuries were degenerative, and disputed both permanency and causation.

The arbitrator in this case found the defendant 100% liable for the accident, and reported an award for the plaintiff in the amount of \$15,000. Following arbitration, the defendant’s counsel requested a trial de novo, which was scheduled to take place on April 8, 2024. However, on April 8, the parties entered into a settlement for an amount not specified on the docket, prior to the trial hearing. A stipulation of dismissal was submitted on May 16, 2024.

REFERENCE

Piotr Pusz vs. Hector Rodriguez. Docket no. L005130-21; Judge Anthony R. Suarez, 05-16-24.

Attorney for plaintiff: Paul DeGrado of DeGrado Law, PLLC in Moonachie, NJ. Attorney for defendant: Ellen Lee Camburn of Chasan Lamparello Mallon & Cappuzzo, PC in Secaucus, NJ.

Parked Vehicle Collision

■ \$75,000 ARBITRATION AWARD

Motor vehicle negligence – Parked vehicle collision – Plaintiff’s parked vehicle struck by defendant’s vehicle while plaintiff in driver’s seat – Multiple disc herniations – Cervical and lumbar sprain/strain – Bilateral shoulder tears.

Bergen County, NJ

In this motor vehicle negligence action, the plaintiff’s parked vehicle was struck by the defendant’s vehicle while the plaintiff was seated in the driver’s seat, causing the plaintiff to become injured. The defendant generally denied all allegations of negligence.

On July 4, 2020, the plaintiff’s vehicle was lawfully parked on the side of the road on Ridge Road, just outside the premises of 459 Ridge Road. At this time, the plaintiff was seated in the driver’s seat of his vehicle while it was parked. At the same time, the defendant’s vehicle was traveling on Ridge Road, toward the location of the plaintiff’s vehicle. At the time of the incident, the defendant’s vehicle struck the plaintiff’s vehicle in the rear driver’s side.

The plaintiff maintained that the defendant was negligent in failing to keep a proper lookout, failing to exercise due care, failing to remain adequately attentive, failing to observe the plaintiff’s vehicle, failing to remain in the correct lane of travel, failing to obey traffic conditions, failing to keep the vehicle under proper and adequate control, failing to operate the vehicle at a reasonable rate of speed, failing to apply the brakes in a timely manner, failing to slow or stop, and failing to avoid striking the plaintiff’s vehicle. Consequently, the plaintiff sustained injuries, including multiple disc herniations, cervical and lumbar sprain/strain, and bilateral shoulder tears.

The arbitrators found in favor of the plaintiff and reported an award for \$75,000.

REFERENCE

Zarillo vs. Zambrano. Docket no. L002161-22; Judge Peter G. Geiger, 05-31-24.

Attorney for plaintiff: Thomas A. McCarter of Thomas A. McCarter Attorneys at Law in Hackensack, NJ.

Parking Lot Collision

■ \$25,000 ARBITRATION AWARD

Motor vehicle negligence – Parking lot collision – Plaintiff’s vehicle struck by defendant’s vehicle backing out of parking space in parking lot – Left hip pain – Left knee pain – Left leg pain – Disc bulge at T-12/L1.

Morris County, NJ

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

On January 27, 2021, the plaintiff’s vehicle was lawfully traveling in a parking lot, located at 350 New Road in Parsippany-Troy Hills, New Jersey. Specifically, the plaintiff had just backed out of a parking space, and was preparing to move forward toward the exit of the lot. At this time, the defendant’s vehicle was backing out of another parking space in the same parking lot, close to the plaintiff’s vehicle. As the defendant’s vehicle was backing out, it struck the plaintiff’s vehicle in the driver’s side. The plaintiff had sounded his horn before the impact, but the defendant continued to back out anyway, striking the plaintiff’s vehicle.

The plaintiff maintained that the defendant was negligent in failing to yield to the plaintiff’s vehicle, failing to wait for clearance before backing out, and failing to remain adequately attentive. Consequently, the plaintiff sustained injuries, including left knee pain, left leg pain, left hip pain, and a disc bulge at T-12/L1. A doctor for the defendant opined that the plaintiff’s injuries were long-standing and were not causally related to the accident.

The arbitrator in this case found the defendant 100% liable for the accident and reported an award for the plaintiff in the amount of \$25,000. 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 for an unspecified amount on February 8, 2024, before the trial could begin. A stipulation of dismissal was submitted on March 28, 2024.

REFERENCE

Matthew Sicheri vs. Aida Nietorivera. Docket no. L000454-22; Judge Noah Franzblau, 03-30-24.

Attorney for plaintiff: Kevin M. Stankowitz of Rosenberg, Kirby, Cahill, Stankowitz & Richardson in Toms River, NJ. Attorney for defendant: Carl A. Mazzie of Foster & Mazzie, LLC in Totowa, NJ.

Rear End Collision

\$75,000 ARBITRATION AWARD

Motor vehicle negligence – Rear end collision – Plaintiff’s vehicle struck in rear by defendant’s vehicle while slowing for traffic – Cervical disc herniations from C4-C7 – Lumbar disc herniations at L4-5 and L5-S1 – Cervical and lumbar radiculopathy – Right shoulder impingement – Left knee meniscus tear – Surgery required.

Hudson County, NJ

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

On September 8, 2015, the plaintiff’s vehicle was traveling northbound on the New Jersey Turnpike in Kearny, New Jersey. At this time, there was heavy traffic ahead, so the plaintiff was required to slow his vehicle to a near stop. At the same time, the defendant’s vehicle was also traveling northbound on the NJ Turnpike, directly behind the plaintiff’s vehicle. As the plaintiff slowed for traffic, his vehicle 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 operate the vehicle at a reasonable rate of speed. Consequently, the plaintiff sustained injuries, including cervical disc herniations from C4-C7, lumbar disc herniations at L4-5 and L5-S1, cervical and lumbar radiculopathy, right shoulder impingement, and left knee meniscus tear. The plaintiff underwent surgery to repair the left knee meniscus tear, and received 5 epidural steroid injections to treat cervical and lumbar spine injuries. A doctor for the defendant disputed the nature and causality of the plaintiff’s injuries.

The arbitrator in this case found the defendant 100% liable for the accident and reported an award for the plaintiff in the amount of \$75,000. Following arbitration, the defendant’s counsel requested a trial de novo. However, on April 6, 2023, the parties entered into a settlement for an unspecified amount. The Honorable Joseph A. Turula ordered that the case be dismissed on April 14, 2023.

REFERENCE

Alejandro Ramirez vs. Richard Sieller. Docket no. L003729-17; Judge Anthony V. Delia, 05-04-23.

Attorney for plaintiff: Andrew John Calcagno of Calcagno & Associates in Cranford, NJ. Attorney for defendant: Richard M. Tango of Tango, Dickinson, Lorenzo McDermott & McGee, LLP in Millburn, NJ.

\$42,500 ARBITRATION AWARD

Motor vehicle negligence – Rear end collision – Plaintiff’s vehicle struck in rear by defendant’s vehicle while stopped for traffic light – Lumbar disc bulge – Cervical sprain/strain – Cervicalgia.

Camden 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 traffic light, causing the plaintiff to become injured. The defendant generally denied all allegations of negligence, maintaining that the plaintiff “stopped” at a green light.

On October 3, 2019, the plaintiff’s vehicle was traveling in a straight direction on Route 541, at or near its intersection with Sunset Road in Burlington, New Jersey. At this time, the plaintiff’s vehicle was stopped for a red traffic light at the aforementioned intersection. At the same time, the defendant’s vehicle was also stopped at the same intersection, directly behind the plaintiff’s vehicle. At the time of the incident, the light at the intersection turned green, and the defendant’s vehicle quickly began to proceed forward, before the plaintiff’s vehicle began to move. The defendant’s vehicle then struck the plaintiff’s vehicle in the rear.

The plaintiff maintained that the defendant was negligent in failing to maintain a safe distance from other vehicles, failing to remain adequately attentive, and failing to obey traffic signals. Consequently, the plaintiff sustained injuries, including lumbar disc bulges at 4 levels, cervical sprain/strain, and cervicalgia. A doctor for the defendant disputed the permanency and causation of the plaintiff’s injuries.

The arbitrators in this case found the defendant 100% liable for the accident and reported an award for the plaintiff in the amount of \$42,500. Following arbitration, the defendant’s counsel requested a trial de novo, which was scheduled to take place on May 8, 2023. However, a stipulation of dismissal was submitted on April 24, 2023, which stated that the matter had been amicably adjusted between parties for an unspecified amount.

REFERENCE

Alyssa Scardetto vs. Risa Ramirez-Wright. Docket no. CAML002482-21; Judge Michael J. Kassel, 04-24-23.

Attorney for plaintiff: Brad S. Tabakin of TabakinWolfe, LLP in Plymouth Meeting, PA. Attorney for defendant: Richard M. Tango of Tango, Dickinson, Lorenzo, McDermott & McGee in Millburn, NJ.

■ \$10,000 VERDICT

Motor vehicle negligence – Rear end collision – Plaintiff’s vehicle struck in rear by defendant’s vehicle while stopped at stop sign – Cervical disc herniations at C4-5 and C6-7 – Cervical disc bulges at C3-4 and C4-5 – Lumbar disc herniation at L4-5 – Stenosis – Bilateral radiculopathy at C6-7 – Bilateral carpal tunnel syndrome – Lipoma on stomach.

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

On July 30, 2019, the plaintiff’s vehicle was traveling on Main Tolls Exit, at or near its intersection with Hotel Road at the Newark/Liberty International Airport in Newark, New Jersey. At this time, the plaintiff’s vehicle was stopped for a stop sign at the subject intersection. At the same time, the defendant’s vehicle was also traveling on Main Tolls Exit, directly behind the plaintiff’s vehicle. While the plaintiff’s vehicle was stopped at the stop sign, it was suddenly struck in the rear by the defendant’s vehicle.

The plaintiff maintained that the defendant was negligent in failing to obey traffic signals, failing to maintain a safe distance from other vehicles, and failing

to apply the brakes in a timely manner. Consequently, the plaintiff sustained injuries, including cervical disc herniations at C4-5 and C6-7, cervical disc bulges at C3-4 and C4-5, lumbar disc herniation at L4-5, stenosis, bilateral radiculopathy at C6-7, bilateral carpal tunnel syndrome, and lipoma on the stomach. The defendant maintained that any injuries or damages sustained by the plaintiff were due to the negligence of third parties beyond the defendant’s control.

The arbitrator in this case found the defendant 100% liable for the accident and reported an award for the plaintiff in the amount of \$50,000. Following arbitration, the defendant’s counsel requested a trial de novo. The trial took place from July 17 - July 23, 2024, at which time the jury returned a verdict in favor of the plaintiff for \$10,000. On August 14, 2024, the Honorable Jane L. Weiner ordered that the verdict be entered as a judgment.

REFERENCE

Domingo Medrano-Matos vs. Dina Miller. Docket no. HUDL003042-21; Judge Kimberly Espinales-Maloney, 07-23-24.

Attorney for plaintiff: Robert P. Stein of Goldberg, Miller & Rubin, PC in Fairfield, NJ. Attorney for defendant: Thomas Morrone of Chasan Lamparello Mallon & Cappuzzo, PC in Secaucus, NJ.

■ DEFENDANT’S VERDICT

Motor vehicle negligence – Rear end collision – Defendant strikes rear of the plaintiff’s vehicle while plaintiff stopped waiting to execute turn – Cervical and lumbar disc injuries – Injections required.

Bergen County, NJ

In this action for motor vehicle negligence, the plaintiff was stopped in her vehicle waiting to make a left hand turn when her vehicle was struck in the rear by the defendant, causing the plaintiff to sustain injury. The plaintiff alleged that the defendant failed to remain attentive while operating a vehicle. The defendant generally denied all allegations of negligence and injury.

On August 30, 2018, the female plaintiff was traveling on Central Avenue in Hackensack, New Jersey, waiting to make a left turn onto Railroad Avenue South, when the plaintiff’s vehicle was struck in the rear by the defendant.

The plaintiff alleged that the defendant was negligent in being inattentive while operating a vehicle, failing to keep a proper lookout and failing to main-

tain an adequate distance. Following the accident, the plaintiff was diagnosed with herniated nuclei pulposi at C3-4 and L4-5 respectively with positive EMGs. She required multiple epidurals and trigger point injections. The defense denied the plaintiff’s allegations and the defense independent medical examiner opined that the plaintiff’s cervical and lumbar injuries were degenerative in nature and there was no evidence of a permanent orthopedic injury.

The case was arbitrated in early 2020 and the plaintiff was awarded \$41,800. Trial de novo was requested by the defendants. The case was then tried before a jury in February of 2024 with the jury finding for the defense.

REFERENCE

Hyun Joo Kim vs. Carmelo Scordo and Avionix Corporation. Docket no. BER - L -004531-19; Judge John D. Odwyer, 02-15-24.

Attorney for plaintiff: Misha Lee of Misha Lee Law Office in Hackensack, NJ. Attorney for defendant: Brian Lehrer of Schenk, Price, Smith & King, LLP in Florham Park, NJ.

JUDGMENT IN FAVOR OF DEFENDANT

Motor vehicle negligence – Rear end collision – Plaintiff’s vehicle struck in rear by defendant’s vehicle at intersection – Cervical and lumbar disc herniations.

Bergen County, NJ

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

On October 4, 2019, the plaintiff’s vehicle was traveling eastbound on Route 38, at or near its intersection with Lumberton Avenue in Hainesport, New Jersey. At this time, the defendant’s vehicle was also traveling on Route 38, directly behind the plaintiff’s vehicle and toward the same intersection. At the time of the incident, the plaintiff’s vehicle was struck in the rear by the defendant’s vehicle.

The plaintiff maintained that the defendant was negligent in failing to maintain a safe distance from other vehicles, failing to remain adequately attentive, and failing to obey traffic conditions. Consequently, the plaintiff sustained injuries, including cervical and lum-

bar disc herniations, for which she received several epidurals. According to the plaintiff’s original complaint, a minor plaintiff passenger also sustained unspecified injuries in the accident. The defendant maintained that any injuries or damages sustained by the plaintiff were the result of the plaintiff’s own negligence.

The arbitrators for this case found the defendant 100% liable and reported an award for the plaintiff in the amount of \$35,000. Following arbitration, the defendant’s counsel requested a trial de novo. On April 25, 2024, a jury voted 7-0 finding that the plaintiff had no cause for action. The Honorable Eric G. Fikry entered a judgment in favor of the defendant on April 30, 2024.

REFERENCE

Heather Rebenski vs. Michael Delvalle. Docket no. BURL001901-21; Judge Eric G. Fikry, 04-25-24.

Attorney for plaintiff: Daniel M. Levine of Kotlar, Hernandez & Cohen, LLC in Mount Laurel, NJ.
Attorney for defendant: Brad A. Parker of Parker Young & Antinoff, LLC in Marlton, NJ.

Right Turn Collision

\$60,000 ARBITRATION AWARD

Motor vehicle negligence – Right turn collision – Plaintiff’s vehicle struck in rear driver’s side by defendant’s vehicle after defendant attempts to turn right from left lane – Cervical disc herniation – Lumbar disc herniation – Cervical disc bulge – Lumbar disc bulge – Lumbar radiculopathy – Cervical and lumbar epidural injections.

Hudson County, NJ

In this motor vehicle negligence action, the plaintiff’s vehicle was struck in the rear driver’s side by the defendant’s vehicle after the defendant attempted to turn right from the left lane, causing the plaintiff to become injured. The defendant generally denied all allegations of negligence, maintaining that the plaintiff was guilty of comparative negligence greater than the defendant’s.

On October 22, 2021, the plaintiff’s vehicle was traveling northbound in the right lane on Kennedy Boulevard, at or near its intersection with 68th Street in Guttenberg, New Jersey. At this time, the plaintiff was preparing to make a right turn onto 68th Street at the subject intersection. At the same time, the defendant’s vehicle was also traveling north on Kennedy Boulevard, in the left lane alongside the plaintiff’s vehicle. At the time of the incident, as the plaintiff’s vehicle was turning right, the defendant also attempted

to turn right from the left lane. The defendant’s vehicle then struck the plaintiff’s vehicle on the rear driver’s side.

The plaintiff maintained that the defendant was negligent in failing to remain in the correct lane of travel, failing to safely and properly execute a right turn, and failing to obey traffic conditions. Consequently, the plaintiff sustained injuries, including cervical disc herniation, lumbar disc herniation, cervical disc bulge, lumbar disc bulge, and lumbar radiculopathy. The plaintiff’s injuries were treated with one cervical and one lumbar epidural injection. A doctor for the defendant opined that the plaintiff’s spinal 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 \$60,000. Following arbitration, on July 3, 2024, the parties entered into a settlement for an amount not specified on the docket. A stipulation of dismissal was submitted on July 30, 2024.

REFERENCE

Nasbill Ruiz vs. Monica Alexandra Dimenza. Docket no. HUDL003730-22; Judge Jane L. Weiner, 07-11-24.

Attorney for plaintiff: Edgar Navarrete of Law Office of Edgar J. Navarrete, LLC in North Bergen, NJ.
Attorney for defendant: Mindy P. Fox of Law Offices of Pamela D. Hargrove in Clark, NJ.

DEFENDANT'S VERDICT

Motor vehicle negligence – Right turn collision – Plaintiff's vehicle struck by defendant's vehicle making right turn at intersection – Cervical and lumbar disc herniations.

Middlesex County, NJ

In this motor vehicle negligence action, the plaintiff's vehicle was struck by the defendant's vehicle making a right turn at an intersection. The plaintiff became injured as a result. The defendant generally denied all allegations of negligence.

On December 7, 2019, the plaintiff's vehicle was traveling on Perrineville Road, at or near its intersection with Route 33 in Monroe Township, New Jersey. At this time, the plaintiff's vehicle was stopped at a red light at the subject intersection. At the same time, the defendant's vehicle was attempting to make a right turn onto Perrineville Road northbound at the same intersection. The defendant then made a wide right turn, entering the plaintiff's lane of travel and striking her stopped vehicle.

The plaintiff maintained that the defendant was negligent in failing to safely execute a right turn and in failing to stay in the correct lane of travel. Consequently, the plaintiff sustained injuries, including cervical and lumbar disc herniations, for which she received multiple trigger point and steroid injections, as well as an

ablation procedure. A doctor for the defendant disputed the nature, extent, and permanency of the plaintiff's injuries, and contested their causal connection to the accident. The defendant maintained that any injuries or damages sustained by the plaintiff were the result of the plaintiff's own contributory negligence.

The arbitrator in this case found the defendant 100% liable for the accident and reported an award for the plaintiff in the amount of \$125,000. Following arbitration, the defendant's counsel requested a trial de novo. The trial took place on April 9, 10, 11, and 15, 2024, at which time the jury found that the plaintiff did not sustain at least one permanent injury that was proximately caused by the accident on December 7, 2019, and returned a verdict in favor of the defendant. The Honorable Patrick J. Bradshaw ordered a judgment be entered in favor of the defendant on April 16, 2024. On April 24, 2024, the plaintiff filed for an appeal of the existing verdict.

REFERENCE

Madison Joo vs. Gregory Corless. Docket no. MIDL000819-21; Judge Bruce Kaplan, 04-15-24.

Attorney for plaintiff: Michael N. Colacci of Levinson Axelrod, P.A. in Edison, NJ. Attorney for defendant: Angela E. Cameron of Law Offices of Linda S. Baumann in East Windsor, NJ.

Sideswipe Collision

\$150,000 ARBITRATION AWARD

Motor vehicle negligence – Sideswipe collision – Plaintiff's vehicle struck in side by defendant's vehicle after defendant enters plaintiff's lane – Neck and back pain – Disc herniation at L4-5 – Lumbar disc bulges – Supraspinatus tendon tear in left shoulder – 3 cervical disc bulges – 2 lumbar disc bulges – Surgery required.

Hudson County, NJ

In this motor vehicle negligence action, the plaintiff's vehicle was struck by the defendant's vehicle when the defendant's vehicle abruptly entered the plaintiff's lane, causing both the plaintiff driver and the plaintiff passenger to become injured. The defendant generally denied negligence.

On July 23, 2020, the plaintiff's vehicle was traveling on an unspecified roadway in the right lane in Manalapan, New Jersey. At the same time, the defendant's vehicle was traveling on the same roadway, in the same direction and at the same location as the plaintiff's vehicle, but was traveling in the left lane. At the time of the incident, the defendant's vehicle abruptly swerved into the plaintiff's lane of travel. The defendant's vehicle then struck the plaintiff's vehicle in the side.

The plaintiff maintained that the defendant was negligent in failing to safely and properly change lanes, in failing to remain in the correct lane of travel, and in failing to maintain a safe distance from other vehi-

cles. Consequently, both the plaintiff driver and the plaintiff passenger sustained injuries. The plaintiff driver sustained neck and back pain, a disc herniation at L4-5, lumbar disc bulges, and a supraspinatus tendon tear in the left shoulder, which required surgery to repair. The plaintiff passenger's injuries included 3 cervical disc bulges and 2 lumbar disc bulges, which were treated with medial branch block injections. The defendant maintained that any injuries or damages sustained by the plaintiffs were the result of the plaintiffs' own contributory negligence.

The arbitrator in this case found the defendant 100% liable for the accident and reported an award in the net amount of \$150,000, awarding \$100,000 to the plaintiff driver and \$50,000 to the plaintiff passenger. Following arbitration, the defendant's counsel requested a trial de novo, which was scheduled to take place on June 10, 2024. However, on July 2, 2024, the parties entered into a settlement, for an amount not specified on the docket. A stipulation of dismissal was submitted on July 12, 2024.

REFERENCE

Lisa Tello, Ajani Tello vs. Lauren Gregoire. Docket no. HUDL002399-22; Judge Kalimah H. Ahmad, 07-12-24.

Attorney for plaintiff: Brian C. Freeman of Freeman Law Center, LLC in Jersey City, NJ. Attorney for defendant: James M. Merendino of Voss Nitsberg DeCoursey & Hawley in Iselin, NJ.

\$45,000 ARBITRATION AWARD

Motor vehicle negligence – Sideswipe collision – Plaintiff’s vehicle sideswiped by defendant truck while both vehicles attempt to merge onto exit ramp – Shoulder tear – Knee injury – Cervical and lumbar disc herniations.

Hudson County, NJ

In this motor vehicle negligence action, the plaintiff sustained injury when his vehicle was sideswiped by the defendant truck while both vehicles attempted to merge onto a turnpike exit ramp. The defendant generally denied all allegations of negligence.

On February 22, 2021, the plaintiff’s vehicle was traveling on the New Jersey Turnpike and was preparing to merge onto the ramp at Exit 15E in Newark, New Jersey. At this time, the defendant, operating a truck in the scope of his employment, was also preparing to merge onto the subject ramp. At the time of the incident, the plaintiff’s vehicle signaled and attempted to merge into the single exit lane from the left travel lane. The defendant’s truck, in the right lane, did not yield for the plaintiff to merge and sideswiped the plaintiff’s vehicle.

The plaintiff maintained that the defendant was negligent in failing to allow the plaintiff to merge, and failing to observe the plaintiff’s vehicle. Consequently, the plaintiff sustained injuries, including shoulder tear, knee injury, and cervical and lumbar disc herniations. A doctor for the defendant maintained that the plaintiff’s injuries were pre-existing and were not proximately caused by the accident in this case.

The arbitrator in this case found the defendant 70% liable for the accident and the plaintiff 30% liable, and reported a net award for the plaintiff in the amount of \$45,000. Following arbitration, the plaintiff’s counsel requested a trial de novo, which was scheduled to take place on July 15, 2024. However, the parties entered into a settlement for an amount not specified on the docket on June 25, 2024, before the trial could begin. On July 1, 2024, an order of dismissal was submitted.

REFERENCE

Lamont Wiggins vs. Wells Fargo Equipment Finance. Docket no. HUDL000817-22; Judge Anthony V. Delia, 07-01-24.

Attorney for plaintiff: Ray Futerfas of Jacoby & Meyers, LLP in Edison, NJ.

PREMISES LIABILITY

Fall Down

\$70,000 ARBITRATION AWARD

Premises liability – Fall down – Plaintiff trips and falls when brick comes loose on premises of defendant apartment complex – Fractured teeth – Mouth and jaw fractures – Surgery required.

Cape May County, NJ

In this premises liability action, the plaintiff tripped and fell when a brick came loose on the front porch of the defendant apartment complex. The plaintiff became injured as a result. The defendants generally denied all allegations of negligence.

On October 7, 2022, the plaintiff was lawfully traversing the exterior of the defendant apartment complex, located on the premises of 620 Townbank Road in North Cape May, New Jersey. At this time, the plaintiff was returning to her own apartment residence on the premises. While preparing to enter the building, the plaintiff stepped onto the front porch of the building. As she did so, a brick came loose, causing the plaintiff to trip and fall.

The plaintiff maintained that the defendants were negligent in failing to provide safe passage on the premises, failing to repair or replace a broken or otherwise defective brick, and failing to warn of a tripping hazard on the premises. Consequently, the plaintiff sustained injuries, including teeth fractures, mouth and jaw fractures, and dental sensitivity. The

plaintiff’s injuries had many consequences, including rendering the plaintiff incapable of chewing on the right side of her mouth, as well as sleeping on her right side. The plaintiff underwent surgery to treat her injuries, including root canals and a procedure to move the fractured teeth back into place. The defendant maintaining that if the accident occurred as alleged, the condition complained of did not create a reasonably foreseeable risk proximate to the plaintiff’s damages.

The arbitrators in this case found the defendants 75% liable for the accident, and found the plaintiff 25% liable. The arbitrators reported an award for the plaintiff in the amount of \$75,000. The parties entered into oral argument on July 19, 2024. On July 22, 2024, a notice of settlement was submitted on behalf of the plaintiff, for an amount not specified on the docket.

REFERENCE

Lisa Cellucci vs. Jack Trocki Development Co., LLC. Docket no. CPML000011-23; Judge James H. Pickering, Jr., 07-22-24.

Attorney for plaintiff: Marc I. Simon of Simon & Simon, P.C. in Camden, NJ. Attorney for defendant: Anthony R. Fiore, Jr. of Gage Fiore, LLC in Red Bank, NJ.

\$25,000 SETTLEMENT

Premises liability – Fall down – Minor plaintiff trips and falls over uneven brick walkway at defendant condominium complex – Salter Harris fracture of growth plate of ankle.

Hudson County, NJ

In this premises liability action, the minor plaintiff tripped and fell over an uneven section of a brick walkway at the defendant condominium complex, causing her to become injured. The defendants generally denied all allegations of negligence, maintaining that any injuries or damages were caused by third parties over which the defendants had no control.

On May 17, 2020, the minor plaintiff was a resident lawfully traversing on the property of the defendant condominium complex, located on the premises of 201 Saint Michael's Walk in Union City, New Jersey. At this time, the minor plaintiff was walking on a brick walkway on the premises. At the time of the incident, the minor plaintiff encountered a broken or uneven section of the walkway. The minor plaintiff then tripped over the uneven ground and fell.

The plaintiffs maintained that the defendants were negligent in failing to repair or replace a broken or uneven brick walkway, failing to warn of a tripping hazard on the premises, and failing to prevent a tripping hazard on the premises. Consequently, the minor plaintiff sustained injuries, including a Salter Harris fracture of the growth plate of her ankle.

The arbitrator for this case found the defendants 100% liable and reported an award for the minor plaintiff in the amount of \$17,500. Following arbitration, the plaintiffs' counsel requested a trial de novo on behalf of the minor plaintiff. The parties then entered into a friendly conference on January 16, 2024, and arrived at a settlement for \$25,000. The Honorable Anthony V. D'Elia entered the settlement amount as a judgment on March 19, 2024.

REFERENCE

Sienna Johnson vs. Saint Michael's Walk. Docket no. HUDL000807-21; Judge Christine M. Vanek, 04-29-24.

Attorney for plaintiff: Kristofer C. Petrie of Brach Eichler, L.L.C. in Roseland, NJ. Attorney for defendant: Amanda J. Sawyer of Methfessel & Werbel, Esqs. in Edison, NJ.

\$13,500 SETTLEMENT

Premises liability – Fall down – Minor plaintiff slips on produce left on supermarket floor and falls, causing her to become injured – Left wrist flexor tendon sprain – Left wrist tenosynovitis.

Cumberland County, NJ

In this premises liability action, the minor plaintiff slipped and fell on produce left on the floor of the defendant supermarket, causing her to fall and become injured. The defendants generally denied all allegations of negligence.

On September 19, 2022, the minor plaintiff was a lawful visitor and business invitee at the defendant supermarket, located on the premises of 2130 North Second Street in Millville, New Jersey. At this time, the plaintiff was traversing in the produce department. While walking in this area, the minor plaintiff encountered one or more grapes that had fallen onto the floor. The minor plaintiff then slipped on the grapes and fell, striking a large wooden pallet as she hit the ground. The minor plaintiff became injured as a result.

The plaintiffs maintained that the defendants were negligent in failing to remove grapes from the floor on the premises, failing to prevent a slipping hazard on the premises, and failing to properly clean the premises. Consequently, the minor plaintiff sustained injuries, including a left wrist flexor tendon sprain, as well as left wrist tenosynovitis.

Prior to arbitration, the parties in this case quickly entered into a friendly conference, which was scheduled for January 26, 2024, and then rescheduled for March 22, 2024, at which time the parties reported that they had arrived at a settlement amount of \$13,500. On March 22, 2024, the Honorable James R. Swift ordered that the plaintiff's settlement amount be entered as a final judgment.

REFERENCE

Sky Romer vs. Bottino's Supermarkets. Docket no. CUML000719-23; Judge James R. Swift, 03-22-24.

Attorney for plaintiff: James S. Taylor of Hoffman DiMuzio in Mullica Hill, NJ.

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

Supplemental Verdict Digest

MEDICAL MALPRACTICE

\$4,000,000 SETTLEMENT – MEDICAL MALPRACTICE – CARDIOLOGIST NEGLIGENCE – DEFENDANT CARDIOLOGIST FAILS TO ADDRESS SEVERITY OF DECEDENT’S CORONARY ARTERY DISEASE – FAILURE TO ORDER CARDIAC CATHETERIZATION – WRONGFUL DEATH OF 51-YEAR-OLD MALE.

Lancaster County, PA

The estate of the decedent in this medical malpractice action maintained that the defendant cardiologist failed to order life-saving cardiac catheterization for the decedent to address and assess the decedent’s severe coronary artery disease. The decedent had a heart attack while on a business trip and died at age 51. The defendant denied being negligent and maintained that the decedent refused the procedure and was non-compliant in his care.

The decedent began treating with the defendant in October of 2016, when he was referred for cardiology consultation by his primary care physician for cardiomegaly and pulmonary vascular congestion. Over the course of roughly 6 months, the defendant ordered a number of tests, the results of which showed that the decedent had a high probability of severe and life-threatening coronary artery disease. Despite this, the defendant failed at any time to order or recommend a cardiac catheterization for the decedent. The defendant last saw Mr. Hostler in April of 2017.

On January 8, 2018, while away on a business trip in Florida, the decedent became ill and presented to a local hospital. He was diagnosed with a non-ST ele-

vated myocardial infarction, was in renal failure, and had a severely reduced ejection fraction. The decedent suffered a cardiac arrest and was taken emergently for cardiac catheterization, which revealed severe, multi-vessel coronary artery disease that was treated with 5 stents. Unfortunately, the decedent did not survive, and he passed away with his family present on January 22, 2018. The decedent is survived by his wife and 2 adult daughters.

The parties settled for \$4 million 40% of which went to the wrongful death claim and 60% of which went to the survival claim.

REFERENCE

The Estate of Joseph Hostler by Lisa Hostler vs. Mrinalini Meesala, M.D., The Heart Group of Lancaster General Health, Lancaster General Health tdba Lancaster General Health – Penn Medicine and The Lancaster General Hospital. Case no. CI-19-06516; Judge Leonard G. Brown.

Attorney for plaintiff: Nadeem A. Bezar of Kline & Specter in Philadelphia, PA. Attorney for defendant: Daniel J. Sherry of Eisenberg Rothweiler Winkler Eisenberg & Jeck, PC in Philadelphia, PA.

\$3,000,000 VERDICT – MEDICAL MALPRACTICE – WRONGFUL DEATH – GASTROENTEROLOGY – PLAINTIFFS’ DECEDENT PRESENTS WITH SYMPTOMS OF BOWEL ISCHEMIA TO INTERNAL MEDICINE PHYSICIAN, VASCULAR SURGEON, AND GASTROENTEROLOGIST ALL OF WHOM FAIL TO PROPERLY DIAGNOSE AND TREAT HER FOR STENOSIS AND OCCLUSION OF SUPERIOR MESENTERIC ARTERY – PLAINTIFFS’ DECEDENT DEVELOPS SEPSIS, SUCCUMBS TO INFECTION AND DIES.

Kings County, NY

This medical malpractice, brought to recover for the personal injuries, including wrongful death, suffered by the plaintiffs’ decedent, arose from the alleged careless and negligent medical care and treatment rendered by the defendant vascular surgeon, defendant internal medicine physician, and defendant gastroenterologist in their

treatment of the decedent patient. The defendants denied negligence and each asserted that the other was responsible for diagnosing the patient’s condition and informing the others.

Despite the plaintiffs’ decedent presenting to all 3 physicians with classic signs and symptoms of bowel ischemia, including weight loss, abdominal pain, and decreased appetite, as well as radiological findings

consistent with such a diagnosis, the defendants failed to timely diagnose and treat her true condition, thereby causing and allowing it to progress unfettered. The plaintiffs' expert, who was board certified in surgery and vascular surgery, sets forth his opinion that the defendants were negligent in the medical care and treatment rendered to the decedent in failing to timely diagnose and treat the progressive blockage of the blood supply to her bowel. As a result of the defendants' failure to properly diagnose and treat the decedent's stenosis and occlusion of the superior mesenteric artery, she developed sepsis and died on June 29, 2016.

The jury found that the defendant internal medicine physician departed from accepted standards of care by not having a differential diagnosis which included mesenteric vascular disease and that the departure from standards was a substantial factor in causing her injury and death. The jury found that the defendant gastroenterologist did not depart from accepted standards of care concerning the patient's CT-scan. The jury found that the defendant vascular surgeon did depart from accepted standards in failing to inform the internal medicine physician of the patient's mesenteric vascular disease and that that failure was a substantial factor in her injury and death.

The jury found the defendant internal medicine physician 33% at fault and the defendant vascular surgeon 67% at fault and awarded damages in the amount of \$3 million broken down as follows: \$500,000 for the monetary loss to the decedent's surviving husband and children; and \$2.5 million for pain and suffering of the decedent. Following the verdict, the plaintiffs settled with the defendant internal medicine physician for a total recovery of \$1.5 million.

REFERENCE

Cirabisi vs. Adelman, M.D., et al. Index no. 505815/2017; Judge Consuelo Mallafre Melendez, 02-15-24.

Attorney for plaintiff: David S. Pollack of Law Office of David S. Pollack in Princeton, NJ. Jonathan M. Cottrell Sanocki Newman & Turret, LLP in New York, NY. Attorney for defendant internal medicine physician: Nicholas Hurzeler, Appellate Counsel of Lewis Brisbois Bisgaard & Smith in New York, NY. Attorney for defendant internal medicine physician: Francesca M. Erichsen of Marulli, Mannarino & Erichsen, Esqs. in New York, NY. Attorney for defendant gastroenterologist: Gregory A. Cascino of Martin, Clearwater & Bell, LLP in New York, NY. Attorney for defendant vascular surgeon: Amelia R. Choyne of Aaronson Rappaport Feinstein & Deutsch, LLP in New York, NY.

\$1,200,000 SETTLEMENT – MEDICAL MALPRACTICE – PHYSICAL REHABILITATION CENTER NEGLIGENCE – DEFENDANTS FAIL TO SECURE CLAMP DURING HEMODIALYSIS CAUSING AIR EMBOLISM RESULTING IN MULTIPLE STROKES AND EVENTUAL DEATH – WRONGFUL DEATH OF 39-YEAR-OLD MALE.

Montgomery County, PA

The father of the decedent in this action for medical malpractice is the administrator of the decedent's estate. The estate maintained that the defendant's employees improperly administered hemodialysis to the decedent resulting in an air embolism and multiple strokes. The decedent never recovered, and he died several months later. The defense generally denied all allegations of negligence and injury.

On November 27, 2019, the male decedent was admitted to the defendant Center for physical and occupational therapy, located in Flourtown, Pennsylvania, following a stroke. Upon admission to the facility, his prognosis was improving, and his rehabilitation potential was good. During his stay at the defendant facility, the decedent was receiving hemodialysis treatments for management of his renal disease. On December 17, 2019 the decedent received dialysis. Soon thereafter, he became unre-

sponsive. The dialysis catheter clamp was not properly secured which caused an air embolism resulting in multi-focal ischemic strokes. The decedent survived in a semi-vegetative state until his death on March 28, 2021. The decedent is survived by 2 adult children and 1 minor child.

The parties settled for \$1,200,000. The settlement was distributed as 70% to Wrongful Death proceeds and 30% to Survival Act proceeds.

REFERENCE

The Estate of Miguel McDuffie by James Davis vs. Fresenius Medica Care Harston Hall, LLC dba Fresenius Kidney Care Harston Hall. Case no. 2021-18221; Judge Melissa Sterling, 05-13-24.

Attorneys for plaintiff: Thomas R. Kline and Regan Safier of Kline & Specter in Philadelphia, PA. Attorney for defendant: William McDevitt in Philadelphia, PA.

PRODUCT LIABILITY

\$15,000,000 VERDICT – PRODUCT LIABILITY – HAZARDOUS PRODUCT – FAILURE TO WARN – DEFENDANTS MANUFACTURE AND DISTRIBUTE TALC PRODUCTS THEY KNEW TO BE DANGEROUS AND CARCINOGENIC – PERITONEAL MESOTHELIOMA – REDUCED LIFE EXPECTANCY.

Bridgeport County, CT

The plaintiff in this asbestos action alleged he was diagnosed with mesothelioma at age 64 after using talc products produced by the defendants for approximately 50 years. The plaintiff alleged that the defendants' products were unreasonably unsafe. The defendants denied all allegations of negligence and denied that their products caused the plaintiff's cancer.

From the 1950s through the 2000s, the plaintiff was exposed to asbestos and or asbestos containing talcum products that were manufactured, distributed and sold by the defendants. As a result, his life expectancy has been severely diminished. The plaintiff used talcum powder personally and used art and craft supplies that contained talc as an artist and sculptor. The plaintiff sued the defendants for product liability, negligence, failing to warn and breach of warranty. The plaintiff maintained that the products were unreasonably dangerous and failed to carry proper and adequate warnings about the hazards which the defendants knew or should have known about.

The jury found that the plaintiff proved that the products to which the plaintiff was exposed were sold in a defective condition and were unreasonably dangerous to the consumer. The jury also found that the defendants were negligent in that they failed to use ordinary care in the sale of the baby powder. The jury awarded the plaintiff \$15,000,000 in compensatory damages.

REFERENCE

Evan Plotkin and Martha Plotkin vs. Johnson & Johnson, Pecos River Talc, LLC, Kenvue, Inc., Johnson & Johnson Holdco, Inc, LLT Management, LLC. Case no. FBT-CV21-6109520; Judge Charles Reed, 10-15-24.

Attorneys for plaintiff: Ethan Horn and Benjamin Braly of Dean Omar Branham Shirley in Dallas, TX. Attorney for plaintiff: Brian Kenney of Early Lucarelli Sweeney & Meisenkothen in New Haven, CT. Attorneys for defendant: James Geisler, Robert Simpson and Sheldon Poole of Shook Hardy & Bacon, LLP in Hartford, CT. Attorney for defendant: James O. Craven of Wiggin & Dana in New Haven, CT.

MOTOR VEHICLE NEGLIGENCE

\$40,000,000 VERDICT – MOTOR VEHICLE NEGLIGENCE – HEAD ON COLLISION – DEFENDANT INTOXICATED DRIVER ENTERS DECEDENT'S LANE OF TRAVEL WHILE ATTEMPTING TO PASS IN NO PASSING ZONE STRIKING DECEDENT'S VEHICLE HEAD ON – NEGLIGENTLY ENTRUSTING VEHICLE TO INTOXICATED DRIVER – WRONGFUL DEATH OF 51-YEAR-OLD FEMALE.

Franklin County, NC

In this action for motor vehicle negligence, the estate of the decedent maintained that the defendants operated and allowed the vehicle to be operated under the influence of alcohol which resulted in the defendant driver striking the plaintiff's decedent's vehicle head on causing fatal injuries to the decedent. The defendant driver stipulated to operating the vehicle under the influence. The defendant car owner denied knowingly let the intoxicated driver operate her vehicle.

On September 18, 2020, the plaintiff's 51-year-old decedent was traveling north on US 401 in Louisburg, North Carolina. The defendant driver was traveling in the opposite direction, operating a vehicle owned and controlled by the defendant car owner. The defendant driver was impaired from the voluntary con-

sumption of alcohol. The defendant attempted to pass a vehicle in front of her, in a no passing zone, and moved into the decedent's lane of traveling striking the decedent's vehicle head on and causing fatal injuries to the decedent.

The decedent is survived by 2 adult children. The estate sued the defendant driver and defendant car owner for wrongful death and survival actions. The plaintiff maintained that the defendant driver was negligent in failing to keep a proper lookout, operating a vehicle under the influence of alcohol, voluntarily operating a vehicle after consuming impairing substances and negligently attempting to pass in a no passing zone. The plaintiff also maintained that the defendant car owner negligently entrusted the vehicle to the defendant driver despite knowing the defendant driver was under the influence.

The jury found the defendants jointly and severally liable for \$15 million in compensatory damages. The jury found the defendant driver liable for \$5 million in punitive damages and the defendant care owner liable for \$20 million in punitive damages. The trial court entered a judgment, and the defendants moved for post-trial relief. The defendant Foreman separately moved for a judgment notwithstanding the verdict. The motions were denied. The defendants appealed. The North Carolina court of appeals upheld the verdict.

\$20,149,998 COMBINED SETTLEMENT – MOTOR VEHICLE NEGLIGENCE – MUNICIPAL LIABILITY – BUS/TRUCK COLLISION – SCHOOL BUS MAKING U-TURN ON INTERSTATE STRUCK BY DUMP TRUCK – DEATH OF 10-YEAR-OLD – FRACTURED SKULL REQUIRING 3 SURGERIES TO SECOND 10-YEAR-OLD PASSENGER.

Bergen County, NJ

In this motor vehicle negligence/municipal liability action, the plaintiffs contended that the defendant municipality's school bus driver negligently opted to attempt a U-turn on a busy I-90 during a school trip. As he did so, the co-defendant driver of a dump truck negligently failed to take evasive action and broadsided the bus. A 10-year-old passenger was ejected from the bus and experienced conscious pain and suffering for several seconds before succumbing. A second child, also 10 years old, suffered a severe skull fracture, was required to have part of his skull removed and will suffer extensive losses in attempts to work in the future.

The manner in which the accident occurred was not vigorously in dispute. The dump truck driver asserted that the sole cause of the accident was the negligence of the school bus driver. The infant decedent was ejected from the bus. Passengers described movement for a brief period. The plaintiff's anesthesiologist concluded that the decedent was conscious and lived for several minutes.

REFERENCE

The Estate of Susan Renee Chappell by Sandra Chappell vs. Shemaro Deann Webb and LaDorothy Breanna Foreman. Case no. 21CVS000470-340; Judge John W. Smith, 04-28-23.

Attorney for plaintiff: Robert P. Holmes, IV of White & Stradley, LLP in Raleigh, NC. Attorney for defendant: Robert Ruegger of Law Offices of Robert E. Ruegger in Raleigh, NC.

The surviving passenger suffered a severe skull fracture and required a number of surgeries. Scenes from the surgery would have been tried. The plaintiff asserted that although he has made improvement, he will permanently have significant cognitive deficits and will not be able to attend college and Graduate School as planned. The plaintiff's economist projected approximately \$4.5 million in losses.

The case of the surviving plaintiff initially settled with the school bus company \$12,500,000. The dump truck driver then settled with this party for an additional \$233,332. The death action settled with municipality for \$7,000,000. This aspect then settled with the trucker for \$416,666. The total combine settlement was \$20,149,998.

REFERENCE

Vargas, et al vs. Paramus, et al. Judge John O'Dwyer, 10-23.

Attorneys for plaintiff: Bruce H. Nagel and Andrew L. O'Connor of Nagel Rice, LLP in Roseland, NJ.

PREMISES LIABILITY

\$4,503,600 VERDICT – PREMISES LIABILITY – DEFENDANT HOME IMPROVEMENT STORE'S EMPLOYEE NEGLIGENT IN OPERATION OF PALLET JACK THAT PINNED PLAINTIFF AGAINST COUNTER – DISC HERNIATION AT L4-5, L5-S1; NERVE DAMAGE – POST-TRAUMATIC HIGH-GRADE THICKNESS TEARING AT LEFT HAMSTRING TENDON; LEFT LEG RADICULITIS, RESTRICTION OF RANGE OF MOTION AND PERMANENT SCARRING – LUMBAR MBN BLOCK AT L2-3, L3-4, L4-5, L5-S1; INTRA ARTICULAR HIP INJECTION; INTERVERTEBRAL BIOMECHANICAL DEVICE AT L4- L5, L5-SL.

Kings County, NY

In this premises liability case, the plaintiff asserted that she was injured when she was struck in the back by a pump jack being negligently operated by an employee of the defendant. The plaintiff claimed disc herniation at L4-5, L5-S1; disc bulge at L3-4; Grade 1 anterolisthesis in 2 locations;

cervical strain, sprain, restriction of range of motion, nerve damage and internal derangement, among other injuries. The plaintiff treated with lumbar MBN block at L2-3, L3-4, L4-5, L5-S1; an intra articular hip injection; intervertebral biomechanical device at L4- L5, L5-S1; and hemilaminectomy, facetectomy, right and left L4-

L5 and L5-S1 disc excision. The plaintiff claimed permanent post-surgical scarring. The defendant denied negligence and refuted the plaintiff's version of events, arguing that the plaintiff was not hit by a pallet jack at all.

The plaintiff claimed that the defendant's employee pushed the pallet into an area where customers stand and did not follow the proper procedure to see if any customers were in the way and ask them to stand back. The plaintiff contended that the defendant negligently failed to have any safety precautions or protocols regarding use of a pump jack and that its employee was inappropriately pushing rather than pulling the pump jack.

Prior to trial, the plaintiff moved for partial Summary Judgment against the defendant on the issue of liability. The court granted the plaintiff's motion for summary judgment on the issue of liability on March, 28, 2022 and the matter went to trial on damages only.

The threshold question at trial was whether the accident was the proximate cause of plaintiff's injuries. The jury concluded that it was.

The jury awarded damages in the amount of \$4,503,600 broken down as follows: \$58,700 for past lost wages; \$449,000 for past medical expenses; \$2,400,000 for future medical expenses; \$1,200,000 for future pain and suffering and \$400,000 for past pain and suffering.

REFERENCE

Dejesus vs. Home Depot U.S.A., Inc., et al. Index no. 516569/2017; Judge Carolyn E. Wade, 02-16-24.

Attorneys for plaintiff: Lora H. Gleicher and Howard Schatz of Silbowitz, Garafola, Silbowitz & Schatz, LLP in Great Neck, NY. Attorney for defendant: Howard F. Strongin of Strongin Rothman & Abrams, LLP in New York, NY.

\$4,000,000 VERDICT – PREMISES LIABILITY – NEGLIGENT SECURITY – PLAINTIFF RENTER CONTENDS DEFENDANT LANDLORD OWNED 5 RESIDENTIAL HOMES IN NEIGHBORHOOD THAT IT KNEW TO HAVE ISSUES WITH VIOLENT CRIME BUT FAILED TO UNDERTAKE SECURITY MEASURES OR WARN RESIDENTS – PLAINTIFF SHOT MULTIPLE TIMES DURING HOME INVASION ROBBERY AT RENTED HOUSE – MULTIPLE GUNSHOT WOUNDS AND AGGRAVATION OF LOWER BACK INJURY.

Miami-Dade County, FL

This negligent security case arose out of an armed robbery on a residential property owned by the defendant, which resulted in a shooting that injured the plaintiff, a corrections officer. The plaintiff was shot multiple times sustaining 6 gunshot wounds in his chest, shoulder, elbow and abdomen. As a result, the plaintiff suffered loss of his hearing, a fractured sternum, an incisional hernia, and a deep cut to the finger bone. The incident also caused an aggravation of a previous lower back injury in which he had undergone surgery for several weeks before the robbery. The defendant denied negligence and denied knowledge of previous violent crimes occurring at or around the subject property even though it had reported one of the prior burglaries that had occurred at the subject residence.

The defendant owned 5 single-family residential homes on a cul-de-sac and 5 contiguous lots in between those homes with additional homes under construction. The plaintiff was renting and residing in one of the homes. The plaintiff was washing his car in the driveway of the rented property when a car turned onto the public street in front of the house,

one of the passengers exited the vehicle, approached the plaintiff from behind, and began choking the plaintiff by grabbing his gold chain necklace, pointed a gun at him, and demanded that the plaintiff give him the gold chain necklace the plaintiff was wearing. The assailant then shot the plaintiff multiple times and ran from the subject premises in a get-away vehicle. The assailant and the driver of the get-away vehicle were later apprehended and charged with robbery with a deadly weapon.

The jury found the defendant negligent and awarded damages in the amount of \$4 million broken down as follows: \$1.43 million for past medical expenses; \$2.22 million for future medical expenses and \$350,000 for past and future pain and suffering.

REFERENCE

Guelmes vs. Dama Holding, LLC. Case no. 2015-019010 CA-01; Judge Charles Johnson.

Attorneys for plaintiff: Israel Reyes and Christopher Reyes of The Reyes Law Firm, P.A. in Coral Gables, FL. Attorneys for defendant: Joseph J. Goldberg, Michael Brand and Dennis Egitto of Cole, Scott & Kissane, P.A. in Miami, FL.

ADDITIONAL VERDICTS OF PARTICULAR INTEREST

Contract

\$1,300,000 VERDICT – BREACH OF CONTRACT – PLAINTIFF INDIVIDUAL AND HIS COMPANY CLAIM THEY HAD AGREEMENT TO PROVIDE BUSINESS TO DEFENDANT TRUCKING COMPANY TO BE PAID ON “PER LOAD” BASIS AND DEFENDANT FAILED TO PAY PLAINTIFFS PER TERMS OF CONTRACT – DEFENDANT DENIES HAVING ANY AGREEMENT WITH PLAINTIFF COMPANY AND ARGUES PLAINTIFF INDIVIDUAL RELINQUISHED “PER LOAD” AGREEMENT IN FAVOR OF SALARY.

Miami-Dade County, FL

In this breach of contract and fraud case, the plaintiff asserted that the defendant and its owner breached a contract with the plaintiff and made fraudulent misrepresentations in order to induce the plaintiff to enter into the contract. The defendant denied that there was a contract and argued that the evidence presented by the plaintiff, consisting of an email exchange, did not constitute a contract and that there was no meeting of the minds.

The plaintiffs asserted that, in order to convince the plaintiff individual to leave his job and work for the defendant company, the defendant misleadingly told the plaintiff that he would be compensated based on the number of customers and clients that he brought to the defendant. The plaintiffs claimed that they had a contract with the defendant to be compensated \$125 for each trucking load hauled by the defendant. The plaintiff asserted that the defendant breached this contract by not paying the agreed, contractual rate of \$125 for each trucking load. The defendant claimed that it and the plaintiff owner agreed and performed under an agreement whereby the defendant was to pay the plaintiff a weekly salary for business procured by him for the de-

endant. The defendant maintained that the plaintiff gave up his claim to the “per load” terms in favor of a salary, which the defendant paid him completely and in a timely fashion.

The jury found that the plaintiff had established that there were contract terms that were clear enough so that both parties could understand what they were required to do and that both parties agreed to the essential terms of the contract. The jury also found that the plaintiff had performed under the terms of the contract but that the defendant had not and was, thus, in breach of the terms of its agreement with the plaintiff. The jury awarded damages in the amount of \$1.3 million with \$0 in set-offs for payments the defendant had made to the plaintiff.

REFERENCE

HM Logistic Consultant, LLC vs. Pro Intermodal, LLC, et al. Case no. 20-009745 CA 30; Judge Reemberto Diaz, 10-12-23.

Attorney for plaintiff: Adam M. Schachter of Gelber Schachter & Greenberg, P.A. in Miami, FL. Attorneys for defendant: Jorge Garcia-Menocal and Hoss Hernandez of Garcia-Menocal Irias & Pastori, LLP in Coral Gables, FL.

Police Liability

\$1,187,639 VERDICT – POLICE LIABILITY – MOTOR VEHICLE NEGLIGENCE – DEFENDANT POLICE OFFICER MAKES U-TURN STRIKING PLAINTIFF’S VEHICLE TRAVELING BEHIND DEFENDANT – FAILURE TO USE SIGNALS AND SIRENS BEFORE MAKING U-TURN – SPINAL AND LUMBAR STENOSIS – INJECTIONS AND ABLATIONS – FUTURE CERVICAL SURGERY REQUIRED.

Monroe County, PA

The plaintiff in this action was injured when he was driving behind the defendant police officer and the defendant made a U-turn without lights or sirens activated striking the plaintiff’s vehicle. Following the accident, the plaintiff was diagnosed with spinal and lumbar stenosis, aggravation of cervical degenerative disc disease, right knee sprain, a right shoulder sprain, and right rotator cuff tendinopathy. The plaintiff was prescribed pain medication and underwent injections and nerve ablations. The defense

denied all allegations of negligence and injury and maintained that the defendant officer properly activated his lights and siren before initiating the U turn.

The plaintiff maintained that the defendant police officer was negligent in failing to maintain a proper lookout, failing to have his vehicle under proper control, failing to properly observe the plaintiff on the roadway and failing to use indicating signals and or sirens in time to avoid the collision. The defense argued that the plaintiff’s injuries predated the collision.

The jury determined that the defendant was negligent and that his negligence was a factual cause of harm to the plaintiff. The jury found that the plaintiff was not comparatively negligent. The jury awarded the plaintiff pain and suffering damages in the amount of \$1 million, medical expenses in the amount of \$12,639 and past lost earnings in the amount of \$175,000 for a total verdict of \$1,187,639.

REFERENCE

Antonio Santoro vs. Commonwealth of Pennsylvania State Police and Salvatore Corma. Case no. 000653-CV-2020; Judge Arthur Zulick, 02-09-24.

Attorney for plaintiff: Jason Ohlinger in Milford, PA.
Attorney for defendant: Matthew Mottola of Commonwealth of Pennsylvania Attorney General Office in Scranton, PA.

School Liability

\$2,053,721 VERDICT – SCHOOL LIABILITY – PLAINTIFF PRESCHOOL STUDENT FALLS IN STAIRWELL OF DEFENDANT PRESCHOOL FACILITY SUFFERING SIGNIFICANT INJURY – FRACTURES OF RIGHT DISTAL RADIUS AND RIGHT DISTAL RADIAL METAPHYSIS – BUCKLE FRACTURE OF RIGHT DISTAL ULNAR; VOLAR DISPLACEMENT OF DISTAL FRAGMENT; SEVERE PAIN AND EMOTIONAL DISTRESS – TREATED WITH LONG-ARM PLASTER CAST AND PAIN MEDICATION.

Richmond County, NY

The plaintiff in this school liability case, on behalf of his then 4-year-old daughter, commenced this action for personal injuries sustained due to the negligence and carelessness of the defendant child care center and its employees. The minor plaintiff was in the care of the defendant nursery school when she fell in the interior stairwell of the premises. The plaintiff suffered traumatic fractures of the right distal radius; fracture of the right distal radial metaphysis; buckle fracture of the right distal ulnar; volar displacement of the distal fragment; severe pain and emotional distress. The plaintiff treated with a long-arm plaster cast and pain medication. The defendant denied negligence and asserted that any injuries sustained by the plaintiff were caused solely by the plaintiff's carelessness or by the actions of a third party over whom the defendant had no control.

The plaintiff contended that the defendant and its employees were negligent, careless and reckless in the supervision and control of the subject childcare facility/private school and in failing to provide aid and assistance to the plaintiff in a proper and timely manner.

The jury unanimously found the defendant negligent and awarded damages in the amount of \$2,053,721 broken down as follows: \$3,721 for past medical expenses; \$300,000 for past pain and suffering; and \$1,750,000 in punitive damages. Following the verdict, the defendant filed a motion to set aside the verdict after which the parties settled in the amount of \$450,000.

REFERENCE

J.A., a minor vs. Smiles Around Us II, Inc. Index no. 151668/2020; Judge Wayne M. Ozzi, 01-12-24.

Attorney for plaintiff: Joshua Ram of The Ram Law Group, P.C. in New York, NY. **Attorney for plaintiff: Brett Kuller of Joudeh & Kuller in Mineola, NY.**
Attorney for defendant: Katherine J. Zellinger of Law Office of Kevin J. Philbin in New York, NY. **Attorney for defendant: Nicholas P. Calabria of Ahmuty Demers & McManus in Albertson, NY.**