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FEATURED CASES

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

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

VERDICTS BY CATEGORY

FEATURED CASES

$25,750,000 SETTLEMENT – BUS NEGLIGENCE – DEFENDANT TOUR BUS UNDER CONTRACT WITH BURLINGTON COUNTY SUDDENLY FAILS TO STOP AND YIELD TO ONCOMING TRAFFIC AND DROVE BUS IN FRONT OF PLAINTIFF'S MOTORCYCLE CAUSING COLLISION – 18-YEAR-OLD MOTORCYCLIST SUFFERS BRAIN TRAUMA – CATASTROPHIC INJURIES – TRAUMATIC BRAIN INJURY – COMA – SURGERIES – LONG-TERM MEDICAL CARE FOR DAILY ACTIVITIES.

Burlington County, NJ

This bus negligence action was filed July 11, 2018, by the plaintiff, Denise Steele, Guardian Ad Litem of Russel Steele, Jr., against the defendants, Stout's Charter Bus, et al., for life-altering injuries sustained by the plaintiff motorcyclist when the defendant bus failing to yield the right-of-way causing a collision. The defendant admitted the driver was the operator of the tour bus, denied the allegations of negligence and pled separate defenses of denial of agency, plaintiff's own negligence barring or diminishing damages and negligence of independent third parties over who the defendants exerted no control proximately caused the injuries to the plaintiff.

The plaintiff, Guardian Ad Litem, alleged on or about July 11, 2017, Russel Steele was the operator of a motorcycle traveling westbound on Junction Road, at or near Pine Cone Drive, in Pemberton Township and at or about the same time and place, the defendants were the operators and/or owners of a tour bus which suddenly and without warning, failed to stop and yield to oncoming traffic on Junction Road and drove the tour bus in front of the plaintiff.

The plaintiff pled traumatic brain injury (TBI), coma, surgeries; and further pled as a direct and proximate result of the carelessness, recklessness, and negligence of the defendants, the plaintiff was caused to suffer severe bodily injuries, some or all of which are permanent in nature, great pain and suffering, medical expenses for medical treatment necessary to care for injuries and resultant disability, inability to pursue usual occupation.

The parties entered into a settlement for $25,750,000.

REFERENCE

Denise Steele, Guardian Ad Litem of Russel Steele, Jr. vs. Stout's Charter Bus, et al. Docket no. BUR-L-001407-18; Judge Settlement, 05-28-24.

Attorney for plaintiff: Joel R. Rosenberg of Stark & Stark in Marlton, NJ. Attorney for defendant: Laurence T. Bennett of Weber, Gallagher, Simpson, Stapleton, Fires & Newby, LLP in Mt Laurel, NJ.

COMMENTARY

Plaintiff's counsel objected to the defendant's motion seeking to deposit $9,731,300.00 in the Court, which represented the balance of insurance policy limit of the defendant. The plaintiff's counsel arguing, "[The] plaintiff objects to the motion insofar as defendants' motion requests that this Court make a finding as a matter of law, by virtue of depositing these funds into court, that the defendant's collectively are immune from prejudgment interest on any verdict or judgment in this matter."

In support of the defendant's motion, the defense argued that the Court should apply the Supreme Court's decision in Kotzian v. Barr, 81 N.J. 360 (1979), because the defendant's policy limits were extended and rejected. In Kotzian, the court held that judicial suspension of pre-judgment interest should extend "only to those cases where an award of interest would neither advance the aim of early settlement nor constitute fair compensation to the plaintiff for money withheld and used or presumptively used by the defendant" and ruled Geico did not have to pay pre-judgment interest on its $15,000 portion for its policy limits of $15,000 deposited into the court early in litigation because there was no misconduct or bad faith on the part of Geico who deposited with the court after the plaintiff rejected it.

Plaintiff's counsel differentiated the Kotzian holding, arguing the facts did not meet the "exceptional cases" the court opined warranted the suspension and running of such pre-judgment interest under New Jersey Court Rule 4:42-11.

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$15,000,000 SETTLEMENT – PREMISES LIABILITY – FALL DOWN – 53-YEAR-OLD POOL WORKER INJURED ON JOB WHEN STEPS COLLAPSE SENDING HIM SUDDENLY AND VIOLENTLY TO GROUND – NERVE INJURY TO RIGHT LEG, FOOT AND ANKLE – FOOT AND ANKLE SURGERY – CRPS – PERMANENT DISABILITY.

Hudson County, NJ

This premise liability action was filed December 2, 2019, by the plaintiff pool maintenance worker and his wife against the defendants, Harmon Cove IV Condominium, et al., for injuries from a fall. The defendant, who owned, controlled, directed, and or maintained the pool houses steps cross claimed for contribution.

The plaintiff, a resident of Saddle Brook, New Jersey, alleged on September 6, 2018, the plaintiff, a business invitee, was exercising his duties as a pool maintenance worker at the defendant's property located in the Town of Secaucus when he fell to the ground, caused by a dangerous condition, when the steps suddenly and violently collapsed underneath him as he was servicing the pool resulting in serious and permanent injuries.

The plaintiff pled injuries orthopedic injury to his right foot and ankle, foot and ankle surgery, CRPS, nerve injury to right leg, foot and ankle, permanent disability, permanent significant disfigurement, permanent loss of bodily function, medical expenses, inability to perform usual functions, loss of employment, great pain and suffering. The defendant denied negligence and pled third and fourth separate defenses that the complained occurrence was caused by third parties over whom the defendant had no control and the damages alleged were the result of unforeseeable, intervening or superseding acts of others independent of the defendant. The defendant contended the plaintiff suffered no orthopedic injury.

The parties entered into a settlement for $15,000,000.

REFERENCE

James Visconti and Kathleen Visconti, his wife vs. Harmon Cove IV Condominium, et al. Docket no. HUD-L-4639-19, 02-08-24.

Attorneys for plaintiff: Timothy J. Fonseca and Glenn D. Kohles, Jr. of Corradino & Papa, LLC in Clifton, NJ. Attorney for defendant: Jennifer L. Moran of Wilson Elser Moskowitz Edelman & Dicker, LLP in Florham Park, NJ.

COMMENTARY

The defendant's expert Dr. Hammerschlag presented evidence that the plaintiff suffered no orthopedic injury to his right foot or ankle and further presented evidence that signs and/or symptoms of Complex Regional Pain Syndrome (CRPS) formerly known as Reflex Sympathetic Dystrophy (RSD) did not appear until after the plaintiff's foot and ankle surgery on January 1, 2019, disputed by evidence of the plaintiff that signs and symptoms of CRPS were present both before and after the January 14, 2019 foot and ankle surgery.

The case was settled just before trial. Plaintiff's counsel special jury instructions requested charges to the jury as follows: "You may find that the signs and symptoms of CRPS were present after the 9/6/18 step collapse and before the 1/14/19 surgery and that Plaintiff's CRPS was caused by the step collapse. Your finding is for the plaintiff as to causation of injury" Or, if you find that signs and symptoms did not appear until after the 1/14/19 foot and ankle surgery, but also find that the plaintiff suffered a foot and ankle injury that [led] to the 1/14/19 surgery, your finding must be for the plaintiffs. Or, if you find that (1) plaintiff suffered no nerve injury to his right leg, foot, or ankle that was proximately caused by the step collapse: and (2) the plaintiff suffered no orthopedic injury to his right foot or ankle that lead to the 1/14/19 surgery; and (3) that CRPS was only causes by the 1/14/19 surgery or by some other reason entirely unrelated to the 9/6/18 step collapse, then you may find for the defendants as to the issue of CRPS damages."

$5,313,168 VERDICT – CONSTRUCTION SITE NEGLIGENCE – PLAINTIFF IRON WORKER AT CONSTRUCTION OF HIGH-RISE CONDOMINIUM COMPLEX SLIPS ON LARGE CHUNK OF CONCRETE PARTIALLY EMBEDDED IN DIRT, LANDING ON FACE – SEVERE HERNIATED DISCS IN LOWER BACK AT 2 LEVELS – DECOMPRESSION SURGERY – OTHER SURGERIES INCLUDING SPINAL FUSION WITH IMPLANTED HARDWARE – PERMANENT SPINAL CORD STIMULATOR.

Hudson County, NJ

This construction site negligence action was filed July 12, 2019, by the plaintiff, an iron worker on the project, against the defendants, AJD Construction Company, the project's general contractor, for permanent injuries from a fall from debris on the construction site. The defendants denied all negligence and contended the plaintiff sustained no real injuries, just a minor sprain, and that his conditions were preexisting.

The plaintiff alleged that in order to maximize profits defendant had the prior demolished building used as fill on the site and this left large chunks of concrete, wood and glass scattered about the site including on the job access road used by everyone to walk around the site. On November 2, 2017, the plaintiff was walking on the road to show a driver where to stage a delivery of rebar when he stepped on a large chunk of concrete that was partially embedded in dirt and sticking up. The rock rolled out from under him, throwing him off balance. The plaintiff alleged his body twisted and he felt a sharp pain in his lower back as his legs gave out and he fell face-first to the ground.

The plaintiff contended that in the weeks before the accident, the defendant received multiple complaints about the condition of the road and the debris material from the demolished building causing workers to trip which went ignored. The plaintiff alleged the defendant refused to have the road graded out to save about $2,000 on the $289 million project. The plaintiff pled injuries of severe herniated discs in lower back at 2 levels; decompression surgery' other surgeries including spinal fusion with implanted hardware, permanent spinal cord stimulator implanted in spine for pain relief; severe disability; inability to work; substantial loss of wages and income and significant medical expenses.

The jury reached a verdict for the plaintiff and awarded him $5,313,168 consisting of $462, 370 for past medical expenses; $616,139 for future medical expenses; $180,950 for past lost wages; $885,709 for future lost wages; $2,640,000 for past and future pain and suffering, disability and loss of enjoyment of life. The plaintiff's wife was awarded $528,000 for loss of consortium.

The jury found the defendant 80% liable and apportioned 20% comparative negligence to the plaintiff. The total gross award of $5,313,168 reduced by the plaintiff's apportioned liability resulted in an award to the plaintiff of $4,250,534.40. Adding pre and post-judgment interest judgment was entered for $5,313,633.

REFERENCE

Donald Hoiland vs. AJD Construction Company. Docket no. HUD-L-002754-19; Judge Christine M. Vanek.

Attorneys for plaintiff: Gerald H. Clark, Lazaro Berenguer, Stephanie Tolnai and Jake W. Antonaccio of Antonaccio Clark Law Firm in Belmar, NJ.
Attorneys for defendant: Adam Levy and Pauline Tutelo of Marshall Dennehey in Roseland, NJ.

COMMENTARY

The defense presented 1) testimony from an economist who opined the plaintiff was able to work and only had a minor, temporary wage loss, 2) testimony of a life care planner who opined there was no basis for any continued medical treatment claim, 3) testimony from an engineer to contest liability and whose report stated that the defendant did nothing wrong and properly managed safety on the project. On cross-examination, the plaintiff's attorney, Gerald Clark, questioned the credibility of the experts. One defense expert was paid $1500 an hour and a second testified the defense paid him $6000 to testify, even if it only took him an hour.

After the verdict, plaintiff's counsel, Gerald Clarke, issued the following statement: "We are pleased with the result obtained, which is rather modest given the trial proofs. The insurance company and the lawyers they hired to represent the defendant fought us tooth and nail during the 5 years of this litigation and through trial where they seemingly objected to everything. This drove up our costs and time commitment in the case, but neither our firm nor our client would break. Our faith in the system was reaffirmed by a jury that was able to see through the defense trial tactics and render adequate justice."

On December 2, 2021, the plaintiff's counsel filed an Offer of Judgment under New Jersey Court Rule 4:58-2 in the amount of $2,750,000 which was ignored by the defense. Therefore, since the plaintiff obtained a jury verdict that is "120% of the offer or more", the plaintiff's attorneys are entitled to cost and fee shifting under Rule 4:58-2, from December 3, 2021, plus 8% interest on the judgment. Order of Final Judgment was entered on June 25, 2024.

$3,650,000 SETTLEMENT – MEDICAL MALPRACTICE – SURGEON NEGLIGENCE – GROSS DEVIATION FROM ACCEPTED MEDICAL STANDARDS – DEFENDANT PERFORMS PROCEDURES WITHOUT MRI OR OTHER IMAGING – PLAINTIFF WITH RARE CONGENITAL DEFECT SUFFERS NECROSIS OF RECTAL TISSUE DURING CATHETER EMBOLIZATION – REMOVAL OF COLON – ADDITIONAL SURGERIES – NERVE PAIN – COLOSTOMY – PERMANENT SCARRING – OSTOMY BAG.

Essex County, NJ

This medical malpractice action was filed December 15, 2022, by the plaintiff patient against the defendants, David A. Greuner, M.D., surgeon, and Adam Tonis, D.C., owner, shareholder, administrator manager and/or director of the surgical facility, for severe injuries as a result of gross medical malpractice. The defendants denied all the material allegations of negligence and cross-claimed for contribution.

The plaintiff contended that the defendant was a physician duly licensed to practice medicine in the state of New Jersey holding himself out to be specialized in the field of general surgery and the defendant's care and treatment to the plaintiff fell within the field and specialty of interventional radiology. The plaintiff alleged the defendants were negligent, grossly negligent, careless and reckless and did deviate from accepted standards of medical practice in their care and treatment of the plaintiff.

The plaintiff maintained that the defendants deviated from the standards of medical practice by interpretation of important tests and studies and as a result of the deviations, did fail to properly and timely treat the plaintiff, diagnose the plaintiff and determine the true nature of the plaintiff's condition. In addition, these defendants performed 11 surgical procedures that were not medically indicated or necessary. The plaintiff pled injuries of permanent and life-altering compartment syndrome; severe, permanent, life threatening, life limiting and painful injuries, extensive medical treatment, great physical and mental pain and anguish, disabling from normal daily activities of living and in the future, permanently disabled and precluded from normal activities of daily life, denied the lost opportunity for cure, and lost wages and in the future.

The parties entered into a $3,650,000 settlement.

REFERENCE

Michelle Argast vs. David A. Greuner, M.D., Adam Tonis, D.C. et al. Docket no. ESX-L-5149-22, 01-23-25.

Attorney for plaintiff: Paul M. da Costa of Snyder Sarno D'Aniello Maceri & da Costa, LLC in Livingston, NJ. Attorney for defendant: James L.A. Pantages of Goetz Schenker Blee & Wiederhorn, LLP in Livingston, NJ. Attorney for defendant: Robert T. Evers of Marshall Dennehey, P.C. in Roseland, NJ.

COMMENTARY

Embolization procedures performed by the defendant on 3 patients for venous malformations (VMs), abnormal blood vessel connections treated by blocking blood flow through a process called catheter embolization, led to severe complications including necrosis, compartment syndrome, and loss of function. Following the plaintiff's pelvic embolization, her rectum and part of her colon had to be surgically removed requiring the use of an ostomy bag for defecation. The defendant practiced general thoracic and vascular surgery at offices including Roseland and West Caldwell and in a case before the New Jersey State Board of Medical Examiners was found to have had no formal training in vascular surgery.

In August 2022, the New Jersey State Board of Medical Examiners suspended the defendant's license to practice medicine, in New Jersey, for a period of 7 years for "inability or unwillingness to grasp the very fundamentals of vascular surgery and the practice of medicine in general." The state asserted the defendant performed procedures without MRI imaging to confirm the presence of arteriovenous malformations, relying on incomplete angiographic imaging, using temporary embolic agents that often fail to achieve long-term results and scheduling procedures in close 2-week successions when the standard is 6-weeks to allow for proper healing.

$2,900,000 SETTLEMENT – MEDICAL MALPRACTICE – HOSPITAL/RADIOLOGIST NEGLIGENCE – PLAINTIFF'S DECEDENT PRESENTS TO DEFENDANTS FOR SEVERE PAIN AND INTERMITTENT INCONTINENCE AND PARESTHESIA WHICH DEFENDANTS ATTRIBUTE TO DECEDENT'S LONGSTANDING LUMBAR CONDITION WHEN DECEDENT SUFFERING CATHETER TIP GRANULOMA FROM PAIN PUMP – FAILURE TO DIAGNOSE – PARAPLEGIA – WRONGFUL DEATH OF 48-YEAR-OLD FEMALE.

Middlesex County, NJ

In this medical malpractice action, the estate of the decedent maintained the defendants involved in caring for the decedent failed to properly diagnose and treat a granuloma that formed at the tip of her pain pump catheter. Due to the defendants' negligence, the decedent developed paraplegia with related infections that caused sepsis and death. The defendants denied all allegations of negligence.

In August of 2014, the plaintiff's decedent began to experience severe back pain associated with urinary incontinence and difficulty ambulating. At that time, she was 44 years old and had a past medical history of post laminectomy syndrome with placement of an intrathecal pump for pain management. On August

11, 2014, the decedent presented emergently to defendant Orthopedic Institute to see her long-term pain management physician defendant Dr. Holtzberg. She described severe back pain with radiation and burning pain down the anterior part of her legs to her knees. She rated her pain as 10 on a scale of 1-10 with 10 as the highest. She told the defendant that she had been to the emergency room at Kimball Medical Center on 2 prior occasions due to her pain and had been treated with intravenous pain medication. She further reported mild urinary incontinence which Dr. Holtzberg described as worrisome. He attributed her episodic paresthesia in the lower extremities to disc herniations at L4-5 and L5-S1 seen on an old MRI.

The decedent presented to the E.R. on 2 more occasions and underwent an MRI which was compromised for quality due to the decedent's movement. The decedent screamed in pain and required 2 people and Hoyer lift to move. Despite the decedent's ongoing symptoms, she was discharged to rehabilitation, now unable to ambulate at all and in a wheelchair. On September 10, 2014, her condition continued to decline, and she was finally sent back to the E.R. on September 29th. A CT scan done at Kimball showed a lesion at T12. Ms. Cottrell was transferred from Kimball/Monmouth Medical Center South to St. Barnabas Medical Center with an admitting diagnosis of spinal mass. The decedent was informed the mass was inoperable and she was discharged back to the rehabilitation center.

In early October of 2014 another neurosurgical consult was ordered. This time the decedent was diagnosed with a catheter tip granuloma from the intrathecal pain pump the decedent had for chronic back pain. Surgery was performed on October 20, 2014, by a non party doctor, for removal of the intrathecal catheter and resection of the granuloma. At that time, the chance of avoiding paralysis was lost. Over the next 4 years, the decedent suffered infections, pressure ulcers and associated conditions as a result of her paraplegia. She developed sepsis and died on November 8, 2018, at the age of 48.

The estate alleged the defendants were negligent in failing to order, obtain and evaluate the appropriately indicated diagnostic test so as to timely diagnose the decedent's condition, failing to promptly and properly treat the decedent's ongoing and deteriorating symptoms and condition, failing to recommend indicated and necessary treatment, tests and procedures, failing to understand the risks of intrathecal pumps and catheters, and failing to recognize signs and symptoms of intrathecal catheter granulomas.

The estate settled with the defendants for $2,900,000, allocated 100% to the Survival Action and 0% to the Wrongful Death Action.

REFERENCE

Bonnie Marie Cottrell and Christopher Daniel LeTrent, co-exec. of the Estate of Mary Ann Cottrell, deceased vs. Nathan Holtzberg, M.D., Orthopedic Institute of Central Jersey, P.A., Kimball Medical Center, Inc., Barry Gordon, M.D., Ocean County Internal Medicine Associates, P.C., Bharat Patel, M.D., Alex Langman, M.D., Medical Radiology Group, P.A., Bruce Monastersky, M.D., Neurological Associates of Ocean County, P.A, Fountain View Care Center, Satuyendra Singh, M.D., Shore Health Care Center, Inc., North Atlantic Medical Assocs, and Barnabas Health, Inc. Docket no. MID-L-5557-16; Judge J.R. Corman, 02-28-25.

Attorney for plaintiff: Paul D. Brandes of Messa & Associates in Mt. Laurel, NJ. Attorney for plaintiff: Paul Michael Opacki of Buckley Theroux Kline & Cooley, LLC in Princeton, NJ. Attorney for defendant: Michael Schuman of Orlovsky Moody Schaaf & Conlon in West Long Branch, NJ. Attorney for defendant: Arnold Stewart Cunningham of Giblin & Combs in Cedar Knolls, NJ.

$1,600,000 VERDICT – SCHOOL LIABILITY – SEXUAL ASSAULT – NEGLIGENT SUPERVISION – FAILURE TO REPORT – PLAINTIFF MINOR SEXUALLY ASSAULTED BY DEFENDANT TEACHER – PLAINTIFF ALLEGED DEFENDANTS HAD ACTUAL KNOWLEDGE OF ASSAULTS AND GROOMING YET DID NOTHING TO PROTECT PLAINTIFF – DEPRESSION, ANXIETY AND HUMILIATION.

Camden County, NJ

This action was filed September 28, 2021, by the plaintiff, Jane Doe, against the defendants, Camden City School District, et al. The plaintiff alleged the plaintiff was a minor student who was groomed and sexually assaulted by her teacher. The defendant denied all the material allegations of the complaint stating the defendant was without knowledge of information sufficient to form a belief and pled 10 affirmative defenses.

The plaintiff maintained that the defendant is an educational institution governing body having the responsibility to administer and supervise the employees and students at Cooper B. Hatch Middle School, a Camden City Public school and failed through their agents, servants, and employees to protect its minor students from sexual harassment, assault and abuse perpetrated by the defendant, Don Walker a/k/a Wasim Muhammad, an individual employed as a teacher by the Camden City School District and Camden City Board of Education. The plaintiff maintained that the defendant school district owed a le-

gal duty to the plaintiff to prevent incidents of sexual abuse through adequate supervision and control of its premises and the school district stood in loco parentis relative to the plaintiff.

The plaintiff contended that at the age of 14 in 1994, the plaintiff was subjected to sexual harassment, abuse; assault and discrimination while an eighth-grade student at Cooper B. Hatch Middle School. The plaintiff maintained that the defendant's course of conduct began by telling the plaintiff that he "liked" her and she was beautiful, and thereafter gave the plaintiff incessant compliments and found excuses for the plaintiff to stay after class where he kissed and fondled the plaintiff's breasts and vagina. The plaintiff maintained that the defendant took the plaintiff to motels and engaged in sexual activity on multiple occasions and employees of the Camden Defendants had actual knowledge of the assaults and grooming yet failed to act in violation of the law.

The plaintiff alleged defendant teacher coerced her into engaging in sexual activity with him and his wife and the defendant took her to a pornography theater where he forced the plaintiff to go into the bathroom with him where a man was waiting and forced the plaintiff to engage in sex with the man, while the defendant watched and masturbated. The plaintiff further alleged the defendants acted negligently, grossly negligently, willfully, wantonly and/or recklessly. The plaintiff pled physical, emotional, psychological and financial damages, depression, anxiety, embarrassment, and humiliation.

After a 2-week trial, the jury reached a verdict for the plaintiff and awarded her $1,600,000.

REFERENCE

Jane Doe vs. Camden City School District, et al. Docket no. CAM-L-002951-21; Judge John S. Kennedy, 05-14-24.

Attorney for plaintiff: Jeffrey P. Fritz of Soloff & Zervanos in Cherry Hill, NJ. Attorney for defendant: Troy A. Archie of Alfonso, Archie and Foley in Cinnaminson, NJ.

COMMENTARY

New Jersey's Child Victims Act opened a 2-year window for survivors to file lawsuits. The plaintiff now 45-years-old commented after the verdict, "I am grateful that the jury believed me and that both Mr. Muhammad and the Camden City School District have finally been held accountable. It has been an arduous and extremely emotional journey for me to come forward. It is my hope that the jury's decision will make schools safer for children against sexual abuse, both in Camden and throughout New Jersey." The plaintiff's attorney Jeffrey Fritz said, "The jury's decision is a powerful statement that schools must always prioritize the safety and well-being of their student. My client showed bravery and tenacity in coming forward and standing up for her 14-year-old self. It is our hope that the Camden City School District finally terminated Mr. Muhammad as the school advisory board president as was called for by Governor Murphy months ago."
The jury found Mr. Muhammad 40% liable and the Camden City School District/School Board 60 % liable, making the school district responsible for payment of 100% of the verdict.

$750,000 VERDICT – MOTOR VEHICLE NEGLIGENCE – REAR END COLLISION – CERVICAL SPRAIN AND STRAIN; RIGHT PARACENTRAL DISC HERNIATION EFFACING THECAL SAC AT C2-3; DISC BULGE IMPINGING UPON ANTERIOR THECAL SAC AND NARROWING NEURAL FORMINA BILATERLLY AT C3-4 – PHYSICAL THERAPY; 2 TRIGGER POINT INJECTIONS; 1 CERVICAL INJECTION AND 1 LUMBER INJECTION.

Middlesex County, NJ

This Motor vehicle negligence action was filed July 24, 2020, by the plaintiff, Chrisonda Branham, against the defendants, Arvindbha Patel, et al., for injuries sustained in a September 17, 2018 car accident. The defendant pled separate defenses that the plaintiff caused or enhance the damages complained of through the failure to use an available seatbelt at the time of loss and contended comparative negligence barred the plaintiff's claims in whole or in part.

The plaintiff alleged the plaintiff was the owner and operator of a vehicle lawfully traveling northbound on Terminal Road in the city of New Brunswick and at the same time and place, the defendant was the owner or operator of a vehicle that was negligently and carelessly traveling northbound on Terminal Road and thereby striking the plaintiff's vehicle when the defendant failed to stop. The plaintiff contended that the defendant operated the vehicle in complete disregard of others, and was otherwise careless and negligent including that he failed to maintain a proper lookout, failed to make reasonable observations in violation of N.J.S.A. 39:4-97, et al., he was inattentive. The plaintiff was thrown violently inside the vehicle sustaining injury.

The plaintiff pled injuries of cervical sprain and strain, right paracentral disc herniation effacing the thecal sac at C2-3, disc bulge impinging upon the anterior thecal sac and narrowing the neural foramina bilaterally at C3-4, disc bulge impinging upon the anterior thecal sac and impinging upon the cervical spinal cord and nerve root within the spinal canal with canal narrowing and bilateral neural foraminal narrowing at C4-5, disc bulge effacing the anterior thecal sac impinging upon nerve roots within the spinal canal with bilateral neural foraminal narrowing at C5-6, right paracentral disc herniation effacing the anterior thecal sac and impinging upon the cervical spinal cord at C6-7, right C5-C6 radiculopathy, left L4-5 radiculopathy, lumber sprain and strain, left neural foraminal disc herniation at L3-4, right superior neural foraminal disc herniation at L4-5 with a disc bulge narrowing the left neural foramen, right neural foraminal disc herniation impinging upon the nerve

root at L5-S1 with a disc bulge impinging upon the anterior thecal sac and narrowing the left neural foramen, left neural foraminal disc herniation impinging upon the nerve root at S1-S2, permanent injury to cervical spine and lumbar spine, great physical and emotional pain, suffering, disability, stress, anxiety, depression, inconvenience and distress, inability to pursue and enjoy usual family activities, duties and chores, and earning power materially and adversely affected. The defendant denied negligence and left plaintiff to her proofs and further contended the plaintiff's injuries were caused by the acts of a third party over whom the defendant exercised no control.

Gross verdict: $750,000.

REFERENCE

Chrisonda Branham vs. Arvindbha Patel, et al. Docket no. MID-L-005182-20; Judge Christopher D. Rafano, 07-16-24.

Attorneys for plaintiff: Lawrence A. LeBrocq and William S. Peck of Garces Grabler & LeBrocq, PC in New Brunswick, NJ. Attorney for defendant: Carolyn A. Morrison of Martin, Kane & Kuper in East Brunswick, NJ.

COMMENTARY

The defense filed a motion for a new trial arguing that based on the evidence presented to the jury the jury verdict was "grossly" disproportionate to the plaintiff's injuries citing that the plaintiff's treatment following the accident consisted of physical therapy, 2 trigger point injections, 1 cervical injection and 1 lumber injection. Defense counsel argued, "The jury was not provided with any evidence suggesting that the plaintiff received any treatment at all after November 24, 2020. Therefore, at the time of the trial, the jury learned that the plaintiff had not treated for any alleged injuries for at least 3 ½ years."

To further substantiate the defense's argument they proffered that the "plaintiff's own expert, Dr. Abbasi indicated that plaintiff's future treatment may consist of physical therapy band injections. Dr. Abbasi never suggested that the plaintiff was a candidate for any type of future surgery." As the plaintiff testified that she missed a couple days from work at her full- time job with the NJ Turnpike Authority and that she was not asserting a wage claim nor a claim for unpaid medical bills, defense counsel argued "that the award is a 'miscarriage of justice.'" Cuevas v. Wentworth Group, 226 N.J. 480 at 501 (quoting Baxter v. Fairmont Food Co., 74 N.J. 588,598 - 1977).

$350,000 SETTLEMENT – MOTOR VEHICLE NEGLIGENCE – INTERSECTION COLLISION – PLAINTIFF'S VEHICLE STRUCK BROADSIDE BY DEFENDANT'S VEHICLE AFTER DEFENDANT RUNS STOP SIGN – DISC HERNIATIONS AT C4-5, C5-6, C6-T1, L4-5, AND L5-S1 – DISC BULGES AT C3-4, C6-7, L1-2 THROUGH L3-4 – RADICULOPATHY AT C6-7 – BILATERAL MOTOR SENSORY MEDIAN NERVE NEUROPATHY – FUTURE SURGERY RECOMMENDED.

Middlesex County, NJ

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

On September 12, 2020, the plaintiff's vehicle was traveling eastbound on Market Street, at its intersection with Sheridan Street in Perth Amboy, New Jersey. At this time, the plaintiff was attempting to proceed straight through the subject intersection on Market Street. At the same time, the defendant's vehicle was traveling northbound on Sheridan Street, toward the same intersection. At the time of the incident, the defendant ran the stop sign and entered the intersection at the same time as the plaintiff's vehicle. The defendant's vehicle then struck the plaintiff's vehicle.

The plaintiff maintained that the defendant was negligent in failing to obey a stop sign, failing to remain adequately attentive, and failing to keep the vehicle under proper and adequate control. Consequently, the plaintiff sustained injuries, including disc herniations at C4-5, C5-6, C6-T1, L4-5, and L5-S1, as well as disc bulges at C3-4, C6-7, and L1-2 through L3-4. The plaintiff also sustained radiculopathy at C6-7, as well as bilateral motor sensory median nerve neuropathy. The plaintiff received steroid injections at C7-T1 on July 12 and September 8, 2021

The arbitrator in this case found the defendant 100% liable for the accident and reported an award for the plaintiff in the amount of $350,000. Following arbitration, the plaintiff's counsel requested a trial de novo, which was scheduled to begin on September 23, 2024. However, the parties entered into a settlement on September 20, 2024, before the trial could begin.

REFERENCE

Salvadora Ortega vs. Kelvin Tyson. Docket no. MIDL001318-21; Judge Bruce J. Kaplan, 01-17-25.

Attorney for plaintiff: Salvatore Imbornone of McHugh & Imbornone, P.A. Law Office in Florham Park, NJ. Attorney for defendant: Nicholas J. Lombardi of Harrington & Lombardi in Wayne, NJ.

COMMENTARY

Following the accident in this case, the plaintiff continued to experience neck and back pain even after 2 rounds of steroid injections. On March 1, 2022, the plaintiff sought further care for her injuries, and underwent a cervical discectomy and fusion procedure with the placement of a cage, plate and screws. A lumbar discectomy and fusion procedure was also recommended and the plaintiff may undergo the procedure in the future, but at this time has not. The settlement amount in this case was likely determined by the prolonged nature of the plaintiff's injuries as well as her continued need for surgical care.

Verdicts By Category

CONTRACT

$356,000 VERDICT

Breach of contract – Plaintiff, prior step-father of defendant, loans money to defendant step-son to purchase residence he currently owns – Step-father accesses money through line of credit and thereafter, plaintiff and defendant's mother divorce – Plaintiff alleged money loan, not gift, and produces contemporaneous texts and written notes outlining repayment of loan.

Monmouth County, NJ

This breach of contract action was filed by the plaintiff, Mike Schreiber, against the defendant, Edward Marantz, to recover gifted or lent funds for the defendant's purchase of an Eatontown residence. The plaintiff alleged that at the time the money was given, the plaintiff was married to the defendant's mother and the money conveyed was a loan entitling the plaintiff to an equitable mortgage on the Eatontown property. The defendant contended the money was a gift and not a loan and argued that his text, in which the defendant asked for "mortgage forbearance" on their "deal", was merely the defendant texting what the plaintiff asked him to text.

The plaintiff contended that the defendant requested a loan to purchase the property he lives in as his residence and he lent - not gifted - the money the defendant needed to buy the property. In exchange for the loan, the defendant agreed to repay him and to secure that obligation with a mortgage in the plaintiff's favor. The plaintiff maintained that text messages and other communications between the parties demonstrated the loan and the defendant provided the plaintiff with a handwritten description of how he would repay the plaintiff in 5 years with a written outline and comments that "he wanted to run the numbers by the plaintiff to see if they'd be acceptable."

The plaintiff contended that the defendant provided the plaintiff with a substantial repayment of $12,000 and the defendant, at the end of July 2021, was compelled to ask the plaintiff for a "monthly mortgage forbearance" demonstrating the money was a loan and not a gift. The plaintiff pled injuries of the loan plus interest. The defendant asserted the 5-year repayment agreement was a figment of the plaintiff's imagination because the plaintiff had to understand the defendant's ability to repay so quickly was impossible.

The court rendered a bench verdict for the plaintiff of: $356,000, which was the principal sum of loan. The judgment also was for interest at the rate of 3%.

REFERENCE

Mike Schreiber vs. Edward Marantz. Docket no. MON-C-161-22; Judge Clarkson S. Fisher, Jr., 04-15-24.

Attorneys for plaintiff: Lawrence H. Shapiro and Kelsey M. Barber of Ansell Grimm & Aaron, PC in Ocean Township, NJ. Attorney for defendant: Richard Sciria of Hanlon Niemann & Wright, PC in Red Bank, NJ.

LANDLORD NEGLIGENCE

$225,000 ARBITRATION AWARD

Landlord negligence – Plaintiff tenant trips and falls over uneven sidewalk surface at defendant apartment complex, where she resides – Failure to repair uneven sidewalk – Fractured distal radius and ulna – Closed head injury with bruising – Bilateral knee and foot bruising – Surgery required.

Camden County, NJ

In this negligence action, the plaintiff tenant tripped and fell over an uneven sidewalk surface at the defendant apartment complex, causing her to become seriously injured. The defendants generally denied all allegations of negligence.

On November 18, 2021, the plaintiff was lawfully traversing on a sidewalk adjacent to her apartment residence, located on the premises of 10,000 Town Center Blvd in Voorhees, New Jersey. On this day, the premises was owned, operated, and maintained by the defendants. While walking on the sidewalk at the

apartments, the plaintiff suddenly encountered raised or otherwise uneven ground. The plaintiff then tripped and fell over the defect.

The plaintiff maintained that the defendants were negligent in failing to repair an uneven sidewalk, failing to warn of a tripping hazard on the premises and failing to provide safe passage on the premises. Consequently, the plaintiff sustained injuries, including fractures of the distal radius and ulna, which required open reduction and internal fixation surgery to repair. Additionally, the plaintiff sustained a closed head injury with bruising, as well as bilateral knee and foot bruising. The defendants maintained that there was no defect to the subject sidewalk.

The arbitrator in this case found the defendants 90% liable for the accident, and the plaintiff 10% liable. The arbitrator reported an award for the plaintiff in the amount of $225,000. Following arbitration, the defendants' counsel requested a trial de novo, which was scheduled to begin on April 28, 2025. However, the parties entered into a settlement on April 17, 2025.

REFERENCE

Teresa Doring vs. Foster Square DE 1, LLC. Docket no. CAML001608-23; Judge Donald J. Stein, 04-17-25.

Attorney for plaintiff: Charles H. Nugent of Nugent Law, PC in Marlton, NJ. Attorney for defendant: Danielle M. DeGeorgio of Tyson & Mendes, LLP in Jersey City, NJ.

MOTOR VEHICLE NEGLIGENCE

Auto/Pedestrian Collision

$192,500 ARBITRATION AWARD

Motor vehicle negligence – Auto/pedestrian collision – Plaintiff struck by defendant operating truck while pulling out of parking lot – Lumbar spine injury – Right shoulder injury – Surgery required.

Essex County, NJ

In this motor vehicle negligence action, the plaintiff pedestrian was crossing the street and was struck by the defendant truck driver pulling out of a parking lot, causing him to become injured. The defendant generally denied all allegations of negligence.

On December 17, 2021, the plaintiff was a pedestrian crossing Broadway Street, at its intersection with 50th Street in West New York, New Jersey. At the same time, the defendant was operating a truck in the scope of his employment, and was pulling out of a parking lot on Broadway Street in the same location. At the time of the incident, the defendant's truck struck the plaintiff pedestrian while he was crossing the street.

The plaintiff maintained that the defendant was negligent in failing to observe the plaintiff pedestrian, failing to yield to the plaintiff pedestrian, and failing to remain adequately attentive. Consequently, the plaintiff sustained injuries, including lumbar spine injury as well as right shoulder injury. The plaintiff underwent arthroscopic surgery to treat his right shoulder, and underwent a micro-discectomy procedure at L3-4 and L5-S1, while also receiving epidural steroid injections and branch blocks for his lumbar spine injuries. The defendant maintained that the plaintiff had crossed the street in the middle of the block, and that another vehicle had obscured his view of the plaintiff.

The arbitrator in this case found the defendant 70% liable for the accident and the plaintiff 30% liable. The arbitrator reported a net award for the plaintiff in the amount of $192,500. Following arbitration, the parties entered into a settlement for the same amount.

REFERENCE

Mario Lobato vs. Antonieo Williams. Docket no. ESXL007186-23; Judge Annette Scoca, 04-03-25.

Attorney for plaintiff: Nicholas M. Torres of Nicholas M. Torres, LLC in West New York, NJ. Attorney for defendant: Michael J. Notartomas, Esquire of Post & Schell, P.C. in Mount Laurel, NJ.

$45,000 ARBITRATION AWARD

Motor vehicle negligence – Auto/pedestrian collision – Plaintiff pedestrian struck by defendant's vehicle while walking in parking lot – Cervical disc herniations from C2-T1 – Left C5-6 radiculopathy – Lumbar disc bulges from L1-S1 – Left L5 radiculopathy – Left shoulder tendonitis with interstitial tears.

Camden County, NJ

In this motor vehicle negligence action, the plaintiff pedestrian was struck by the defendant's vehicle while walking in a parking lot, resulting in the plaintiff sustaining injuries. The defendant generally denied all allegations of negligence.

On March 5, 2023, the plaintiff was lawfully walking in a parking lot adjacent to her apartment residence in the area of 3053 Chapel Avenue in Cherry Hill, New

Jersey. At this time, the defendant's vehicle was traveling in the parking lot, near the plaintiff's location. At the time of the incident, the plaintiff attempted to cross the parking lot in front of the defendant's vehicle.

The plaintiff maintained that the defendant waved her on to proceed. However, as the plaintiff was crossing, the defendant's vehicle proceeded forward and struck her. The plaintiff maintained that the defendant was negligent in failing to yield to pedestrians, failing to wait, and failing to remain adequately attentive. Consequently, the plaintiff sustained injuries, including cervical disc herniations from C2-T1, left C5-6 radiculopathy, lumbar disc bulges from L1-S1, left L5 radiculopathy, and left shoulder tendonitis with interstitial tears. The plaintiff's injuries were treated with 2 cervical and 3 lumbar epidural injections. A doctor for the defendant opined that the plaintiff's injuries were degenerative.

The arbitrator in this case found the defendant 90% liable for the accident and the plaintiff 10% liable. The arbitrator reported an award for the plaintiff in the amount of $45,000. Following arbitration, the defendant's counsel requested a trial de novo, which was scheduled to begin on May 27, 2025. However, the parties entered into a settlement on April 24, 2025.

REFERENCE

Nancy Allen vs. Senol Yilmaz. Docket no. CAML002946-23; Judge Steven J. Polansky, 04-25-25.

Attorney for plaintiff: Daniel G. Leone of Brach Eichler, L.L.C. in Roseland, NJ. Attorney for defendant: Robert Cahall of McCormick & Priore, P.C. in Princeton, NJ.

Driveway Exit Collision

$47,500 ARBITRATION AWARD

Motor vehicle negligence – Driveway exit collision – Plaintiff's vehicle struck broadside by defendant's vehicle pulling out of driveway – Disc herniations at C4-5 and L3-4 – Left shoulder rotator cuff tear – Disc herniation at C6-7 with radiculopathy – Left shoulder rotator cuff tear.

Monmouth County, NJ

In this motor vehicle negligence action, the plaintiff's vehicle was struck broadside by the defendant's vehicle pulling out of a driveway, causing both the plaintiff driver and the plaintiff passenger to become injured. The defendant generally denied all allegations of negligence.

On May 25, 2021, the plaintiff's vehicle was traveling on Strickland Road in Howell Township, New Jersey. At this time, the defendant's vehicle had been parked in a driveway on Strickland Road, in the same area where the plaintiff's vehicle was traveling. At the time of the incident, the defendant was attempting to pull out of the driveway and merge into traffic on Strickland Road. As the plaintiff's vehicle was passing by, the defendant's vehicle pulled out of the driveway. The defendant's vehicle then struck the plaintiff's vehicle broadside.

The plaintiffs maintained that the defendant was negligent in failing to wait for clearance before pulling out of the driveway, failing to observe the plaintiff's vehicle, and failing to yield the right-of-way. Consequently, the plaintiffs sustained injuries. The plaintiff driver sustained disc herniations at C4-5 and L3-4, as well as a left rotator cuff tear. The plaintiff passenger sustained a disc herniation at C6-7 with radiculopathy as well as a left shoulder rotator cuff tear.

The arbitrator found the defendant 100% liable for the accident and reported an award for the plaintiff in the amount of $47,500. Following arbitration, the defendant's counsel requested a trial de novo, which was scheduled to begin on September 9, 2024. However, the parties entered into a settlement prior to the initial hearing.

REFERENCE

Alan Klask, Harriet Klask vs. Nicholas Cavallero. Docket no. MONL001610-22; Judge Chad N. Cagan, 09-04-24.

Attorney for plaintiff: Kevin L. Parsons, Esq. of Hanus & Parsons, LLC in Middletown, NJ. Attorney for defendant: Patricia B. Abrams of Campbell, Foley, Delano & Adams, L.L.C. in Wall, NJ.

Intersection Collision

$350,000 ARBITRATION AWARD

Motor vehicle negligence – Intersection collision – Plaintiff's vehicle struck broadside by defendant's vehicle after defendant runs stop sign –Right shoulder supraspinatus tear – 4 cervical disc herniations – Lumbar disc herniation – Surgery required.

Monmouth County, NJ

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

On May 22, 2021, the plaintiff's vehicle was traveling on Tennent Road, toward its intersection with Harbor Road in Marlboro, New Jersey. At this time, the plaintiff was attempting to proceed straight on Tennent Road, through the subject intersection. At the same time, the defendant's vehicle was traveling on Harbor Road, toward the same intersection. At the time of the incident, the defendant disregarded the stop sign at the intersection and proceeded forward, striking the plaintiff's vehicle broadside.

The plaintiff maintained that the defendant was negligent in failing to obey a stop sign, failing to remain adequately attentive, and failing to yield the right-of-way. Consequently, the plaintiff sustained injuries, including a right shoulder supraspinatus tear, 4 cervical disc herniations, and a lumbar disc herniation. The plaintiff's injuries were treated with arthroscopic surgery to the right shoulder with acromioplasty, as well as 3 epidural steroid injections to the cervical spine.

The arbitrator in this case found the defendant 100% liable for the accident and reported an award for the plaintiff in the amount of $350,000. Following arbitration, the defendant's counsel requested a trial de novo, which was scheduled to begin on September 23, 2024. However, the parties entered into a settlement prior to the initial hearing. A stipulation of dismissal was submitted on November 21, 2024.

REFERENCE

Eric Futerman vs. Archana Sharma. Docket no. MONL001262-23; Judge Linda G. Jones, 09-20-24.

Attorney for plaintiff: Patrick J. Masterpalo of Dimian & Masterpalo in Ocean, NJ. Attorney for defendant: David J. Leone of Carton Law Firm, LLC in Manasquan, NJ.

$60,000 ARBITRATION AWARD

Motor vehicle negligence – Intersection collision – Car-seated minor plaintiff injured when defendant disregards stop sign and strikes host vehicle broadside – Lacerations to forehead above left eyebrow – Sutures required – Scarring.

Camden County, NJ

In this motor vehicle negligence action, the car-seated minor plaintiff was injured when the defendant disregarded a stop sign and struck the host vehicle broadside. The defendant generally denied all allegations of negligence.

On May 23, 2021, the minor plaintiff was a car-seated backseat passenger in the host vehicle, which was traveling southbound on New York Avenue, at its intersection with W Chestnut Avenue, in North Wildwood, New Jersey. On this day, W Chestnut Avenue was controlled by a stop sign, while New York Avenue was not. As such, the plaintiff driver continued straight on New York Avenue through the intersection without stopping. At the same time, the defendant's vehicle was traveling eastbound on W Chestnut Avenue, toward the same intersection. At the time of the incident, the defendant disregarded the stop sign on W Chestnut and proceeded into the intersection, striking the host vehicle broadside.

The plaintiffs maintained that the defendant was negligent in failing to obey a stop sign, failing to yield, and failing to remain adequately attentive. Consequently, the minor plaintiff sustained injuries, including lacerations to the forehead above the left eyebrow. The minor plaintiff's injuries required a glass removal procedure, as well as suturing to repair, and resulted in permanent scarring.

The arbitrator in this case found the defendants 100% liable for the accident and reported an award for the plaintiffs in the amount of $60,000. Following arbitration, the plaintiffs' counsel requested a trial de novo, which was scheduled to begin on May 5, 2025. However, the parties entered into a settlement on April 8, 2025, prior to the initial hearing.

REFERENCE

Stacey Suarez vs. Carlos Gomez-Mejia. Docket no. CAML001099-23; Judge Judith S. Charny, 04-08-25.

Attorney for plaintiff: Robert N. Braker of Saltz Mongeluzzi Bendesky in Marlton, NJ. Attorney for defendant: Evan S. Rosen of Marks, O'Neill, O'Brien, Doherty & Kelly, P.C. in Cherry Hill, NJ.

$34,000 ARBITRATION AWARD

Motor vehicle negligence – Intersection collision – Plaintiff's vehicle struck by defendant's vehicle after defendant runs stop sign – Multiple cervical disc herniations – Radiculopathy at C6, 7, and 8 – Lumbar disc herniation at L5-S1 – Lumbar disc bulge at L4-5 with radiculopathy.

Union County, NJ

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

On March 23, 2020, the plaintiff's vehicle was traveling southbound on Erudo Street, at its intersection of W. Gibbons Street, in Linden, New Jersey. At this time, the plaintiff was preparing to proceed straight

through the intersection on Erudo Street, after stopping at the designated stop sign. At the same time, the defendant's vehicle was traveling westbound on W. Gibbons Street, toward the same intersection. At the time of the incident, the defendant ran the stop sign and entered the intersection as the plaintiff was proceeding through. The defendant's vehicle cut off the plaintiff's vehicle, causing a collision.

The plaintiff maintained that the defendant was negligent in failing to obey a stop sign, failing to yield the right-of-way and failing to remain adequately attentive. Consequently, the plaintiff sustained injuries, including multiple cervical disc herniations with radiculopathy at C6, 7, and 8, lumbar disc herniation at L5-S1, and lumbar disc bulge at L4-5 with radiculopathy. A doctor for the defendant opined that the plaintiff's injuries were degenerative in nature.

The arbitrator in this case found the defendant 80% liable for the accident and the plaintiff 20% liable. The arbitrator reported a net award for the plaintiff in the amount of $34,000. Following arbitration, the defendant's counsel requested a trial de novo, which was scheduled to begin on August 5, 2024. However, the parties entered into a settlement on August 2, 2024, before the initial hearing. The case was dismissed the same day.

REFERENCE

Yvon Norelus vs. Justina Oseagulu. Docket no. UNNL000600-21; Judge John M. Deitch, 08-02-24.

Attorney for plaintiff: William J. Ewing, Esq. of William J. Ewing, P.C. in Montclair, NJ. Attorney for defendant: Daniel J. Pomeroy of Pomeroy, Heller, Ley, Digasbarro & Noonan, LLC in New Providence, NJ.

$5,000 ARBITRATION AWARD

Motor vehicle negligence – Intersection collision – Plaintiff's vehicle struck by defendant's vehicle after defendant runs red light – Right medial meniscal tear.

Essex County, NJ

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

On May 15, 2021, the plaintiff's vehicle was traveling on Central Avenue, at its intersection with South Grove Street in East Orange, New Jersey. At this time, the plaintiff was attempting to proceed straight through the subject intersection with a green light in his favor. At the same time, the defendant's vehicle was traveling on South Grove Street, toward the same intersection. At the time of the incident, the plaintiff's vehicle ran the red light and entered the intersection, causing a collision with the plaintiff's vehicle.

The plaintiff maintained that the defendant was negligent in failing to obey traffic signals, failing to obey a red light, and failing to remain adequately attentive. Consequently, the plaintiff sustained injuries, including a right medial meniscal tear, which was treated with physical therapy and corticosteroid injections.

The arbitrator in this case found the defendant 100% liable for the accident and reported an award for the plaintiff in the amount of $5,000. Following arbitration, the plaintiff's counsel requested a trial de novo, which was scheduled to begin on April 28, 2025. However, the parties entered into a settlement prior to the initial hearing. A stipulation of dismissal was submitted on March 31, 2025.

REFERENCE

Tommy Dennis vs. Malika Woodson. Docket no. ESXL002832-23; Judge Joshua D. Sanders, 03-31-25.

Attorney for plaintiff: Joseph C. Liguori, Esq. of Mazraani & Liguori, LLP in New Brunswick, NJ. Attorney for defendant: Gabriella Esposito, esq. of law offices of Leslie A. Detorres in West Orange, NJ.

Left Turn Collision

$400,000 ARBITRATION AWARD

Motor vehicle negligence – Left turn collision – Plaintiff's vehicle struck by defendant's vehicle making left turn, causing plaintiff's vehicle to spin and strike tree – Cervical disc herniation – Cervical disc bulge with radiculopathy – Sternocostal chondritis of 3 ribs – Sternal fracture – Thoracic disc herniation with radiculopathy.

Middlesex County, NJ

In this motor vehicle negligence action, the plaintiff's vehicle was struck by the defendant's vehicle making a left turn, causing the plaintiff's vehicle to spin and hit a tree, resulting in the plaintiff driver sustaining injuries. The defendant generally denied all allegations of negligence.

On August 10, 2019, the plaintiff's vehicle was traveling northbound on Us Highway 206, at its intersection with Furnace Road in Chester, New Jersey. At the same time, the defendant's vehicle was traveling westbound on Furnace Road, toward the same intersection. At the tie of the incident, the plaintiff was proceeding straight through the subject intersection, while the defendant's vehicle attempted to turn left onto US Highway 206. The defendant's vehicle then struck the plaintiff's vehicle, causing the plaintiff's vehicle to spin, leave the road, and strike a tree.

The plaintiff maintained that the defendant was negligent in failing to wait for clearance before making a left turn, failing to yield the right-of-way, and failing to maintain a safe distance from other vehicles. Consequently, the plaintiff sustained injuries, including cervical disc bulge with radiculopathy, sternocostal chondritis of 3 ribs which caused the plaintiff to struggle to breathe, sternal fracture, and thoracic disc herniation with radiculopathy.

The arbitrator in this case found the defendant 100% liable for the accident and reported an award for the plaintiff for $400,000. Following arbitration, the defendant's counsel requested a trial de novo, which was scheduled to take place on September 30, 2024. However, the parties entered into a settlement prior to the initial hearing.

REFERENCE

Laurie Hellriegel-Herrmann vs. Phyllis Piloto. Docket no. MIDL004308-21; Judge Benjamin S. Bucca, 11-21-24.

Attorney for plaintiff: James J. Mahoney, Esq. of Law Offices of Daniel R. Danzi in Montville, NJ. Attorney for defendant: John A. Camassa of Camassa Law Firm, PC in Wall, NJ.

Multiple Vehicle Collision

$50,000 ARBITRATION AWARD

Motor vehicle negligence – Multiple vehicle collision – Plaintiff's vehicle rear-ended by primary defendant and then struck broadside by secondary defendant in intersection – Exacerbation of injuries related to prior MVA – Multilevel cervical and lumbar disc herniations and bulges – Left shoulder partial supraspinatus tear.

Bergen County, NJ

In this motor vehicle negligence action, the plaintiff's vehicle was rear-ended by the primary defendant, and then struck broadside by the secondary defendant, causing the plaintiff driver to sustain injuries. The defendants generally denied all allegations of negligence.

On February 24, 2021, the plaintiff's vehicle was traveling eastbound on Route 46, near an unspecified intersection. At the same time, the primary defendant was also traveling eastbound on Route 46, directly behind the plaintiff's vehicle. At the time of the incident, the defendant's vehicle struck the plaintiff's vehicle in the rear. The plaintiff's vehicle then came to a stop in the subject intersection. Shortly after the initial impact, the secondary defendant entered the same intersection from a north direction and struck the plaintiff's stopped vehicle broadside.

The plaintiff maintained that the defendants were negligent in failing to remain adequately attentive, failing to observe the plaintiff's vehicle, and failing to obey traffic conditions at the subject intersection. Consequently, the plaintiff sustained injuries, all of which were exacerbations of injuries related to another recent MVA. Among these exacerbated injuries were multilevel cervical and lumbar disc herniations and bulges, as well as a left shoulder partial supraspinatus tear.

The arbitrator in this case found the defendants 50% liable for the accident and the plaintiff 50% liable. The arbitrator reported a net award for the plaintiff in the amount of $50,000. Following arbitration, the parties entered into a settlement conference, and arrived at a settlement on April 14, 2025.

REFERENCE

Thea Jelcich-Zanfabro vs. Julio Bermudez-Aguirre, Kim Minson. Docket no. BERL000725-23; Judge David V. Nasta, 04-14-25.

Attorney for plaintiff: Raffi T. Khorozian of Law Offices of Raffi T. Khorozian, PC in Fort Lee, NJ. Attorney for defendant: Donald Barone, Esq. of Lowe, Barone, & Newman in Edison, NJ.

$30,000 ARBITRATION AWARD

Motor vehicle negligence – Multi-vehicle rear end collision – Plaintiff's vehicle struck in rear by defendant's vehicle and then pushed into another vehicle – Cervical disc bulges – Disc herniations at L3-4 and L5-S1 – Right knee injury – 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, and then was pushed into another vehicle, resulting in the plaintiff driver suffering serious injuries. The defendant generally denied all allegations of negligence.

On August 26, 2021, the plaintiff's vehicle was traveling on Route 1&9 South, at or near its intersection with Utica Street in Jersey City, New Jersey. At this time, the defendant's vehicle was also traveling on Route 1&9 South, directly behind the plaintiff's vehicle. At the time of the incident, the plaintiff's vehicle was stopped in traffic. While the plaintiff's vehicle was stopped, it was struck in the rear by the defendant's vehicle. The impact of this collision then pushed the plaintiff's vehicle forward into another 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 disc bulges, disc herniations at L3-4 and L5-S1, and right knee injury. The plaintiff's injuries were treated with arthroscopic surgery to the right knee, as well as epidural steroid injections to the cervical spine.

The arbitrator in this case found the defendant 100% liable for the accident and reported an award for the plaintiff in the amount of $30,000. Following arbitration, the plaintiff's counsel requested a trial de novo, which was scheduled to begin on September 10, 2024. However, the case was settled prior to the initial hearing and the case was dismissed on September 10, 2024.

REFERENCE

George Perez vs. Oleg Petrenko. Docket no. HUDL004015-22; Judge Anthony V. Delia, 09-10-24.

Attorney for plaintiff: Sherwin Tsai, Esq. of Davis, Saperstein & Salomon, P.C. in Teaneck, NJ. Attorney for defendant: Thomas N. Zuppa, Jr. of Chasan Lamparello Mallon & Cappuzzo, PC in Secaucus, NJ.

Parked Car Collision

$290,900 ARBITRATION AWARD

Motor vehicle negligence – Parked car collision – Plaintiff injured after defendant's vehicle backs into plaintiff's parked vehicle – Disc protrusions from C2-6 and L3-5 – Surgery required.

Essex County, NJ

In this motor vehicle negligence action, the plaintiff was injured after the defendant's vehicle backed into the plaintiff's parked vehicle, causing the plaintiff to become injured. The defendant generally denied all allegations of negligence.

On September 3, 2020, the plaintiff was seated in her vehicle, which was parked on the side of Newark Avenue in Jersey City, New Jersey. At this time, the defendant's vehicle had also been parked on the side of Newark Avenue, in a spot directly in front of the plaintiff's vehicle. At the time of the incident, the defendant's vehicle began to reverse in an attempt to leave the parking spot. While reversing, the defendant's vehicle backed into the plaintiff's vehicle.

The plaintiff maintained that the defendant was negligent in failing to wait for clearance before backing up out of a parking spot, failing to observe the plaintiff's vehicle, and failing to remain adequately attentive. Consequently, the plaintiff sustained injuries, including disc protrusions from C2-6 and L3-5, for which she received a lumbar facet injection. Additionally, the plaintiff underwent a lumbar fusion surgery at L4-5.

The arbitrator in this case found the defendant 100% liable for the accident and reported an award for the plaintiff in the amount of $290,900. Following arbitration, the defendant's counsel requested a trial de novo, which was scheduled to begin on November 12, 2024. However, the parties entered into a settlement prior to the initial hearing.

REFERENCE

Jessie Terry vs. Girish Shah. Docket no. ESXL003824-21; Judge Jeffrey B. Beacham, 09-12-24.

Attorney for plaintiff: James C. Mescall of Mescall Law in West Orange, NJ. Attorney for defendant: Nathan C. Orr of Tango Dickinson in Millburn, NJ.

$32,500 ARBITRATION AWARD

Motor vehicle negligence – Parked car collision – Defendant opens door of parked vehicle causing collision with plaintiff's vehicle – Cervical disc herniations – Cervical disc bulges – Lumbar disc herniations – Lumbar disc bulges.

Essex County, NJ

In this motor vehicle negligence action, the defendant opened the door of her parked vehicle, causing a collision with the plaintiff's vehicle, which was passing, causing the plaintiff to become injured. The defendant generally denied all allegations of negligence.

On September 18, 2021, the plaintiff's vehicle was traveling Doremus Street, near its intersection with Redwood Avenue in Paterson, New Jersey. At this time, the defendant's vehicle was parked outside the property at 5 Doremus Street, which was in the same vicinity. At the time of the incident, the defendant, who was seated inside her vehicle, opened the

driver's side door just as the plaintiff's vehicle was passing. The plaintiff's vehicle then struck the open door.

The plaintiff maintained that the defendant was negligent in failing to observe the plaintiff's vehicle, failing to wait for clearance before opening the door, and failing to remain adequately attentive. Consequently, the plaintiff sustained injuries, including cervical disc herniations, cervical disc bulges, lumbar disc herniations, and lumbar disc bulges. The plaintiff's injuries were treated with an epidural steroid injection to the lumbar spine. A doctor for the defendant disputed causation and permanency.

The arbitrator in this case found the defendant 100% liable for the accident and reported an award for the plaintiff in the amount of $32,500. Following arbitration, the defendant's counsel requested a trial de novo, which was scheduled to begin on April 2, 2025. However, the case was dismissed on April 3, 2025.

REFERENCE

Orlando Adorno vs. Lietteann Evans. Docket no. ESXL003469-22; Judge L Grace Spencer, 04-03-25.

Attorney for plaintiff: Andrew Park of Law Offices of Andrew Park, PC in New York, NY. Attorney for defendant: Glenn T. Dyer of Dyer & Peterson, PC in Parsippany, NJ.

Rear End Collision

$115,000 ARBITRATION AWARD

Motor vehicle negligence – Rear end collision – Plaintiff's vehicle struck in rear by defendant's vehicle while slowing for traffic – Right knee medial meniscal tear – Medial femoral condyle synovitis – Partial thickness tear of right distal supraspinatus tendon – Cervical disc herniation – Cervical disc bulges – Surgery required.

Bergen County, NJ

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

On February 28, 2019, the plaintiff's vehicle was traveling eastbound on Route 4, at or near the Hackensack Avenue Ramp in Hackensack, New Jersey. At this time, the plaintiff's vehicle was attempting to merge onto the ramp from Route 4. At the same time, the defendant's vehicle was also attempting to merge onto the ramp, directly behind the plaintiff's vehicle. While getting onto the ramp, the plaintiff's vehicle was required to slow down due to heavy traffic ahead. When the plaintiff's vehicle slowed for traffic, 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 conditions, failing to remain adequately attentive, and failing to maintain a safe distance from other vehicles. Consequently, the plaintiff sustained injuries, including a right medial meniscal tear with medial femoral condyle synovitis, which required surgery to repair. The plaintiff also sustained a partial thickness tear of the right supraspinatus tendon, as well as cervical disc herniation at 6-7, and cervical disc bulges at C4-5 and C5-6. To treat his injuries, the plaintiff also received injections to the right shoulder. A doctor for the defendant opined that the plaintiff only sustained temporary soft-tissue injuries in the accident.

The arbitrator in this case found the defendant 100% liable for the accident and reported an award for the plaintiff in the amount of $115,000. Following arbitration, the defendant's counsel requested a trial de novo. However, the case was dismissed on August 1, 2023, and the docket does not indicate that a trial took place.

REFERENCE

Joan Taylor vs. Stefan Heydel. Docket no. BERL006854-20; Judge Peter G. Geiger.

Attorney for plaintiff: Adam S. Handler of Pollack, Pollack, Isaac & DeCicco, LLP in New York, NY. Attorney for defendant: Emily Barnett of Law Offices of Viscomi & Lyons in Morristown, NJ.

$97,500 ARBITRATION AWARD

Motor vehicle negligence – Rear end collision – Plaintiff's vehicle struck in rear by defendant's vehicle while slowing down – Cervical spine injury – Lumbar spine injury – Surgery required.

Bergen County, NJ

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

On August 19, 2019, the plaintiff's vehicle was traveling on Rt. 17 in Paramus, New Jersey. At the same time, the defendant's vehicle was also traveling on Rt. 17, directly behind the plaintiff's vehicle. At the

time of the incident, the plaintiff's vehicle began to slow down. As the plaintiff's vehicle slowed, it was suddenly struck in the rear by the defendant's vehicle.

The plaintiff maintained that the defendant was negligent in failing to maintain a safe distance from other vehicles, failing to remain adequately attentive, and failing to operate the vehicle at a reasonable rate of speed. Consequently, the plaintiff sustained injuries, including cervical spine injury at C5-6 and C6-7, as well as lumbar spine injury at L5-S1. The plaintiff was required to undergo a cervical discectomy for his injuries from C5-7, and was required to undergo a fusion procedure at L5-S1. The plaintiff's injuries were also treated with epidural injections at L3-4. A doctor for the defendant opined that the plaintiff only aggravated previous injuries and did not sustain a permanent injury in this accident.

The arbitrator in this case found the defendant 100% liable for the accident and reported an award for the plaintiff in the amount of $97,500. Following arbitration, the parties entered into a settlement for an unspecified amount within 30 days. A stipulation of dismissal was submitted on May 17, 2024.

REFERENCE

Konstanti Sidiropoulos vs. John Smith. Docket no. BERL005173-21; Judge Nicholas Ostuni, 02-07-24.

Attorney for plaintiff: Ronald Dario of Dario, Albert, Metz, Eyerman, Canda, Concannon, Ortiz & Krouse in Hackensack, NJ. Attorney for defendant: Lori Kaniper of Law Office of Gerald F. Strachan Attorneys At Law in Woodbridge, NJ.

$85,000 ARBITRATION AWARD

Motor vehicle negligence – Rear end collision – Plaintiff's vehicle struck in rear by defendant's vehicle while stopped at intersection – Cervical disc herniations – Cervical disc bulges – Lumbar disc bulges – Cervical radiculopathy – Thoracic disc herniation.

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 at an intersection, causing both the plaintiff driver and the plaintiff passenger to become injured. The defendant denied all allegations of negligence.

On January 4, 2021, the plaintiff's vehicle was traveling southbound on Route 73, at its intersection with Franklin Avenue, in Berlin, New Jersey. At this time, the plaintiff's vehicle was stopped at the subject intersection. At the same time, the defendant was operating a commercial truck which was also traveling southbound on Route 73, toward the same intersection. At the time of the incident, the defendant's truck 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 driver sustained injuries, including cervical disc herniations, cervical disc bulges, and lumbar disc bulges. The plaintiff driver's injuries were treated with 3 branch block procedures and 4 ablations. The plaintiff passenger also sustained injuries, including cervical disc bulges and radiculopathy, thoracic disc herniation, and lumbar disc bulges. A doctor for the defendant opined that neither the plaintiff driver nor passenger sustained permanent injuries in the accident.

The arbitrators in this case found the defendant 100% liable for the accident and reported an award of $50,000 for the plaintiff driver, as well as an award of $35,000 for the plaintiff passenger, resulting in a net award of $85,000. Following arbitration, the plaintiffs requested a trial de novo, which was scheduled to take place on July 15, 2024. However, the parties entered into a settlement for an unspecified amount on July 8, 2024, before a trial could begin. A stipulation of dismissal was submitted on July 17, 2024.

REFERENCE

Joseph Knorr, Jean Knorr vs. Ron Stern. Docket no. CAML001561-22; Judge Michael J. Kassel, 07-17-24.

Attorney for plaintiff: Michael Sussen of Vincent J. Ciecka, P.C. in Pennsauken, NJ. Attorney for defendant: Lisa R. Bowles of Law Offices of James H. Rohlfing in Marlton, NJ.

$58,483 ARBITRATION AWARD

Motor vehicle negligence – Rear end collision – Plaintiff's vehicle struck in rear by defendant's vehicle while slowing for traffic – Lumbar disc herniation at L4-5 – Lumbar disc bulge – Cervical disc herniation at C5-6 and C6-7 – Cervical disc bulge.

Essex County, NJ

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

On April 24, 2017, the plaintiff's vehicle was traveling northbound on the Garden State Parkway in East Orange, New Jersey. At this time, the defendant's vehicle was also traveling northbound on the Parkway,

directly behind the plaintiff's vehicle in the same travel lane. At the time of the incident, the plaintiff noticed heavy traffic ahead, and began to slow down. As the plaintiff slowed, the defendant's vehicle suddenly struck the plaintiff's vehicle in the rear.

The plaintiff maintained that the defendant was negligent in failing to remain adequately attentive, failing to maintain a safe distance from other vehicles, and failing to observe the plaintiff's vehicle slowing down. Consequently, the plaintiff sustained injuries, including lumbar disc herniation L4-5, lumbar disc bulge, cervical disc herniations at C5-6 and C6-7, and cervical disc bulge. A doctor for the defendant opined that the plaintiff had no orthopedic or neurological impairments from the accident.

The arbitrator in this case found the defendant 100% liable for the accident and reported an award for the plaintiff in the amount of $58,483. Following arbitration, the defendant's counsel requested a trial de novo, which was scheduled to take place on April 17, 2023; however, on the same day, the Honorable Robert H. Gardner ordered that the complaint be dismissed with prejudice due to the plaintiff's failure to appear at trial.

REFERENCE

Inderjit Singh vs. Neuzy Pinto. Docket no. ESXL002205-19; Judge L002205-19.

Attorney for plaintiff: Alan J. Markman of Markman & Cannan, LLC in Bloomfield, NJ. Attorney for defendant: Jeremiah Wm. Larkin, Jr. of Law Offices of Patricia A. Palma in Woodbridge, NJ.

$25,000 ARBITRATION AWARD

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

Passaic County, NJ

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

On July 15, 2016, the plaintiff's vehicle was traveling northbound on Straight Street in Paterson, New Jersey. At the same time, the defendant's vehicle was also traveling northbound on Straight Street, directly behind the plaintiff's vehicle. At the time of the incident, the plaintiff noticed traffic ahead and began to slow his vehicle down. As the plaintiff's vehicle slowed, it was suddenly struck in the rear by the defendant's vehicle.

The plaintiff maintained that the defendant was negligent in failing to maintain a safe distance from other vehicles, failing to remain adequately attentive, and failing to obey traffic conditions. Consequently, the plaintiff sustained injuries, including cervical disc bulges, lumbar disc herniations, and lumbar disc bulges. A doctor for the defendant disputed the nature and causality of the plaintiff's injuries, maintaining that the plaintiff only sustained aggravation of injuries from a prior motor vehicle 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 plaintiff's counsel requested a trial de novo. However, the parties entered into a settlement for an unspecified amount prior to the initial hearing. A stipulation of dismissal was submitted on October 16, 2023.

REFERENCE

Elsayed Elsayed vs. Thomas Constantion. Docket no. PASL002171-18; Judge Bruno Mongiardo.

Attorney for plaintiff: Steven P. Haddad of Steven P. Haddad, P.C. in Woodbridge, NJ. Attorney for defendant: Christopher T Hughes of Allstate Insurance Company.

Right Turn Collision

$65,000 ARBITRATION AWARD

Motor vehicle negligence – Right turn collision – Defendant operating truck pulling trailer makes right turn from left lane, strikes plaintiff's vehicle – Aggravation of pre-existing thoracic and lumbar injuries – Lumbar radiculopathy – Right shoulder injury.

Camden County, NJ

In this motor vehicle negligence action, the plaintiff was injured when the defendant, while operating a truck pulling a trailer, made a right turn from the left lane, striking the plaintiff's vehicle in the right lane. The defendant generally denied all allegations of negligence.

On January 14, 2022, the plaintiff's vehicle was traveling on Park Blvd, at its intersection with Kaighns Avenue in Camden, New Jersey. At this time, the plaintiff

was stopped at the intersection in the right lane. At the same time, the defendant's vehicle was also stopped at the same intersection, in the left lane next to the plaintiff's vehicle. At the time of the incident, the defendant's vehicle, a truck pulling a trailer, attempted to make a left turn from the right lane. As the defendant's vehicle turned right in front of the plaintiff's vehicle, the trailer struck the plaintiff's vehicle.

The plaintiff maintained that the defendant was negligent in failing to remain in the correct lane of travel, failing to safely and properly execute a right turn, and in negligently making a right turn from the left lane. Consequently, the plaintiff sustained injuries, including aggravation of pre-existing thoracic and lumbar spine injuries, lumbar radiculopathy, and right shoulder injury. The plaintiff's injuries were treated with an epidural steroid injection and radiofrequency ablations.

The arbitrator in this case found the defendant 100% liable for the accident and reported an award for the plaintiff in the amount of $65,000. Following arbitration, the plaintiff's counsel requested a trial de novo, which was scheduled to begin on May 5, 2025. However, the parties entered into a settlement on April 25, 2025, before the trial could begin.

REFERENCE

Richard Patterson vs. Jayme Lynch. Docket no. CAML001862-23; Judge Michael J. Kassel, 04-24-25.

Attorney for plaintiff: Anthony Canale of Simon & Simon, P.C. in Camden, NJ. Attorney for defendant: Craig J. Compoli of O'Toole Scrivo, LLC in Cedar Grove, NJ.

MUNICIPAL LIABILITY

$85,000 ARBITRATION AWARD

Municipal liability – Premises liability – Plaintiff trips and falls over uneven sidewalk on defendant township's premises – Failure to provide safe passage on public sidewalk – Closed fracture of head of left humerus – Comminuted fracture of proximal humerus.

Essex County, NJ

In this action, the plaintiff tripped and fell over an uneven sidewalk on the defendant township's premises and became injured. The defendants generally denied all allegations of negligence.

On July 7, 2020, the plaintiff was walking on a sidewalk in the area of 140 High Street in Montclair Township, New Jersey. At this time, the plaintiff encountered a raised part of the sidewalk, which had become displaced and uneven due to tree roots under the sidewalk. The defendant township had been notified of the tree roots previously, but had not corrected the issue. On this day, the plaintiff tripped and fell over the uneven part of the sidewalk.

The plaintiff maintained that the defendants were negligent in failing to repair a raised, uneven, or otherwise hazardous sidewalk, failing to warn of the hazardous condition, and failing to provide safe passage on the premises. Consequently, the plaintiff sustained injuries, including a closed fracture of the head of the left humerus, as well as a comminuted fracture of the proximal humerus.

The arbitrator in this case found the defendants 85% liable and the plaintiff 15% liable. Following arbitration, the defendant township's counsel requested a trial de novo, which was scheduled to begin on September 3, 2024. The individual defendant motioned for summary judgment, maintaining that while he owned the property 140 High Street, the sidewalk was the township's responsibility. Summary judgment was granted. The plaintiff and the defendant township then entered into a settlement. A stipulation of dismissal was submitted on October 22, 2024.

REFERENCE

Marriamat Dookie vs. Roger Terry, Township of Montclair. Docket no. ESXL001007-22; Judge Robert H. Gardner, 08-16-24.

Attorney for plaintiff: Ethan Jesse Sheffet of Sheffet & Dvorin, P.C. in Verona, NJ. Attorney for defendant: Alan J. Baratz of Weiner Law Group, LLP in Parsippany, NJ.

PREMISES LIABILITY

Fall Down

$175,000 ARBITRATION AWARD

Premises liability – Fall down – Plaintiff trips and falls over uneven sidewalk at defendant zoo – Right ankle injury – Left knee tear – Disc bulge at L2-L3 – Disc herniations at L3-4 and L4-5 – Surgery required.

Essex County, NJ

In this premises liability action, the plaintiff tripped and fell over an uneven sidewalk at the defendant zoo, causing him injury. The defendants denied all allegations of negligence.

On August 8, 2021, the plaintiff was a lawful visitor at the defendant zoo, located on the premises of 560 Northfield Avenue in West Orange, New Jersey. At this time, the plaintiff was walking on a sidewalk on the premises, when he encountered a depressed area of the ground. The plaintiff then stepped onto the depressed area and tripped.

The plaintiff maintained that the defendants were negligent in failing to repair an uneven or otherwise hazardous sidewalk, failing to warn of a tripping hazard on the premises and failing to provide safe passage on the premises. Consequently, the plaintiff sustained injuries, including right ankle injury, left knee tear, a disc bulge at L2-3 and disc herniations at L3-4 and L4-5. The plaintiff's knee injury required arthroscopic surgery to diagnose and repair.

The arbitrator in this case found the defendants 100% liable for the accident and reported an award for the plaintiff in the amount of $175,000. Following arbitration, the defendants' counsel requested a trial de novo, which was scheduled to begin on September 16, 2024. However, the parties entered into a settlement on September 12, 2024, before the trial began. A stipulation of dismissal was submitted on October 15, 2024.

REFERENCE

Bernard Manouchek vs. Turtle Back Zoo. Docket no. ESXL002640-22; Judge Russell J. Passamano, 10-15-24.

Attorney for plaintiff: Laura A. Rabb of Rabb Hamill, P.A. in Woodbridge, NJ. Attorney for defendant: Richard Trenk of Trenk Isabel Siddiqi & Shahdanian, P.C. in Livingston, NJ.

$160,000 ARBITRATION AWARD

Premises liability – Fall down – Plaintiff slips and falls on grape at defendant supermarket – Failure to remove debris from floor – Left knee sprain/strain – Surgery required.

Essex County, NJ

In this motor vehicle negligence action, the plaintiff slipped and fell on a grape at the defendant supermarket, causing him to become injured. The defendant denied all allegations of negligence.

On December 4, 2021, the plaintiff was a lawful visitor and business invitee at the defendant supermarket, located on the premises of 206 Springfield Avenue in Newark, New Jersey. At this time, the plaintiff was walking in the produce area of the store. While walking in this area, the plaintiff stepped on a grape that had fallen onto the floor.

The plaintiff then slipped on the grape and fell. The plaintiff maintained that the defendant was negligent in failing to remove debris from the floor, failing to warn of a slipping hazard and failing to provide safe passage on the premises. Consequently, the plaintiff sustained injuries, including left knee sprain/strain. The plaintiff's injuries were treated with a full knee replacement procedure.

The arbitrator in this case found the defendants 80% liable for the accident and the defendant 20% liable. Following arbitration, the plaintiff's counsel requested a trial de novo, which was scheduled to begin on September 30, 2024. However, the parties entered into a settlement on September 13, 2024, before the trial could begin. A stipulation of dismissal was submitted on October 11, 2024.

REFERENCE

Bastille McDaniel vs. Shoprite. Docket no. ESXL001589-22; Judge Annette Scoca, 10-11-24.

Attorney for plaintiff: Richard Brockaway of Bramnick Rodriguez Grabas Arnold & Mangan, LLC in Scotch Plains, NJ. Attorney for defendant: Laurie P. Beatus, Esq. of Cottrell Law Group in Hackensack, NJ.

$150,000 ARBITRATION AWARD

Premises liability – Fall down – Plaintiff trips and falls over broken area of sidewalk adjacent to defendant gas station – Compression fracture at T6 – Left shoulder partial tear – Disc herniation at C5-6 – Left scalp laceration – Dizziness – Memory loss.

Hudson County, NJ

In this premises liability action, the plaintiff tripped and fell over a broken area of the sidewalk adjacent to the defendant gas station, causing him to become injured. The defendants generally denied all allegations of negligence.

On May 1, 2021, the plaintiff was a pedestrian lawfully walking on the sidewalk adjacent to the defendant gas station, located on the premises of 2 Passaic Avenue in Harrison, New Jersey. At this time, the plaintiff was walking on the sidewalk and encountered a broken and raised area. The plaintiff then tripped over the broken piece of sidewalk and fell.

The plaintiff maintained that the defendants were negligent in failing to repair a broken and uneven sidewalk, failing to provide safe passage on the premises, and failing to prevent or repair a tripping hazard on the premises. Consequently, the plaintiff sustained injuries, including a compression fracture at T6, left shoulder partial tear, disc herniation at C5-6, left scalp laceration, dizziness, and memory loss.

The arbitrator in this case found the defendants 75% liable for the accident and the plaintiff 25% liable. The arbitrator reported a net award for the plaintiff in the amount of $150,000. Following arbitration, the parties entered into a settlement. An order of dismissal was submitted on September 18, 2024.

REFERENCE

Charles Breen vs. Speedway, LLC. Docket no. HUDL000773-22; Judge Susanne Lavelle, 09-18-24.

Attorney for plaintiff: Michael Cuellar of Spector Foerst & Associates in Millburn, NJ. Attorney for defendant: Michael J. Palma, Esq. of Law Office of Frank A. Viscomi in Scranton, PA.

Hazardous Premises

$427,500 ARBITRATION AWARD

Premises liability – Hazardous premises – Plaintiff injured after shopping cart gets caught on sidewalk, causing plaintiff to flip over cart – Disc bulges from C2-T1 – Disc bulges from L3-S1 – Disc herniations from C3-6 – Right rotator cuff tendinopathy with bursitis and superior labrum tear – Right foot fracture – Right ankle sprain – Surgery required.

Essex County, NJ

In this premises liability action, the plaintiff was seriously injured after a shopping cart that he was pushing became caught on a sidewalk defect, causing the plaintiff to flip over the cart. The defendants denied all allegations of negligence.

On February 27, 2020, the plaintiff was a lawful visitor and business invitee at the defendant laundromat, located on the premises of 456 Broad Street in Bloomfield, New Jersey. At this time, the plaintiff was pushing his clothes in a shopping cart provided by the defendant laundromat. The plaintiff was pushing the cart along a sidewalk adjacent to the building, when the wheels of the cart became caught in a cracked part of the sidewalk. The sudden stop caused the plaintiff to flip forward over the shopping cart, and caused him to become injured.

The plaintiff maintained that the defendants were negligent in failing to repair a broken, uneven, or otherwise defective sidewalk, failing to provide safe passage on the premises, and failing to warn of the sidewalk's hazardous condition. Consequently, the plaintiff sustained injuries, including disc bulges from C2-T1, disc bulges from L3-S1, disc herniations from C3-6, a right rotator cuff tendinopathy with bursitis and superior labrum tear, a right foot fracture, and a right ankle sprain. The plaintiff underwent a right ankle arthroscopy, as well as a right shoulder arthroscopy with the placement of an anchor.

The arbitrator in this case found the defendants 90% liable for the accident and the plaintiff 10% liable. The arbitrator reported an award for the plaintiff in the amount of $427,500. Following arbitration, the defendants' counsel requested a trial de novo, which was scheduled to begin on September 16, 2024. However, the parties entered into a settlement prior to the initial hearing. A stipulation of dismissal was submitted on November 6, 2024.

REFERENCE

Scott Hagy vs. BF Weng, LLC. Docket no. ESXL004733-21; Judge Aldo J. Russo, 11-06-24.

Attorney for plaintiff: David T. Ercolano, Esq. of The Law Offices of Fusco & Macaluso, P.C. in Passaic, NJ. Attorney for defendant: Mary Chen of Law Offices of Viscomi & Lyons in Marlton, NJ.

$76,000 ARBITRATION AWARD

Premises liability – Hazardous premises – Plaintiff trips and falls over moving dolly at defendant warehouse – Cervical and lumbar disc bulges.

Hudson County, NJ

In this premises liability action, the plaintiff tripped and fell over a moving dolly at the defendant restaurant supply warehouse, causing him to become injured. The defendants generally denied all allegations of negligence.

On June 22, 2021, the plaintiff was a lawful visitor and business invitee at the defendant restaurant supply warehouse, located on the premises of 777

Secaucus Road in Secaucus, New Jersey. At this time, the plaintiff was traversing one of the warehouse aisles, where he encountered a wood pallet on the ground, which was placed near a moving dolly. At the time of the incident, the plaintiff stepped onto the pallet and then stepped back off of it. As he stepped off the pallet, he tripped over the moving dolly.

The plaintiff maintained that the defendants were negligent in failing to provide safe passage on the premises, failing to clear warehouse aisles, and failing to warn of a tripping hazard on the premises. Consequently, the plaintiff sustained injuries, including cervical and lumbar disc bulges.

The arbitrator in this case found the defendants 80% liable for the accident and the plaintiff 20% liable. The arbitrator reported a net award for the plaintiff in the amount of $76,000. Following arbitration, the defendants' counsel requested a trial de novo, which was scheduled to begin on September 24, 2024. However, the parties entered into a settlement on September 6, 2024, prior to the initial hearing.

REFERENCE

Donald Crawford vs. Restaurant Depot. Docket no. HUDL003015-22; Judge Anthony V. Delia, 09-10-24.

Attorney for plaintiff: Frank Lerner of Lerner Piermont & Riverol, PA in Jersey City, NJ. Attorney for defendant: Pasquale A. Pontoriero, Esq. of Kennedys CMK, LLP in Basking Ridge, NJ.

$46,750 ARBITRATION AWARD

Premises liability – Hazardous premises – Plaintiff trips and falls over vacuum left in hallway at defendant hotel – Right rotator cuff tear with post-traumatic osteochondral fragment.

Hudson County, NJ

In this premises liability action, the plaintiff tripped and fell over a vacuum left in the hallway at the defendant hotel, causing him to become injured. The defendants generally denied all allegations of negligence.

On January 23, 2021, the plaintiff was a guest renting a room and staying at the defendant hotel, located on the premises of 175 12th Street in Jersey City, New Jersey. On this day, the plaintiff was attempting to leave his hotel room in order to exit the hotel. At the time of the incident, the plaintiff exited his hotel room and quickly tripped over a vacuum which had been left on the floor in the hallway just outside his room. The plaintiff then fell.

The plaintiff maintained that the defendants were negligent in failing to remove the vacuum and other housekeeping supplies from the hallway, failing to ensure that the hotel hallways were clear of a tripping hazard, and failing to warn of a tripping hazard on the premises. Consequently, the plaintiff sustained injuries, including a right rotator cuff tear with post-traumatic osteochondral fragment.

The arbitrator in this case found the defendants 85% liable for the accident and the plaintiff 15% liable. The arbitrator reported a net award for the plaintiff in the amount of $46,750. Following arbitration, the parties entered into a settement and the case was dismissed on September 5, 2024.

REFERENCE

Frederick Campbell vs. Calandra Enterprises, Inc. Docket no. HUDL000582-22; Judge Kalimah H. Ahmad, 09-05-24.

Attorney for plaintiff: Marc F. Greenfield of Spear, Greenfield, Richman, Weitz & Taggart, P.C. in Marlton, NJ. Attorney for defendant: Philip Ing of Law Offices of Hermesmann & Coyne in Somerset, NJ.

Negligent Maintenance

$15,000 SETTLEMENT

Premises liability – Negligent maintenance – Plaintiff slips and falls over water leak in apartment owned by defendant – Failure to repair leaking pipe on premises – Left ankle sprain – Lumbar strain with radiculopathy – Cervical disc bulge and herniation.

Essex County, NJ

In this premises liability action, the plaintiff slipped and fell on a wet floor caused by a leak in an apartment owned by the defendant, causing her to become injured. The defendant generally denied all allegations of negligence.

On December 21, 2019, the plaintiff was visiting her mother's apartment home, located on the premises of 11 Chelsea Avenue in Newark, New Jersey. On this day, the premises was owned, operated, and maintained by the defendant. At this time, the plaintiff was traversing inside the apartment in the area of a radiator. While walking in this area, the plaintiff encountered a wet floor caused by water leaking from a pipe attached to the radiator. The plaintiff then slipped on the wet floor and fell.

The plaintiff maintained that the defendant was negligent in failing to repair a leaking pipe on the premises, failing to warn of the radiator's hazardous

condition and failing to warn of a wet floor on the premises. Consequently, the plaintiff sustained injuries, including left ankle sprain, lumbar strain with radiculopathy, and cervical disc bulge and herniation. The plaintiff's injuries were treated with branch blocks and epidural steroid injections.

The arbitrator in this case found the defendant 80% liable for the accident, and the plaintiff 20% liable. The arbitrator reported an award for the plaintiff in the amount of $24,000. Following arbitration, the defendant's counsel requested a trial de novo, but the parties entered into a settlement for $15,000 prior to the initial hearing. On January 31, 2025, the honorable Keith Lynott ordered for the settlement to be enforced.

REFERENCE

Atkins-Bland Carla vs. Philius Gerald. Docket no. ESXL008144-21; Judge L. Grace Spencer, 09-06-24.

Attorney for plaintiff: David A. Rosenbaum of Rosenbaum & Associates in Cherry Hill, NJ. Attorney for defendant: Jon Dell'Italia of Dell'italia & Santola in Orange, 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

$37,548,096 VERDICT – MEDICAL MALPRACTICE – OB-GYN NEGLIGENCE – NURSING NEGLIGENCE – NURSES HELD 80% LIABLE FOR UNSAFE DOSAGE AND EXCESSIVE PRESSURE ON FETAL BRAIN CAUSING STROKE ON RIGHT SIDE OF INFANT'S BRAIN THROUGH UNNECESSARY PUSHING AT TIME OF DELIVERY – HEMIPLEGIC CEREBRAL PALSY – LOSS OF DAILY ACTIVITIES OF LIVING AND ENJOYMENT OF LIFE; DISABILITY.

Atlantic County, NJ

This medical malpractice action was filed on October 8, 2015, by the plaintiff mother on behalf of the plaintiff minor against the defendants, Shore Memorial Hospital and its staff, for negligence resulting in severe birth injuries. The defendants denied negligence and contended compliance with standards of medical care.

The plaintiff alleged plaintiff minor was born on June 10, 2008 and the plaintiff's mother was given Pitocin, a synthetic medication that was known to increase the frequency, duration and intensity of uterine contractions, during labor and delivery. The on-call obstetrician and nurses monitoring the mother's labor and delivery did not properly manage the Pitocin use causing excessive uterine activity and excessive pressure on the fetal brain causing a stroke on the right side of the baby's brain.

After a 24-day trial, the jury reached a verdict of $37,548,096, consisting of: $3,455,923 for future lost earnings; $5,481,023 for future life care expenses; $29,021,150 for disability, impairment, loss of enjoyment of life and pain and suffering. The jury found the defendant doctor 20% liable and the 2 delivery nurses 80% liable.

REFERENCE

Amareda Markert vs. Shore Memorial Hospital. Docket no. ATL-L-2298-15; Judge Danielle J. Walcoff, 07-31-24.

Attorneys for plaintiff: Rudy Westmoreland, Thomas Vesper and Dara A. Quattrone of Westmoreland Vesper & Quattrone, PA in Atlantic City, NJ. Attorneys for defendant: John Talvacchia and Michael E. McGann of Talvacchia & McGann in Mays Landing, NJ.

$23,300,000 VERDICT – MEDICAL MALPRACTICE – HOSPITAL NEGLIGENCE – PLAINTIFF'S DECEDENT ADMITTED TO HOSPITAL AFTER BICYCLE ACCIDENT – DOCTORS AND NURSES FAIL TO MONITOR FOR AND PREVENT BLOOD CLOT THAT LED TO DEATH – WRONGFUL DEATH OF 48-YEAR-OLD FATHER.

Westchester County, NY

This medical malpractice/wrongful death and negligence action was filed on June 14, 2019 by the plaintiff, wife and mother of the deceased's 2 children, against the defendant hospital for failure to properly monitor and prevent a blood clot that led to the death of her husband. The defendant argued the deceased experienced a sudden unavoidable pulmonary embolism and displayed no prior indications of the condition.

The plaintiff alleged her husband developed deep vein thrombosis in his left leg during hospitalization and while still hospitalized, he suffered a pulmonary embolism which led to cardiac arrest and subsequent death.

The jury reached a $23,300,000 verdict after a 2-day deliberation. They awarded damages for economic losses, pain and suffering and medical expenses.

REFERENCE

Etel Leybovich, et al. vs. Westchester Medical Center, et al. Index no. 59089/2019; Judge Lewis J. Lubell, 05-10-24.

Attorneys for plaintiff: Caitlin Anne Robin and Emma Jane Wiegand of Caitlin Robin & Associates, PLLC in New York, NY. Attorneys for defendant: John J. Barbera and Michael Brian Manning of Martin Clearwater & Bell, LLP in White Plains, NY.

$10,000,000 VERDICT – MEDICAL MALPRACTICE – SURGERY – MINIMALLY INVASIVE SURGERY THAT WENT WRONG RESULTS IN TOP NUCLEAR VERDICT IN 2024 – OBESE PLAINTIFF UNDERWENT SURGERY FOR LAPAROSCOPIC REMOVAL OF OVARIES AND FALLOPIAN TUBES – DURING OPERATION, ARTERY SEVERED RESULTING IN SEVERAL INVASIVE CORRECTIVE SURGERIES – DECEDENT DIES 3 DAYS LATER.

Philadelphia County, PA

This medical malpractice/wrongful death action was filed on April 12, 2021, by the plaintiff, the estate of the deceased, against the defendant, Einstein Medical Center for death resulting from defendant's failure to consider risk factors that complicated the laparoscopic removal of the plaintiff's ovaries and fallopian tubes. The defendant's argued it provided appropriate care and asserted that the deceased had a history of health issues and prior surgeries.

The plaintiff alleged that during the operation, 1 of the decedent's arteries was severed and the decedent died 3 days later, after undergoing several invasive corrective surgeries.

The jury found for the plaintiff and reached a verdict of $10,000,000. The jury found the plaintiff's death occurred as a result of the surgeon's negligence. The jury's award was later molded to $5 million per a high/low agreement.

REFERENCE

Estate of Breen vs. Einstein Medical Center. Case no. 210400860; Judge Craig Levin, 02-13-24.

Attorneys for plaintiff: Benjamin R. Alverez, Leonard H. Da Silva, II and J. Bruno De La Fuente of Hill & Associates in Philadelphia, PA. Attorney for defendant: Gary Samms of Obermayer Rebmann Maxwell & Hippel, LLP in Philadelphia, PA.

PRODUCT LIABILITY

$287,000,000 VERDICT INCLUDING $240,000,000 IN PUNITIVE DAMAGES – PRODUCT LIABILITY – MANUFACTURING DEFECT – TRAGIC MOTORCYCLE (HARLEY DAVIDSON TRI-GLIDE ULTRA TRIKE) ACCIDENT RESULTING IN CATASTROPHIC INJURIES AND DEATH – PLAINTIFF ALLEGED VEHICLE MALFUNCTIONED DUE TO SOFTWARE DEFECT, CAUSING VEHICLE TO VEER UNCONTROLLABLY OFF HIGHWAY, STRIKING EMBANKMENT AND ROLLING OVER.

Livingston County, NY

This product liability action was filed by the plaintiffs against the defendant, Harley Davidson, for injuries to himself and for the death of Morris's partner, Pamela Sinclair. The defendant contended the plaintiff had little experience operating a 3-wheeled bike and was contributorily negligent.

The plaintiff alleged he and his partner, Pamela Sinclair, were riding his 2019 Harley Davidson Tri Glide Ultra trike in New York when the motorcycle experienced a software malfunction causing the motorcycle to veer uncontrollably and crash, killing Sinclair.

Gross verdict: $ 287,000,000. Awards: $240,000,000 in punitive damages; $47,000,000 in pain and suffering, loss of enjoyment of life, medical expense reimbursement, future medical reimbursement, and future pain and suffering.

REFERENCE

Morris vs. Harley Davidson Motor Company. Index no. 000403-2022; Judge Craig Doran, 08-13-24.

Attorneys for plaintiff: Paul Edelstein, Arthur Byakher and Daniel Thomas of The Edelsteins Faegenburg & Brown, LLP in New York, NY. Attorneys for defendant: David M. Hiller and James P. McGowen of Harris Beach, PLLC in Rochester, NY.

MOTOR VEHICLE NEGLIGENCE

$2,500,000 VERDICT – MOTOR VEHICLE NEGLIGENCE – AUTO/MOTORCYCLE COLLISION – LEFT TURN COLLISION – WRONGFUL DEATH OF 33-YEAR-OLD MALE.

Rockville County, CT

In this motor vehicle negligence action, the estate of the decedent maintained the defendant driver attempted to turn left in front of the decedent motorcyclist causing a collision that caused the decedent's death 5 days after the accident. The defendant denied being negligent and maintained it was the actions of the plaintiff that caused the collision.

The estate of the decedent maintained the defendant failed to yield the right-of-way, operated his automobile in an inattentive manner and with an improper lookout and operated his automobile at an unreasonable rate of speed.

The jury found for the plaintiff and determined the defendant was 100% liable for the collision. The jury then awarded the plaintiffs economic damages in the amount of $446,131.58 and non-economic damages in the amount of $2,053,868.42 for a total verdict of $2,500,000.

REFERENCE

Plaintiff's expert: Joseph W. Hayward from Meriden, CT.

The Estate of Gordon T. Reynolds by Thomas Reynolds, Sr. vs. Eric Millette. Case no. TTD-CV21-6023487; Judge Josephine Graff, 02-07-25.

Attorney for plaintiff: Anthony Alan Sheffy of Sheffy Mazzaccaro DePaolo & DeNigris in Southington, CT. Attorney for defendant: Patrick M. Mullins of Cotter, Cotter & Mullins in Trumball, CT.

$929,438 VERDICT – MOTOR VEHICLE NEGLIGENCE – LEFT TURN COLLISION – DEFENDANT ATTEMPTS LEFT TURN IN FRONT OF PLAINTIFF CAUSING PLAINTIFF TO STRIKE DEFENDANT'S VEHICLE – LUMBAR DISC INJURIES – RADICULOPATHY.

Philadelphia County, PA

The plaintiff in this vehicular negligence action maintained he suffered serious bodily injuries, particularly to his low back, which have greatly impacted his quality of life when the defendant made an improper turn in front of the plaintiff's vehicle causing the plaintiff to strike the defendant's vehicle. The defendant stipulated liability, but denied the plaintiff's injuries were all causally related to the accident.

As a result of the accident, the plaintiff suffered L2-3, L3-L4 disc protrusions and bulges, narrowing at L4-5 and L5-S1, right shoulder tendonitis, right carpal tunnel syndrome, and arthritis and vascular changes.

The jury found that the defendant's negligence was a factual cause of the plaintiff's harm and awarded the plaintiff economic damages of $464,719 and non-economic damages of $464,719 for a total verdict of $929,438.

REFERENCE

Wendell N. Glover vs. Sheila Kessler. Case no. 220402504; Judge Craig Levin, 01-10-24.

Attorney for plaintiff: Alex Norman of Morgan & Morgan in Philadelphia, PA. Attorney for defendant: James Tolerico in Philadelphia, PA.

PREMISES LIABILITY

$12,000,000 SETTLEMENT – PREMISES LIABILITY – NEGLIGENT SECURITY AT FLORIDA APARTMENT COMPLEX – FATAL SHOOTING – WRONGFUL DEATH AT AGE 28.

Duval County, FL

This negligent security/wrongful death action stemmed from the shooting death of the 28-year-old decedent at a Jacksonville, Florida, apartment complex that was owned and managed by the defendants. The plaintiff alleged that the defendants negligently implemented security in a location with a known history of criminal activity.

The decedent died at the scene from the bullet wounds sustained. He was employed as a scaffolding worker and survived by 6 children. No one was ever arrested in connection with the crime.

The case was settled prior to trial for $12,000,000.

REFERENCE

Plaintiff's security expert: Ken Wheatley from Fairview, NC.

Consuelo Hartley, as Personal Representative of the Estate of Marvin Ousley vs. Waters Edge Jacksonville, LLC and Princeton Enterprises, LLC. Case no. 16-2023-CA-002984; Judge James H. Daniel, 07-17-25.

Attorneys for plaintiff: Pedro Echarte and Michael Haggard of The Haggard Law Firm in Coral Gables, FL. Attorney for plaintiff: Millicent Daniels of The Daniels Law Firm in Jacksonville, FL.

$6,486,718 VERDICT – PREMISES LIABILITY – HAZARDOUS PREMISES – WHILE SHOPPING AT WALMART, PLAINTIFF STRUCK IN LOWER EXTREMITIES BY PALLET JACK OPERATED BY DEFENDANT'S EMPLOYEE – SUDDEN COLLISION CAUSED PLAINTIFF TO FALL BACKWARD, HIT FLOOR AND LOSE CONSCIOUSNESS – CERVICAL AND LUMBAR DISC HERNIATIONS – CERVICAL AND LUMBAR FUSION SURGERIES, AS WELL AS MULTIPLE PAIN-MANAGEMENT PROCEDURES.

Okeechobee County, FL

This premise liability action was filed by the plaintiff shopper against the defendant, Walmart Stores East, LP, for failure to maintain a safe premises and to adequately train its employees. The incident happened on Black Friday 2019 when the Walmart associate pull a pallet jack through a crowded store without any warnings or safety precautions and struck the plaintiff's ankles causing her to fall backwards and sustain serious injuries. The defendant argued that the plaintiff was contributorily negligent.

The plaintiff suffered a of loss of consciousness; cervical and lumbar disc herniations; cervical and lumbar fusion surgeries, as well as multiple pain-management procedures over several years.

The unanimous jury verdict after 5-day trial was $6,486,717.61, consisting of $591,692.61 for past medical expenses; $1,594,824.00 for future medical expenses; $1,600,000 for past pain, suffering, disability, disfigurement, and loss of enjoyment of life and $3,000,000 for future pain, suffering and related damages.

REFERENCE

Rachel Velie vs. Walmart Stores East, LP. Case no. 472022CA000205; Judge Shaniek Mills Maynard, Magistrate judge, 01-10-25.

Attorneys for plaintiff: Neil P. Anthony and Brooke Grogan of Steinger Greene & Feiner, P.A. in West Palm Beach, FL. Attorneys for defendant: Andrea Caro and Madeline Chmelir of ZKS Law in Orlando, FL.

ADDITIONAL VERDICTS OF PARTICULAR INTEREST

Construction Site Negligence

$2,690,000 VERDICT – CONSTRUCTION SITE NEGLIGENCE – PLAINTIFF TRIPS ON UNSECURED CONSTRUCTION MATERIALS IN USE BY DEFENDANT IN LOBBY OF PLAINTIFF'S OFFICE BUILDING – DISC HERNIATIONS AT C2-7 WITH IMPINGEMENT ON NERVE ROOTS; SPINAL CORD COMPRESSION; SPINAL CORD EDEMA; CERVICAL SPINE PAIN AND SWELLING; DECREASED STRENGTH AND RANGE OF MOTION; ANTALGIC GAIT – C3-6 LEVEL FUSION SURGERY WITH HARDWARE.

Bronx County, NY

In this construction site negligence case, the plaintiff, a 65-year-old Board of Elections supervisor, fell on unsecured construction materials in the lobby of his office building, suffering a significant, permanent spine injury. The plaintiff underwent a C3-6 level fusion surgery with the insertion of hardware. The Appellate Division, First Department affirmed an Order granting the plaintiff summary judgment against the defendant on the issue of liability and the matter proceeded to trial only on the issues of the plaintiff's comparative fault and damages. The defendant argued that the plaintiff's accident and resulting injuries were contributed to by his own carelessness.

When the plaintiff fell, he landed on his knees and hyperextend his neck causing a snap of his spinal cord. After the accident, the plaintiff began to experience neck pain, stiffness, and weakness in his legs with a "dragging" sensation.

The jury determined that the plaintiff was not comparatively at fault and awarded damages in the amount of $2,690,000 broken down as follows: $1,440,000 for future medical expenses; $350,000 for past pain and suffering; and $900,000 for future pain and suffering.

REFERENCE

Drummond vs. Associated Test & Balance, Inc. Index no. 24436/2018E; Judge Naita A. Semaj, 05-16-24.

Attorneys for plaintiff: Seth A. Harris and Maritza A. Ming of Harris, Keenan & Goldfarb in New York, NY. Attorney for defendant: Allyson A. Avila of Lewis Brisbois Bisgaard & Smith, LLP in New York, NY.

Defamation

$8,000,001 VERDICT INCLUDING $4,000,001 IN PUNITIVE DAMAGES – LARGEST DEFAMATION LAWSUIT IN DC HISTORY – PLAINTIFF ALLEGES DEFENDANT FABRICATED DOSSIER BY CUTTING AND PASTING FROM NEWS ARTICLES ABOUT UNRELATED COMPANIES, THEN INSERTING PLAINTIFF'S NAME TO INTENTIONALLY PASS OFF PLAINTIFF'S LEGITIMATE BUSINESS AS CRIMINAL ENTERPRISE.

U.S.D.C. - District of Columbia

This defamation, libel and slander action was filed on September 14, 2018, by the plaintiff billionaire, a New Zealand born businessman, with a Dubai-based investment firm against the defendant, Donald Berlin and his company, Investigative Consultants, Inc. for injuries sustained from the defendant's 2017 dossier. The defendant contended the plaintiff's claims were barred by the one-year statute of limitations of District of Columbia Code section12-301(4).

The plaintiff alleged that in 2003, the defendant created a dossier containing explosive false allegations against the plaintiff, including that the plaintiff was a Russian spy. The plaintiff contended that the defendant fabricated the dossier by cutting and pasting from news articles about unrelated companies, then inserting the plaintiff's name.

Gross verdict: $8,000,001. Awards: $4,000,000 in compensatory damages on 10/21/24; $4,000,001 in punitive damages on 10/22/24. The jury thereafter found that the defendant acted maliciously in publishing the false allegations.

REFERENCE

Chandler vs. Berlin, et al. Case no. 1:18-cv2136; Judge Amit P. Mehta, 10-22-24.

Attorneys for plaintiff: Daniel P. Watkins and Megan L. Meier of Meier, Watkins, Phillips, Pusch, LLP in Washington, DC. Attorneys for defendant: John Patrick Dean and Steven Oster of Oster McBride, PLLC in Washington, DC.

FELA

$1,000,000 VERDICT – FELA – LOCOMOTIVE/TRACTOR-TRAILER COLLISION – DEFENDANT TRACTOR-TRAILER OPERATOR CROSSES DEFENDANT RAILROAD'S TRACK AND GETS HUNG UP ON TRACK CAUSING PLAINTIFF'S LOCOMOTIVE TO CRASH INTO TRACTOR TRAILER – CONCUSSION WITHOUT LOC; TENSION-TYPE HEADACHE; CERVICALGIA; SPINAL SPRAINS; CERVICAL DISC DISORDER WITH RADICULOPATHY – 2 CERVICAL DISC FRACTURES – ABLATION SURGERY.

Harris County, TX

The plaintiff in this case was a train engineer on a train that struck the defendant tractor trailer when the rig got stuck on the tracks. Consequently, the plaintiff sustained serious injuries. He was diagnosed with a concussion without LOC, tension-type headache, cervicalgia, cervical/thoracic/lumbar spinal sprains, cervical disc disorder with radiculopathy, and rib sprains. The defendants denied all allegations of negligence and injury.

The plaintiff maintained that the driver recklessly hung up the tractor trailer on the railroad crossing at issue by failing to keep a proper lookout and attempting to cross the railroad tracks when it was unsafe to do so. The plaintiff maintained the transportation company was vicariously liable for the acts of their driver.

The plaintiff required injections and physical therapy along with ablation surgery. He also suffered a shoulder and wrist injury.

The jury found the defendant driver to be 20% negligent and his transportation company to be 80% negligent. The jury awarded the plaintiff past damages in the amount of $481,010 and future damages in the amount of $518,990.00 for a total verdict of $1,000,000.

REFERENCE

Tommie L. Addison vs. Weiker Transportation, LLC, Joe Weiker and Union Pacific Railroad Company. Case no. 202337058; Judge Nathan J. Milliron, 04-01-25.

Attorney for plaintiff: Corey Kronzer of Rome Arata & Baxley in Pearland, TX. Attorneys for defendant: Daniel Gibson and Terria Hutchinson of Union Pacific Railroad in Spring, TX. Attorneys for defendant: Patrick Smith and Gordon Wittick of Smith Parker Elliot in Houston, TX.

Municipal Liability

$21,762,000 VERDICT – MUNICIPAL LIABILITY – DANGEROUS CONDITION – ECONOMIC LOSS – PROPERTY DAMAGE – NUISANCE – TRESPASS – 4 PROPERTY OWNERS SUE BOROUGH OF HADDONFIELD FOR DAMAGES WHEN HEAVY RAIN OVERWHELMED DRAINAGE SYSTEM IN COMMON BACKYARD AREA AND SWAMPED HOMES WITH "FECAL MATTER AND WASTEWATER MATERIALS" – STENCH OF HUMAN WASTE REMAINS 5 YEARS AFTER STORM.

Camden County, NJ

This negligent tort and dangerous condition action was filed in 2020, by the plaintiff, Denise Amons, et al., against the defendants, Borough of Haddonfield, et al., for failure of drainage system resulting in significant flooding damage to 4 homes. The defendant's denied they breached any duties of care and argued flooding was due to an unusually severe storm and the natural low-lying condition of the plaintiff's properties.

The plaintiffs alleged their 4 homes were flooded when heavy rain overwhelmed a drainage system in a common backyard area and the borough and the private water utility were negligent in failing to recognize and address problems in its storm management system. The plaintiffs were forced from their homes for months and had to spend large sums of money in an attempt to at least make their houses habitable.

After 10-day trial, the Camden County jury reached a verdict for the plaintiffs and awarded them $21,762,000.

REFERENCE

Amons vs. Borough of Haddonfield. Docket no. CAM-L-27824; Judge Michael J. Kassel, 03-21-24.

Attorney for plaintiff: Robert D. Sokolove of Weir LLP in Cherry Hill, NJ. Attorney for defendant: Borough of Haddonfield attorney.