



NEW JERSEY

JURY VERDICT

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FEATURED CASES

**Volume 45, Issue 4
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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.

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FEATURED CASES

\$10,000,000 SETTLEMENT (\$7,000,000 OVER POLICY) – MEDICAL MALPRACTICE – RADIOLOGY NEGLIGENCE – MISREAD MRI – RUPTURED BRAIN ANEURYSM – INABILITY TO COMMUNICATE – PERMANENT FEEDING TUBE – LIFETIME CARE.

Middlesex County, NJ

In this action for medical malpractice, the plaintiff had a family history of cerebral aneurysms, so she requested a brain scan at age 45 and underwent an MRI angiogram by neuroradiologist Dr. Lam of Associated Radiologists which was later acquired by University Radiology. 5 years later at the age of 50, the aneurysm ruptured, and she now lives in an extended care facility where she does not communicate and is fed with a stomach tube. The defendant doctor testified that at depositions that she still does not see the aneurysm and the defense argued that the aneurysm was in a location that was difficult to visualize.

The defense further argued that there were risk factors to perform the surgical repair and those risk factors outweighed the risk of rupture. The plaintiff countered with experts that opined that the aneurysm was detectable and that the argument that a surgical repair would not have been done should not even be permitted as a matter of law.

The case settled on the first day of trial with the assistance of Judge Cresitello before the in limine motions were heard.

The plaintiff insisted on having the group that acquired the practice pay millions over the policy and after a year of negotiation on this demand, the case settled for \$10 million which was \$7 million over the policy.

REFERENCE

Cremone vs. Lam. Docket no. MID-L-3241-19.

Attorneys for plaintiff: Bruce H. Nagel and Susan Connors of Nagel Rice, Roseland, NJ (Trial and Settlement Counsel) of Nagel Rice, LLP in Roseland, NJ. Attorney for plaintiff: Roy Konray of Tobin, Kessler in Clark, NJ.

COMMENTARY

The plaintiff intended to bring the plaintiff into the courtroom, as well as showing a short day in the life video, and it was thought that the impact of this would have been extremely effective. The plaintiff also intended to present the husband and the 2 children to testify for no more than 5 minutes each and it is thought that this would have been a highly effective trial presentation. Her husband and children were prepared to testify that she expresses emotion when they are there and even laughs when watching television.

This case appears to be the highest amount paid over the coverage in any medical malpractice case in the State of New Jersey.

\$4,200,000 SETTLEMENT (\$2,000,000 OVER POLICY) – MEDICAL MALPRACTICE – ANESTHESIOLOGY – ANESTHESIOLOGIST FAILS TO STOP PROCEDURE DURING ROUTINE IUD REMOVAL WHEN PATIENT SHOWS SIGNS OF DISTRESS INCLUDING DROP IN BLOOD PRESSURE AND DIMINISHED OXYGEN LEVELS – WRONGFUL DEATH OF 46-YEAR-OLD WIFE AND MOTHER OF 2.

Essex County, NJ

In this medical malpractice action, the estate of the decedent maintained that she suffered a medical emergency after the anesthesiologist did not stop the non-emergent procedure to remove an embedded IUD when she showed signs of distress including a drop in blood pressure and diminished oxygen levels. She never regained consciousness and died a month later. The defense contended that she died of an unforeseen heart attack, despite the fact that she was cleared for surgery and had no history of heart issues.

The decedent's estate contended that the drop in blood pressure and lack of oxygen was the cause of her death. She was married, the mother of 2 children, and much admired school teacher.

The carrier tended the \$2 million policy which was rejected. The plaintiff pursued the excess demand against Mednax, the large group that had purchased American Anesthesia of New Jersey. Mednax paid \$2.2 million over the coverage, which is not common in the medical malpractice cases.

REFERENCE

Crisafulli vs. Scala, et al. Docket no. ESX-L-57-20.

Attorneys for plaintiff: Bruce H. Nagel and Susan Connors of Nagel Rice, LLP in Roseland.

COMMENTARY

The case was set for trial when the case settled. The decedent would have been portrayed as a beloved wife, mother and schoolteacher and this would have had a strong impact on the jury.

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\$450,000 VERDICT – MOTOR VEHICLE NEGLIGENCE – REAR END COLLISION – PLAINTIFF’S VEHICLE STRUCK IN REAR BY DEFENDANT’S VEHICLE WHILE STOPPED IN TRAFFIC – LUMBAR DISC HERNIATIONS AT L4-5 AND L5-S1 – CERVICAL DISC BULGE AT C5-6 – SURGERY REQUIRED.

Essex County, NJ

In this motor vehicle negligence action, the plaintiff’s vehicle was struck in the rear by the defendant’s vehicle while stopped in traffic, causing the plaintiff to sustain serious injuries. The defendant generally denied all allegations of negligence, maintaining that any injuries or damages sustained by the plaintiff were the result of his own contributory negligence.

On November 7, 2017, the plaintiff’s vehicle was traveling southbound in the left lane on Broad Street, at or near its intersection with Gillett Place in Newark, New Jersey. At this time, the defendant’s vehicle was also traveling southbound on Broad Street in the left lane, directly behind the plaintiff’s vehicle. At the time of the incident, the plaintiff’s vehicle was stopped in heavy traffic. While the plaintiff’s vehicle was stopped, it was suddenly struck in the rear by the defendant’s vehicle.

The plaintiff maintained that the defendant was negligent in failing to maintain a safe distance from other vehicles, failing to remain adequately attentive, and failing to obey traffic conditions. Consequently, the plaintiff sustained injuries, including lumbar disc herniations at L4-5 and L5-S1, as well as a cervical disc bulge at C5-6. The plaintiff’s injuries required surgery, including a discectomy at L4-5 and L5-S1. A doctor for the defendant opined that the plaintiff’s injuries were not permanent in nature and that the surgery was not a necessity.

The arbitrator in this case found the defendant 100% liable for the accident, and reported an award for the plaintiff in the amount of \$475,000. Following arbitration, the plaintiff’s counsel requested a trial de novo. The trial took place on June 18, 24, 25, and 26, 2024. On June 26, the jury returned a 7-0 verdict in favor of the plaintiff awarding gross damages in the amount of \$450,000. A warrant of satisfaction was submitted on behalf of the plaintiff on August 8, 2024.

REFERENCE

Eugenio Lopez vs. Garegin Kirakosyan. Docket no. ESXL000464-19; Judge Richard T. Sules, 06-26-24.

Attorney for plaintiff: Icaza, Burgess & Grossman, PC in Newark, NJ.
Attorney for defendant: Decker & Magaw in Westfield, NJ.

\$320,000 ARBITRATION AWARD – LANDLORD NEGLIGENCE – FALL DOWN – PLAINTIFF SLIPS AND FALLS ON ICE ON EXTERIOR STEPS AT HER APARTMENT RESIDENCE – FAILURE TO REMOVE ICE AND SNOW FROM PREMISES – AGGRAVATION OF STENOSIS AT L4-5 – DOUBLE FUSION AT L4-L5 AND L5-S1.

Hudson County, NJ

In this action, the plaintiff tenant slipped and fell on an accumulation of ice on the exterior steps at her apartment residence, causing her to become seriously injured. The defendants generally denied all allegations of negligence.

On January 5, 2022, the plaintiff was lawfully using a set of exterior stairs at her apartment residence, located on the premises of 820 Avenue C in Bayonne, New Jersey. On this day, the premises was owned, oper-

ated, and maintained by the defendants. At the time of the incident, the plaintiff was attempting to use the exterior stairs when she slipped and fell on an accumulation of ice.

The plaintiff maintained that the defendants were negligent in failing to remove ice and snow on the premises, failing to ensure the safety of the exterior stairs, and failing to provide safe passage on the premises. Consequently, the plaintiff sustained injuries, including aggravation of stenosis at L4-5, which required a double fusion procedure at L4-5 and L5-S1 to repair. A doctor for the defendants opined that the plaintiff only sustained soft tissue injuries which were not permanent.

The arbitrator in this case found the defendants 80% liable for the accident and the plaintiff 20% liable, and reported a net award for the plaintiff in the amount of \$320,000.

Following arbitration, the plaintiff's counsel requested a trial de novo, which was scheduled to take place on August 14, 2024. However, the parties entered into a settlement for an amount not specified on the docket on July 27, 2024. The Honorable Anthony V. Delia ordered that the case be dismissed on July 29, 2024.

REFERENCE

Wanda Cadiz vs. 820-824 Ave C Bayonne, LLC.
Docket no. HUDL003531-22; Judge Jane L. Weiner,
07-29-24.

Attorney for plaintiff: Dean R. Maglione of The Maglione Firm, PC in Farmingdale, NJ. Attorney for defendant: Kevin J. Conyngham of Zimmerer, Murray, Conyngham & Kunzier in Saddlebrook, NJ.

Verdicts By Category

BUS NEGLIGENCE

\$75,000 SETTLEMENT

Bus negligence – Defendant school bus driver runs over minor plaintiff's foot after she falls while exiting bus – Fracture of third metatarsal of right foot – Bruising and swelling of right foot.

Ocean County, NJ

In this bus negligence action, the defendant school bus driver ran over the minor plaintiff's foot after she fell while exiting the school bus, causing her to sustain injury. The defendants generally denied all allegations of negligence, maintaining that any injuries or damages sustained by the plaintiffs were the result of the plaintiffs' own negligence.

On October 20, 2022, the minor plaintiff was a lawful passenger on a school bus, which was owned and operated by the defendants, and which was traveling northbound on Pawnee Road, at or near its intersection with Mohawk Place in Lakewood, New Jersey. At this time, the school bus stopped to let passengers off, and the minor plaintiff attempted to exit the bus. As the plaintiff was exiting the bus, she tripped while descending the steps and fell to the ground. While the minor plaintiff was on the ground, the bus proceeded forward on Pawnee Road and ran over the minor plaintiff's right foot.

The plaintiffs maintained that the defendants were negligent in failing to properly train bus drivers, failing to observe that the minor plaintiff had fallen, and failing to safely and properly operate a school bus. Consequently, the minor plaintiff sustained injuries, including a fracture of the third metatarsal of the right foot, as well as bruising and swelling of the right foot.

The parties entered into a friendly conference on April 19, 2024, and reported to the court that they had arrived at a settlement for \$75,000. On the same day, the honorable Robert E. Brenner ordered a judgment in the same amount. A warrant of satisfaction was submitted on behalf of the defendants on May 24, 2024.

REFERENCE

G.T. vs. Jay's Bus Service. Docket no. OCNL000349-24; Judge Robert E. Brenner, 04-19-24.

Attorney for plaintiff: Stewart M. Leviss of Berkowitz, Lichtstein, Kuritsky Giasullo & Gross, LLC in Roseland, NJ. Attorney for defendant: Charles A. Little, Jr. of Law Office of Charles A. Little, Jr. Attorneys At Law in Moorestown, NJ.

DOG ATTACK

\$15,000 SETTLEMENT

Dog attack – Minor plaintiff attacked and bitten by defendant neighbors' dog – Failure to keep dog on defendants' property – Lacerations – Scarring.

Burlington County, NJ

In this dog bite action, the minor plaintiff was attacked and bitten by a dog belonging to the defendants, who were the minor plaintiff's neighbors, causing him to become injured. The defendants generally denied all allegations of negligence.

On August 1, 2022, the minor plaintiff was playing in his own backyard at his parents' residence, located on the premises of 1906 Beverly Road in Burlington, New Jersey. At this time, the defendants' dog was traversing its own yard, located next door on the premises of 1908 Beverly Road. At the time of the incident, the defendants' dog crossed into the plaintiffs' yard, where the minor plaintiff was playing. The dog then began to attack and bite the minor plaintiff.

The plaintiffs maintained that the defendants were negligent in failing to leash or otherwise restrain the dog, failing to keep the dog on the defendants' property, and failing to prevent a violent dog from approaching strangers. Consequently, the minor plaintiff sustained injuries, including lacerations related to dog bite injuries, and scarring.

Prior to arbitration, the parties in this case entered into a friendly conference, which took place on April 22, 2024. At this time, the parties entered into a settlement for an amount of \$15,000. On July 22, 2024, the Honorable James J. Ferrelli ordered to have the settlement amount entered as a judgment in favor of the minor plaintiff.

REFERENCE

Dan Matthews vs. Crista Campbell. Docket no. BURL000027-24; Judge James J. Ferrelli, 07-19-24.

Attorney for plaintiff: Robert F. Rupinski of Law Offices of Robert F. Rupinski, LLC in Mount Holly, NJ.

GOVERNMENTAL LIABILITY

ARBITRATION IN FAVOR OF DEFENDANT

Governmental liability – Fall down – Plaintiff trips and falls on uneven area of sidewalk and becomes injured – Fracture of distal end of right fibula – Acute deep vein thrombosis of right tibial vein – Stress fracture of right fibula – Posterior tibial tendinitis of right leg – Right ankle stiffness – Neck and back pain.

Cumberland County, NJ

In this governmental liability action, the plaintiff tripped and fell on an uneven area of the sidewalk, causing her to become injured. The defendants generally denied negligence.

On March 26, 2020, the plaintiff was walking on a sidewalk adjacent to Cedar Lake on Main Street in Cedarville, New Jersey, which existed within Lawrence Township and the County of Cumberland, New Jersey. It remains disputed whether the subject sidewalk was owned, operated, and maintained by the defendant municipality or the defendant county. While she was walking in the area, the plaintiff encountered a broken or uneven section of the sidewalk. The plaintiff then tripped over the uneven ground and fell.

The plaintiff maintained that the defendants were negligent in failing to repair an uneven sidewalk, failing to warn of a tripping hazard and failing to prevent a tripping hazard in the area. Consequently, the plaintiff sustained injuries, including a fracture of the

distal end of the right fibula, acute deep vein thrombosis of the right tibial vein, a stress fracture of the distal end of the right fibula, acute deep vein thrombosis of the right tibial vein, and a stress fracture of the right fibula. Both the defendant municipality and the defendant county denied negligence, disputing liability. The defendant county acknowledged that the area of the fall was within their right-of-way, but denied responsibility for the sidewalk. The defendant municipality also denied responsibility for the sidewalk, only claiming control over the adjoining area.

The arbitrator found that liability for both the defendant county and the defendant municipality were equivalent at 40% each. The arbitrator also found the plaintiff 20% liable for her fall. Finally, the arbitrator found that the plaintiff's injuries provided insufficient proof to overcome or satisfy the applicable Title 59 Tort Threshold to recover against a Public Entity. As such, no damages were awarded to the plaintiff.

REFERENCE

Karen Coombs vs. Lawrence Township. Docket no. CUM1000167-22; Judge Niki Arbittier, 03-28-24.

Attorney for plaintiff: Steven Ellman of Law Office of Steven Ellman in Medford, NJ. Attorney for defendant: Michael H. Testa of Testa Heck Testa & White, PA in Vineland, NJ.

MOTOR VEHICLE NEGLIGENCE

Auto/Motorcycle Collision

\$17,500 ARBITRATION AWARD

Motor vehicle negligence – Auto/motorcycle collision – Plaintiff's motorcycle struck by defendant's vehicle after defendant makes left turn in front of plaintiff – Complex tear of body/posterior horn of right medial meniscus – Joint effusion – Right knee and leg sprain/strain – Surgery required.

Passaic County, NJ

In this motor vehicle negligence action, the plaintiff's motorcycle was struck by the defendant's vehicle after the defendant made a left turn in front of the plaintiff, causing the plaintiff to become injured. The defendant generally denied all allegations of negligence, maintaining that any damages sustained by the plaintiff were caused by the concurrent negligence of the plaintiff.

On June 26, 2020, the plaintiff's motorcycle was traveling westbound on Ackerman Avenue, at its intersection with the on/off ramps to Route 21 North in Clifton, New Jersey. At the same time, the defendant's vehicle was traveling eastbound on Ackerman Avenue, and was preparing to turn left onto the Route 21 North on ramp. At the time of the incident, the plaintiff's motorcycle was proceeding forward with the right-of-way when the defendant's vehicle made an abrupt left turn in front of him. The defendant's vehicle then struck the plaintiff's motorcycle.

The plaintiff maintained that the defendant was negligent in failing to yield the right-of-way, failing to wait for clearance before making a left turn, and failing to safely and properly execute a left turn. Consequently, the plaintiff sustained injuries, including a complex tear of the body/posterior horn of the right medial meniscus, which required arthroscopic surgery to repair. The plaintiff also sustained joint effusion as well as right knee and leg sprain/strain. A doctor for the

defendant opined that the plaintiff's knee injury and surgery were not causally related to the accident, because the plaintiff's medical records showed a torn meniscus predating the accident.

The arbitrator in this case found the defendant 100% liable for the accident and reported an award for the plaintiff for \$17,500. This amount was in part determined by the plaintiff's prior knee injury. Following arbitration, the defendant's counsel motioned to have the arbitration award to be confirmed by a judge. However, on April 11, 2024, this motion was with-

drawn, as the parties had reached a settlement for an amount not specified on the docket. A stipulation of dismissal was entered on April 19, 2024.

REFERENCE

Dushko Buklioski vs. Gabriel Riza. Docket no. PASL001457-22; Judge Thomas J. Laconte, 04-16-24.

Attorney for plaintiff: Ricky E. Bagolie of Bagolie - Friedman, LLC in Jersey City, NJ. Attorney for defendant: Moira T. Dillaway of Gregory P. Helfrich & Associates in Summit, NJ.

Auto/Pedestrian Collision

■ \$70,000 ARBITRATION AWARD

Motor vehicle negligence – Auto/pedestrian collision – Plaintiff pedestrian struck by defendant's vehicle while crossing street – Failure to obey crosswalk – Neck and back injuries – Cervical disc bulges – Lumbar disc bulges.

Bergen County, NJ

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

On June 23, 2021, the plaintiff was a pedestrian walking on Lemoine Avenue, at its intersection with Myrtle Avenue, in Fort Lee, New Jersey. At this time, the plaintiff was attempting to cross Lemoine Avenue in a crosswalk at the subject intersection, with a walk signal in her favor. At the same time, the defendant's vehicle was traveling on Myrtle Avenue, and was attempting to make a left turn onto Lemoine Avenue. As the defendant's vehicle was turning, it struck the plaintiff pedestrian in the crosswalk.

The plaintiff maintained that the defendant was negligent in failing to keep a proper lookout, failing to exercise due care, failing to obey a crosswalk, failing to

yield the right-of-way, failing to wait for clearance before making a left turn, failing to safely and properly execute a left turn, failing to wait, failing to observe the plaintiff pedestrian, failing to remain adequately attentive, failing to keep the vehicle under proper and adequate control, failing to operate the vehicle at a reasonable rate of speed, failing to apply the brakes in a timely manner, failing to slow or stop, and failing to avoid striking the plaintiff pedestrian. Consequently, the plaintiff sustained injuries, including neck and back injuries, cervical disc bulges, and lumbar disc bulges.

The arbitrators found in favor of the plaintiff and reported an award for \$70,000.

REFERENCE

Singh Neelam vs. Gomes Scott. Docket no. L001303-22; Judge John D. Odwyer, 04-20-24.

Attorney for plaintiff: Rosemarie Arnold of Law Offices of Rosemarie Arnold in Fort Lee, NJ. Attorney for defendant: Andres J. Castillo of Port Authority of NY & NJ.

■ \$15,000 SETTLEMENT

Motor vehicle negligence – Auto/pedestrian collision – Minor plaintiff pedestrian struck by defendant's vehicle while crossing street – Contusions, abrasions and strains – Pain and suffering.

Atlantic County, NJ

In this motor vehicle negligence action, the minor plaintiff pedestrian was struck by the defendant's vehicle while crossing the street, causing him to become injured. The defendant generally denied negligence.

On February 2, 2023, the minor plaintiff was a pedestrian walking on Kentucky Avenue, at its intersection with Baltic Avenue in Atlantic City, New Jersey. At this time, the minor plaintiff was attempting to cross Baltic

Avenue at the subject intersection. At the same time, the defendant's vehicle was traveling westbound on Baltic Avenue, toward the same intersection, and was preparing to proceed straight through it. While the minor plaintiff was crossing the street, he was struck by the defendant's vehicle proceeding through the intersection.

The plaintiffs maintained that the defendant was negligent in failing to observe the minor plaintiff pedestrian crossing the street, failing to yield to pedestrians, and failing to stop the vehicle in a timely manner so as to avoid striking the minor plaintiff. Consequently, the minor plaintiff sustained several minor bodily injuries including contusions, abrasions and strains and experienced pain and suffering. The defendant de-

nied all allegations of negligence, maintaining that any injury or loss sustained by the plaintiffs was the result of the plaintiffs' own contributory negligence. The parties entered into a friendly conference on April 18, 2024, and reported to the court that they had arrived at a settlement for \$15,000. On the same day, the honorable John C. Porto ordered a judgment in the same amount. A warrant of satisfaction was submitted on behalf of the plaintiffs on April 30, 2024.

JUDGMENT IN FAVOR OF DEFENDANT

Motor vehicle negligence – Auto/pedestrian collision – Plaintiff struck by defendant's side view mirror while blowing leaves in front of his home – Lumbar disc herniations – Cervical disc herniations and radiculopathy – Right knee internal derangement – Right shoulder injury – Sprains/strains.

Camden County, NJ

In this motor vehicle negligence action, the plaintiff sustained injuries when he was struck by the defendant's side-view mirror while blowing leaves in front of his home. The defendant generally denied negligence.

On November 15, 2019, the plaintiff was using a leaf blower on the street in front of his home, located on the premises of 38 Simsbury Drive in Voorhees, New Jersey. At this time, the defendant's vehicle was traveling on Simsbury Drive, and was passing the plaintiff's home. The plaintiff continued blowing leaves in the roadway as the defendant's vehicle attempted to pass him. While passing, the defendant's side view mirror struck the plaintiff.

The plaintiff maintained that the defendant was negligent in failing to observe the plaintiff, failing to keep a safe distance from the plaintiff, and failing to yield to the plaintiff. Consequently, the plaintiff sustained injuries, including lumbar disc herniations, cervical disc herniations and radiculopathy, right knee internal derangement, and right shoulder injury.

The defendant generally denied all allegations of negligence, maintaining that she had not struck the plaintiff with her vehicle, but rather that the plaintiff,

REFERENCE

Rasheem Rose vs. Donzella Hill. Docket no. ATLL000239-24; Judge John C. Porto, 04-18-24.

Attorney for plaintiff: Steven K. Johnson, Esquire of D'arcy Johnson Day, PC in Egg Harbor Township, NJ. Attorney for defendant: Michael G. David, Esq. of Law Office of Michael G. David in Marlton, NJ.

not paying attention while blowing leaves, had walked backward into her vehicle. The defendant also maintained that there had been no contact between the vehicle and the plaintiff, claiming the side view mirror had only struck the plaintiff's leaf blower, and that the plaintiff did not fall down from the contact. A medical report provided by the defendant also disputed the causation and permanency of the plaintiff's injuries, and argued that the plaintiff had previously undergone knee surgery and had not sought treatment for any knee or shoulder injuries related to this accident.

The arbitrators in this case found the defendant 80% liable and the plaintiff 20% liable, and reported an award for the plaintiff in the amount of \$48,000. Following arbitration, the plaintiff's counsel requested a trial de novo. The trial took place from April 2, 2024, to April 5, 2024, during which time the jury rendered a verdict of no negligence on the part of the defendant. On April 10, 2024, the Honorable Judith S. Charny ordered a judgment of no cause of action in favor of the defendant. On May 16, 2024, the plaintiff's counsel submitted an appeal form.

REFERENCE

Jason Gonter vs. Sylvia Dawson. Docket no. CAML003493-21; Judge Judith S. Charny, 04-05-24.

Attorney for plaintiff: Bruce A. Wallis of Bruce A. Wallis, LLC in Voorhees, NJ. Attorney for defendant: Goldberg, Miller & Rubin in Cherry Hill, NJ.

Auto/Scooter Collision

\$69,650 ARBITRATION AWARD

Motor vehicle negligence – Auto/scooter collision – Plaintiff operating electric scooter struck by defendant's vehicle turning right at intersection – Cervical disc bulge – Cervical disc herniation – Lumbar Pars fracture – Lumbar disc bulge – Lumbar disc herniation with impingement.

Hudson County, NJ

In this motor vehicle negligence action, the plaintiff operating an electric scooter was struck by the defendant's vehicle turning right at an intersection, causing her to become injured. The defendant generally denied all allegations of negligence.

On July 7, 2022, the plaintiff was operating an electric scooter on the side of the roadway, against the flow of traffic on Kennedy Boulevard in North Bergen,

New Jersey. At this time, the plaintiff was traveling on the scooter near the intersection of Kennedy Boulevard and Columbia Park Mall. At the same time, the defendant's vehicle was traveling on Columbia Park Mall, and was turning right onto Kennedy Boulevard. As the defendant's vehicle turned right, it struck the plaintiff on her scooter.

The plaintiff maintained that the defendant was negligent in failing to safely and properly execute a right turn, failing to observe the plaintiff and failing to yield. Consequently, the plaintiff sustained injuries, including cervical disc bulge, cervical disc herniation, a lumbar Pars fracture, lumbar disc bulge, and lumbar disc herniation with impingement. The plaintiff's injuries were treated with epidural injections. A doctor for the defendant opined that both disc bulges were non-traumatic, and maintained that there was no lumbar disc herniation and no impingement.

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 \$69,650. Following arbitration, the defendant's counsel requested a trial de novo, which was scheduled to take place on July 16, 2024. However, the parties entered into a settlement for an amount not specified on the docket on July 5, 2024, before the trial could begin. A stipulation of dismissal was submitted on July 15, 2024.

REFERENCE

Milena Quinonez-Claros vs. Phillip Santoro. Docket no. HUDL000096-23; Judge Kalimah H. Ahmad, 07-15-24.

Attorney for plaintiff: Marc L. Winograd of Marc L. Winograd in Englewood, NJ. Attorney for defendant: Peter Desalvo, Jr. of Bennett, Bricklin & Saltzberg, LLC in Livingston, NJ.

Head-on Collision

■ \$57,500 ARBITRATION AWARD

Motor vehicle negligence – Head-on collision – Plaintiff's vehicle struck head-on by defendant's vehicle after defendant's vehicle enters wrong travel lane – Aggravation of previous disc herniations – Cervical disc herniation – Soft tissue injuries.

Morris County, NJ

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

On November 23, 2019, the plaintiff's vehicle was traveling northbound on S. Main Street in Wharton, New Jersey. At the same time, the defendant's vehicle was traveling southbound on S. Main Street, toward the plaintiff's location. At the time of the incident, the defendant's vehicle suddenly crossed over the double-yellow line into the plaintiff's lane of travel. The defendant's vehicle then struck the plaintiff's vehicle head-on.

The plaintiff maintained that the defendant was negligent in failing to keep a proper lookout, failing to exercise due care, failing to remain in the correct lane of travel, failing to remain adequately attentive, failing to observe traffic conditions, failing to observe the plaintiff's vehicle, failing to operate the vehicle at a reasonable rate of speed, failing to keep the vehicle under proper and adequate control, failing to apply the brakes in a timely manner, failing to slow or stop, and failing to avoid striking the plaintiff's vehicle. Consequently, the plaintiff sustained injuries, including aggravation of previous disc herniations, cervical disc herniation, and soft tissue injuries.

The arbitrators found in favor of the plaintiff and awarded \$57,500.

REFERENCE

Dellamonica Marco vs. Quintero Armando. Docket no. L001980-21; Judge David H. Ironson, 02-08-24.

Attorney for plaintiff: Mark Brancato of McHugh & Brancato, LLP in Boonton, NJ. Attorney for defendant: Laura Lynn Meny of Farmers Insurance.

Intersection Collision

■ \$85,000 ARBITRATION AWARD

Motor vehicle negligence – Intersection collision – Plaintiff's vehicle struck broadside by defendant's vehicle after defendant's brakes fail at stop sign – Thoracic and lumbar spine injuries – Lumbar disc bulges at 2 levels – Epidural injections required.

Burlington County, NJ

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

On February 1, 2020, the plaintiff's vehicle was traveling southbound on County Road 619, at its intersection with Crown Royal Parkway in Evesham Township, New Jersey. At this time, the plaintiff's vehicle had stopped at a stop sign and was preparing to proceed forward through the intersection. At the same time, the defendant's vehicle was traveling eastbound on Crown Royal Parkway, toward a stop sign at the same intersection. While the plaintiff's vehicle was attempting to proceed through the intersection, the defendant's brakes failed as the defendant approached the intersection. As such, the defendant's vehicle also continued through the intersection, striking the plaintiff's vehicle broadside.

The defendant had been warned ahead of time that the vehicle's brakes "weren't the greatest." The plaintiff maintained that the defendant was negligent in failing to ensure that the vehicle was in safe condition to operate, failing to obey a stop sign, failing to warn of the vehicle's inability to stop, and failing to obey traffic signals. Consequently, the plaintiff sustained injuries, including thoracic and lumbar spine injuries with lumbar disc bulges at 2 levels. The plaintiff's injuries required epidural injections. The defendant generally denied negligence and injury and asserted

■ \$31,472 JUDGMENT

Motor vehicle negligence – Intersection collision – Plaintiff's vehicle struck by defendant's vehicle after defendant ran stop sign – Disc herniations at C2-5 – Disc bulges from C5-T1 – Slap tear of the left labrum – Rotator cuff tendon tendinosis.

Middlesex 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, causing the plaintiff to become injured. The defendant generally denied negligence.

On August 14, 2018, the plaintiff's vehicle was traveling on New Road, at or near its intersection with Wheeler Road in South Brunswick, New Jersey. At this time, the plaintiff's vehicle had stopped at a stop sign at the subject intersection, and was preparing to proceed straight forward through the intersection. At the same time, the defendant's vehicle was traveling on Wheeler Road, and was preparing to proceed through the same intersection. As the plaintiff attempted to proceed, the defendant disregarded his own designated stop sign and also entered the intersection. The defendant's vehicle then struck the plaintiff's vehicle.

The plaintiff maintained that the defendant was negligent in failing to obey a stop sign, failing to yield the right-of-way, and failing to observe the plaintiff's vehicle. Consequently, the plaintiff sustained injuries, in-

cluding disc herniations from C2-5, disc bulges from C5-T1, a slap tear of the left labrum, and tendinosis of the rotator cuff tendon. The plaintiff received chiropractic treatment and attended physical therapy to treat his injuries. The defendant denied all allegations of negligence, maintaining that the plaintiff was guilty of comparative negligence which was greater than that of the defendant.

The arbitrator found the defendant 100% liable for the accident in this case and reported an award for the plaintiff in the amount of \$65,000. Following arbitration, the plaintiff's counsel requested a trial de novo. The trial took place on April 1, 2024, as well as April 4, 2024, at which time the jury reached a verdict in favor of the plaintiff for \$25,000. On May 1, 2024, the Honorable Gary K Wolinetz ordered a judgment for \$31,472.22, which included the \$25,000 verdict as well as \$2,792.45 satisfaction of a Worker's Compensation Lien, \$3,155.77 in prejudgment interest, and \$524.00 in taxed costs.

REFERENCE

Frederic Palmieri vs. Kristine Scheiter. Docket no. L000150-22; Judge Eric G. Fikry, 04-05-24.

Attorney for plaintiff: Erica Domingo of Grungo Colarulo in Cherry Hill, NJ. Attorney for defendant: Frank R. Gerber of The Law Office of Alphonso H. Ibrahim in Scranton, PA.

REFERENCE

Charles Grignon vs. Shaukat Khan. Docket no. MIDL005216-20; Judge Bruce Kaplan.

Attorney for plaintiff: Brandon J. Broderick of Brandon J. Broderick, LLC in River Edge, NJ. Attorney for defendant: Michael J. McCaffrey of Purcell, Mulcahy & Flanagan, LLC in Bernardsville, NJ.

DEFENDANT'S VERDICT

Motor vehicle negligence – Intersection collision – Plaintiff's vehicle struck by defendant's vehicle after defendant ran stop sign – Disc herniation at C3-4 - C4-5 and C5-6 annular tears – Disc herniation at L4-5 and L5-S1.

Middlesex County, NJ

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

On June 14, 2019, the plaintiff's vehicle was traveling south on Ford Avenue, at or near its intersection with W Kelly Street in Woodbridge, New Jersey. At this time, the plaintiff had stopped at a stop sign at the subject intersection and was preparing to proceed straight forward through the intersection. At the same time, the defendant's vehicle was traveling on W Kelly Street, and was preparing to proceed through the same intersection. As the plaintiff attempted to proceed, the defendant disregarded his own designated stop sign and also entered the intersection.

The plaintiff maintained that the defendant was negligent in failing to obey a stop sign, failing to yield the right-of-way, and failing to observe the plaintiff's vehicle. Consequently, the plaintiff sustained injuries, including a disc herniation at C3-4, annular tears at

C4-5 and C5-6, and disc herniations at L4-5 and L5-S1. The plaintiff attended 58 chiropractic appointments and received 2 epidural injections to the lumbar spine to treat his injuries. A doctor for the defendant maintained that the plaintiff had lower back pain prior to the accident, and that his injuries were degenerative. The defendant maintained that the plaintiff's injuries, if any, were caused by the acts of third parties over whom these defendants had no control.

The arbitrator found the defendant 100% liable for the accident in this case and reported an award for the plaintiff in the amount of \$35,000. Following arbitration, the plaintiff's counsel requested a trial de novo. The trial took place on March 25, 26, and 27, as well as April 1, 2024, at which time a jury returned a unanimous verdict of no cause of action for the defendant. On April 9, 2024, the Honorable Patrick J. Bradshaw ordered a judgment be entered in favor of the defendant.

REFERENCE

Dion Smith vs. Walter Witkowski. Docket no. MIDL002171-20; Judge Bina K. Desai, 04-01-24.

Attorney for plaintiff: Laura A. Rabb of Rabb Hamill, PA in Woodbridge, NJ. Attorney for defendant: Regina G. DiStefano of Martin, Kane & Kuper in East Brunswick, NJ.

DEFENDANT'S VERDICT

Motor vehicle negligence – Intersection collision – Plaintiff's vehicle struck in passenger side by defendant's vehicle after defendant disregards stop sign – Disc herniations at C4-5 and C7-T1 with radiculopathy – Disc bulges at L3-4, L4-5 and L5-S1 with likely impingement at L5.

Atlantic County, NJ

In this motor vehicle negligence action, the plaintiff's vehicle was struck in the passenger side by the defendant's vehicle after the defendant disregarded a stop sign, causing the plaintiff to become injured. The defendant generally denied negligence.

On August 1, 2019, the plaintiff's vehicle was traveling northbound on New Road, at or near its intersection with West New York Avenue in Somers Point, New Jersey. At this location, West New York Avenue was controlled by a 2-way stop sign, while New Road was not. At the same time, the defendant's vehicle was traveling west on W New York Avenue, toward the same intersection. At the time of the incident, the defendant disregarded the stop sign controlling New York Ave and entered the intersection, just as the plaintiff's vehicle was proceeding through it on New Road. The defendant's vehicle then struck the plaintiff's vehicle in the passenger side.

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

way. Consequently, the plaintiff sustained injuries, including disc herniations at C4-5 and C7-T1 with radiculopathy, as well as disc bulges at L3-4, L4-5, and L5-S1 with likely impingement at L5. The plaintiff's injuries were treated with epidurals.

A doctor for the defendant maintained that the plaintiff's injuries had no permanency related to the accident due to degeneration and stenosis. The defendant generally denied all allegations of negligence, maintaining that any injuries or damages sustained by the plaintiff were the result of the negligence of third parties over which the defendant had no control.

The arbitrators in this case found the defendant 100% liable for the accident and reported an award for the plaintiff in the amount of \$35,000. Following arbitration, the defendant's counsel requested a trial de novo. The trial took place on July 29, 2024, at which time the jury returned a verdict of no cause for action in favor of the defendant. On August 1, 2024, the Honorable Ralph Paolone ordered that the case be dismissed.

REFERENCE

Johnna Mascony vs. Carole Ziegler. Docket no. ATLL000966-21; Judge Ralph Paolone, 08-01-24.

Attorney for plaintiff: Joel M. Chipkin of GMS Law in Atlantic City, NJ. Attorney for defendant: Robert S. Helwig of Hoagland, Longo, Moran, Dunst & Doukas, LLP in New Brunswick, NJ.

Lane Change Collision

■ \$75,000 ARBITRATION AWARD

Motor vehicle negligence – Lane change collision – Plaintiff’s vehicle struck in driver’s side by defendant’s vehicle attempting to change lanes – Straightening of cervical spine – Loss of normal cervical lordosis – Left shoulder joint effusion – Disc herniation at L5-S1 with radiculopathy.

Middlesex County, NJ

In this motor vehicle negligence action, the plaintiff’s vehicle was struck in the driver’s side by the defendant’s vehicle attempting to change lanes, causing the plaintiff to become injured. The defendant generally denied negligence.

On November 26, 2020, the plaintiff’s vehicle was traveling southbound on the Garden State Parkway, near mile marker 136.10 in Clark, New Jersey. At this time, the plaintiff’s vehicle was traveling in the right lane. At the same time, the defendant’s vehicle was also traveling southbound on the Garden State Parkway, in the left lane next to the plaintiff’s vehicle. At the time of the incident, the defendant attempted to change lanes and enter the right lane, where the plaintiff’s vehicle was traveling. As the defendant attempted to change lanes, his vehicle struck the plaintiff’s vehicle in the driver’s side.

The plaintiff maintained that the defendant was negligent in failing to yield, failing to remain adequately attentive, and failing to safely and properly change lanes. Consequently, the plaintiff sustained injuries, including straightening of the cervical spine, loss of normal cervical lordosis, left shoulder joint effusion, disc herniation at L5-S1, and right L5-S1 radiculopathy. The plaintiff’s injuries were treated with epidural injections and bilateral nerve root blocks at L5-S1. The defendant denied all allegations of negligence, maintaining that any injuries or damages sustained by the plaintiff were the result of the plaintiff’s own contributory negligence.

The arbitrator in this case found the defendant 100% liable for the accident and reported an award for the plaintiff in the amount of \$75,000. This amount was confirmed as a settlement by the parties on July 2, 2024. A stipulation of dismissal was submitted on August 15, 2024.

REFERENCE

Anthony Avola vs. Ramon Ramos, Jr. Docket no. MIDL003454-22; Judge J.R. Corman, 08-15-24.

Attorney for plaintiff: Brandon J. Broderick of Brandon J. Broderick, LLC in River Edge, NJ. Attorney for defendant: Mark Trudeau of Law Office of Cindy L. Thompson in Piscataway, NJ.

■ \$13,500 ARBITRATION AWARD

Motor vehicle negligence – Lane change collision – Plaintiff’s vehicle sideswiped by defendant’s vehicle while both plaintiff and defendant vehicles attempt to change lanes – Neck and back injury – Multiple disc lesions.

Passaic County, NJ

In this motor vehicle negligence action, the plaintiff’s vehicle was sideswiped by the defendant’s vehicle when both the plaintiff’s and defendant’s vehicles were attempting to change lanes, causing the plaintiff to become injured. The defendant denied all allegations of negligence, maintaining that any injuries or damages sustained by the plaintiff were the result of the plaintiff’s own contributory negligence.

On December 17, 2019, the plaintiff’s vehicle was traveling northbound on McLean Boulevard near the Route 80 entrance ramp in Paterson, New Jersey. At this time, the defendant’s vehicle was also traveling northbound on McLean Boulevard, near the same location, at the same time the plaintiff’s vehicle was attempting to change lanes to maneuver toward the entrance ramp, while the defendant’s vehicle was attempting to change lanes to move into the shoulder of the road. While both vehicles were attempting to change lanes, the plaintiff’s vehicle was sideswiped by the defendant’s vehicle.

The plaintiff maintained that the defendant was negligent in failing to remain in the correct lane of travel, failing to safely change lanes and failing to observe the plaintiff’s vehicle. Consequently, the plaintiff sustained injuries, including neck and back injury, as well as multiple disc lesions. The plaintiff also claimed that a 2022 carpal tunnel surgery was related to the accident, but did not provide a report to establish causality.

The arbitrator in this case found both the plaintiff and the defendant 50% liable for the accident, and reported an award for the plaintiff in the amount of \$13,500. Following arbitration, the plaintiff’s counsel motioned to have the arbitration amount confirmed by a judge. However, on March 8, 2024, this motion was withdrawn, as the parties had reached a settlement for an amount not specified on the docket. A stipulation of dismissal was entered on May 7, 2024.

REFERENCE

Rosa Mendoza vs. Thomas Farrell. Docket no. PASL003926-21; Judge Vicki A. Citrino, 05-07-24.

Attorney for plaintiff: Daniel Santiago of Law Offices of Daniel Santiago, LLC in Fairfield, NJ. Attorney for defendant: Julie H. Robinson of The Law Office of Alphonso H. Ibrahim in Scranton, PA.

Left Turn Collision

\$70,000 GROSS VERDICT

Motor vehicle negligence – Left turn collision – Right thumb ligament tear – Surgery required.

Camden County, NJ

The plaintiff in this vehicular negligence action maintained that he suffered serious injury to his right thumb when his vehicle was involved in a collision with the defendant who made a negligent left turn. The defendant denied all allegations of negligence and argued he was waved on by an unidentified driver.

On February 28, 2018, the male plaintiff was the operator traveling eastbound in the left passing lane of White Horse Pike in Laurel Springs, New Jersey. The plaintiff wife was a passenger in the vehicle. The defendant was traveling northbound on intersecting Summit Avenue, when the defendant attempted a left turn across 2 lanes of traffic causing a collision with the plaintiff.

The plaintiffs maintained that the defendant was negligent in making an improper left-hand turn when it was unsafe to do so and failing to yield to traffic. Consequently, the plaintiff driver suffered a right thumb ligament tear necessitating reconstruction and grafting surgery. The plaintiff experiences ongoing thumb pain and will likely require future surgery. The plaintiff passenger claimed injuries to her neck and back.

DEFENDANT'S VERDICT

Motor vehicle negligence – Left turn collision – Plaintiff's vehicle struck by defendant's vehicle when defendant turns left in front of plaintiff – Right shoulder injury/impingement.

Ocean County, NJ

In this motor vehicle negligence action, the plaintiff's vehicle was struck by the defendant's vehicle when the defendant turned left in front of the plaintiff. The defendant denied all allegations of negligence, maintaining that the plaintiff was guilty of negligence which proximately contributed to the happening of the accident.

On November 15, 2019, the plaintiff's vehicle was traveling westbound on Drum Point Road, at or near its intersection with Adamston Road, in Brick, NJ. At this time, the plaintiff was preparing to proceed straight through the subject intersection with a green light in her favor. At the same time, the defendant's vehicle was traveling southbound on Adamston Road, at the same intersection. The defendant's vehicle was preparing to make a left turn onto Drum Point road at the intersection. At the time of the incident, the plaintiff attempted to proceed in a straight direction at the same time that the defendant attempted to turn left. As a result, the defendant's vehicle turning left struck the plaintiff's vehicle, causing the plaintiff to become injured.

The defendant argued that he was waved into traffic by an unidentified driver. The plaintiff then pursued UM carrier coverage against Allstate due to the allegations against an unidentified driver. The defendants denied allegations of negligence and denied that the plaintiff's thumb complaints were causally related to the accident and disputed any permanency of the injury.

Arbitration was held in July of 2021 and the plaintiff was awarded \$56,000 against Allstate only. A jury trial took place in February of 2024. The jury found that the defendant Allstate was 45% negligent, the defendant Modi was 35% negligent and the plaintiff driver was 20% negligent. The jury awarded the plaintiff \$50,000 and his wife \$20,000. The verdict was then molded for the plaintiff's comparative negligence.

REFERENCE

Jose J. Lopez and Jaqueline Ayala-Cortez vs. Parth C. Modi, Allstate New Jersey Property & Casualty Insurance. Docket no. CAM-L-1896-20; Judge Judith Charny, 02-23-24.

Attorney for plaintiff: Salomao Nascimento of Epstein Ostrove, LLC in Edison, NJ. Attorney for defendant: Cindy Newman of Barone Mooney Newman & Foreman in Edison, NJ.

The plaintiff maintained that the defendant was negligent in failing to wait for clearance before turning left, failing to yield the right-of-way, and failing to safely and properly execute a left turn. Consequently, the plaintiff sustained injuries, including right shoulder injury/impingement with radiculitis. A doctor for the defendant disputed the nature, extent, and causal relationship of the injury to the accident.

The arbitrator in this case found the defendant 90% responsible for causing the accident, and found the plaintiff 10% liable, reporting an award for the plaintiff in the amount of \$18,000. Following arbitration, the defendant's counsel requested a trial de novo. A trial took place on April 22 and 23, 2024, at which time the jury returned a verdict of no cause for action in favor of the defendant. On May 24, 2024, the Honorable James Den Uyl ordered that a judgment be entered in favor of the defendant.

REFERENCE

Tasha Crudup vs. William Farnkopf. Docket no. OCNL002701-21; Judge Valter H. Must, 04-23-24.

Attorney for plaintiff: Jonathan S. Fabricant of Bathgate, Wegener & Wolf in Lakewood, NJ. Attorney for defendant: Kevin F. Sheehy of Leyden, Capotorto, Ritacco, Corrigan & Sheehy, PC in Toms River, NJ.

Multiple Vehicle Collision

■ \$100,000 SETTLEMENT

Motor vehicle negligence – Multi-vehicle rear end collision – Plaintiff’s disabled vehicle struck in rear twice due to negligence of defendants – Facial laceration requiring stitches – TMJ – Neck and back sprains.

Bergen County, NJ

The plaintiff in this vehicular negligence action maintained she suffered various physical injuries as well as serious emotional injuries when her vehicle was struck in the rear twice in a rear end collision caused by the defendant striking the plaintiff’s disabled vehicle. The defendants maintained that the actions of the plaintiff caused the collision.

On October 28, 2019, the female plaintiff, age 50, vehicle became disabled in the right lane of the Garden State Parkway Southbound near mile marker 159 in Saddlebrook, New Jersey. The plaintiff’s vehicle was then struck in the rear by defendant Simbron. Following the first impact, the defendant Liang then struck the Simbron vehicle in the rear pushing it into the plaintiff’s vehicle for a second impact.

The defendant Liang admitted to striking the defendant Simbron’s vehicle but denied that his negligence caused a second impact to the vehicle. The plaintiff maintained that the defendants failed to keep a proper and adequate lookout and failed to make maneuvers to avoid striking the rear of the plaintiff’s disabled vehicle. Consequently, the plaintiff sustained a laceration to her forehead and eyelid area requiring stitches, TMJ, cervical thoracic and lumbar strain, myositis, trauma to teeth and PTSD.

The defendant Simbron settled with the plaintiff for policy limits of \$100,000 in 2021. After arbitration in September of 2022, the case proceeded to trial against the defendant Liang. The jury found no cause of action against the defendant in February of 2024.

REFERENCE

Indira Mrkulic vs. Wilman Simbron and Bitao Liang. Docket no. BER-L-5803-20; Judge Nicholas Ostuni, 02-27-24.

Attorney for plaintiff: Angela Cervelli Bennett of Davis, Saperstein & Salomon, P.C. in Teaneck, NJ.

Attorney for defendant: James C. Nelson of Voss Nitsberg DeCoursey & Hawley in Iselin, NJ.

Parking Lot Collision

■ \$15,000 SETTLEMENT

Motor vehicle negligence – Parking lot collision – Plaintiff’s vehicle struck by defendant’s vehicle backing out of parking spot in parking lot – Minor injuries including contusions, abrasions, strains and sprains.

Atlantic County, NJ

In this motor vehicle negligence action, the plaintiff’s vehicle was struck by the defendant’s vehicle backing out of a parking spot in a parking lot, causing the plaintiff to become injured. The defendant generally denied all allegations of negligence, maintaining that any damages or injuries sustained were the result of the plaintiff’s own negligence.

On July 24, 2020, the plaintiff’s vehicle was traveling in a store parking lot located on the premises of 4620 Black Horse Pike in Mays Landing, New Jersey. At the same time, the defendant’s vehicle was parked in the same store parking lot, and the defendant was preparing to back out and leave the lot. At the time of the incident, the defendant attempted to back out

of her parking spot just as the plaintiff’s vehicle was passing. The defendant’s vehicle then struck the plaintiff’s vehicle while backing out.

The plaintiff maintained that the defendant was negligent in failing to wait for clearance before backing out of a parking spot, failing to remain adequately attentive, and failing to observe the plaintiff’s vehicle. Consequently, the plaintiff sustained bodily injuries including contusions, abrasions, strains and sprains and general pain and suffering.

The parties entered into a settlement for \$15,000 on April 25, 2024, prior to an arbitration hearing. The defendant’s counsel motioned to enforce the settlement on June 18, 2024, but the motion was withdrawn on June 24, 2024, as the plaintiff provided the proper settlement documents.

REFERENCE

Gary Clemmons vs. Natasha North. Docket no. ATL-L-1986-22; Judge John C. Porto, 04-25-24.

Attorney for plaintiff: Christopher S. Lipari of Lipari Law Firm, P.C. in Pleasantville, NJ. Attorney for defendant: Stephen D. Williams of Brennan & Spender in Princeton, NJ.

Rear End Collision

\$90,000 VERDICT

Motor vehicle negligence – Rear end collision – Plaintiff stops vehicle waiting to make left hand turn when defendant strikes rear of plaintiff's vehicle – Injuries to neck, back and shoulder – Tinnitus and dizziness.

Morris County, NJ

This vehicular negligence action was brought by the plaintiff to recover for injuries he sustained when his vehicle was struck in the rear by the defendant as the plaintiff was stopped waiting to turn. The defendant alleged that the plaintiff's comparative or contributory negligence caused the accident.

On January 28, 2018, the male plaintiff was operating his vehicle on West Dewey Ave. in Roxbury Township, New Jersey. The plaintiff brought his vehicle to a lawful stop while waiting to make a left hand turn. Suddenly and without warning his vehicle was struck in the rear by the defendant. The force of the impact caused the plaintiff's vehicle to travel 35 feet into the opposing lane.

The allegations of negligence against the defendant driver contained in the plaintiff's complaint were failing to properly maintain his vehicle, traveling at high rate of speed, failing to properly slow or stop for vehicles ahead on the roadway, and did otherwise negligently operate the vehicle which he was driving so as to cause the vehicle that he was driving to crash directly into the rear of the plaintiff's vehicle. The plaintiff maintained that he suffered injuries to his neck, back and left shoulder along with tinnitus and dizziness which greatly impact his daily life. The defense's medical expert found no objective evidence to substantiate the plaintiff's subjective complaints.

The board of arbitrators found in favor of the plaintiff, finding that the defendant was 100% liable and awarding the plaintiff \$90,000 in damages less a credit of \$25,000.

REFERENCE

James C. Valluzzi vs. Kenneth L. Latney. Docket no. MRSL001782-20; Panel Arbitration, 03-23-23.

Attorney for plaintiff: Michael A. Mark in Hawthorne, NJ. Attorney for defendant: Carl Mazzie of Foster & Mazzie, LLC in Totowa, NJ.

\$70,000 ARBITRATION AWARD

Motor vehicle negligence – Rear end collision – Plaintiffs' vehicle struck in rear by defendant's vehicle on exit ramp – Cervical disc herniations – Lumbar disc herniations – Cervical disc bulges – Left subacute cervical radiculopathy – Bilateral carpal tunnel syndrome – Right subacute cervical radiculopathy – Bilateral subacute lumbosacral radiculopathy – Right subacute lumbosacral radiculopathy.

Passaic County, NJ

In this motor vehicle negligence action, the plaintiffs' vehicle was struck in the rear by the defendant's vehicle on an exit ramp. Consequently, the plaintiffs sustained injuries. The defendant generally denied negligence.

On March 12, 2020, the plaintiffs' vehicle was traveling on the Broad Street Ramp, at its intersection with Route 46 in Clifton, New Jersey. At this time, the plaintiff's vehicle was stopped at the subject intersection. At the same time, the defendant's vehicle was also traveling on the Broad Street Ramp, directly behind the plaintiffs' vehicle. While stopped at the intersection, the plaintiff's vehicle was suddenly struck in the rear by the defendant's vehicle, causing both the plaintiff driver and plaintiff passenger to become injured.

The plaintiffs 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 at the intersection. The plaintiff driver sustained cervical disc herniations at C2-C3, C3-C4, C5-C6, and C6-C7, lumbar disc herniations at L4-5 and L5-S1, cervical disc bulge at C7-T1, left subacute cervical radiculopathy, bilateral carpal tunnel syndrome, and bilateral subacute lumbosacral radiculopathy. The plaintiff passenger sustained cervical disc herniations at C5-C6 and C6-C7, lumbar disc herniations at L4-L5 and L5-S1 with annular tear, cervical disc bulge at C7-T1, right subacute cervical radiculopathy, and right subacute lumbosacral radiculopathy. The defendant denied all allegations of negligence, maintaining that any injuries or damages sustained by the plaintiffs were the result of the plaintiffs' own comparative negligence.

The arbitrator in this case found the defendant 100% liable for the accident and reported an award for the plaintiffs in the amount of \$70,000; \$40,000 for the plaintiff driver and \$30,000 for the plaintiff passenger. Following arbitration, the parties entered into a settlement for an amount not specified on the docket. A stipulation of dismissal was submitted on May 10, 2024.

REFERENCE

Bartolome Donzella vs. Justin Moretto. Docket no. PASL000337-22; Judge Vicki A. Citrino, 05-10-24.

Attorney for plaintiff: Nicholas A. Mattera of Nicholas A Mattera, LLC in Paterson, NJ. Attorney for defendant: Darysa Bello Amador of Cottrell Law Group in Hackensack, NJ.

■ \$22,500 VERDICT

Motor vehicle negligence – Rear end collision – Plaintiff’s vehicle struck in rear by defendant’s vehicle while stopped at red light – Cervical disc herniation – Cervical disc bulge – Cervical radiculopathy – Lumbar disc herniation with nerve root impingement.

Essex County, NJ

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

On July 10, 2019, the plaintiff’s vehicle was traveling westbound on Raymond Blvd in Newark, New Jersey. At this time, the plaintiff’s vehicle was stopped at a red traffic light at the intersection of Raymond Blvd and Halsey Street. At the same time, the defendant’s vehicle was also traveling westbound on Raymond Blvd, 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 maintained that the defendant was negligent in failing to keep a proper lookout, failing to exercise due care, failing to obey traffic signals, failing to observe the plaintiff’s vehicle, failing to remain adequately attentive, failing to maintain a safe distance from other vehicles, failing to operate the vehicle at a reasonable rate of speed, failing to apply the brakes in a timely manner, failing to slow or stop and failing to avoid striking the plaintiff’s vehicle. Consequently, the plaintiff sustained injuries, including cervical disc herniation, cervical disc bulge, cervical radiculopathy and lumbar disc herniation with nerve root impingement.

The jury found in favor of the plaintiff and awarded \$22,500.

REFERENCE

Malvo Ainsley vs. Ramkishun Permanand. Docket no. L005042-21; Judge Keith E. Lynott, 04-29-23.

Attorney for plaintiff: Sebastian O. Ibezim, Jr. of Ibezim Law Offices, P.C. in Irvington, NJ.

■ \$20,000 ARBITRATION AWARD

Motor vehicle negligence – Rear end collision – Plaintiff’s vehicle struck in rear by defendant’s vehicle while slowing for traffic – Cervical disc herniations – Lumbar disc herniations – Aggravation of prior knee replacement.

Burlington 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 17, 2021, the plaintiff’s vehicle was traveling northbound on County Route 541 in Burlington, New Jersey. At the same time, the defendant’s vehicle was also traveling northbound on County Route 541, directly behind the plaintiff’s vehicle. At the time of the incident, the plaintiff noticed traffic ahead and began to slow her vehicle to accommodate it. While the plaintiff’s vehicle was slowing down, it was suddenly struck in the rear by the defendant’s vehicle.

The plaintiff maintained that the defendant was negligent in failing to remain adequately attentive, failing to obey traffic conditions, failing to observe the plaintiff’s vehicle slowing down, failing to maintain a safe distance from other vehicles, failing to wait, and failing to slow or stop. Consequently, the plaintiff sustained injuries, including cervical disc herniations, lumbar disc herniations, and aggravation of a prior knee replacement.

The arbitrator found that the plaintiff pierced the threshold based upon the herniations that her doctors have related to the accident. The arbitrator awarded the plaintiff \$20,000 and obtained the permission of the attorneys to affix their signature to this award. A stipulation of dismissal was submitted by the defense attorney in May of 2024 and signed by the attorneys.

REFERENCE

Denise Zeno vs. Christina Martell. Docket no. L000500-22; Judge Eric G. Fikry, 04-19-24.

Attorney for plaintiff: Christopher DeAngelo of Levinson Axelrod, P.A. in Forked River, NJ. Attorney for defendant: Randi Fraiman Silverman of State Farm.

■ DEFENDANT’S VERDICT

Motor vehicle negligence – Rear end collision – Cervical and lumbar herniated nuclei pulposus – Injections required.

Bergen County, NJ

In this action for motor vehicle negligence, the plaintiff was obeying traffic conditions and attempting to execute a left turn when the

defendant negligently struck the plaintiff’s vehicle in the rear causing multiple injuries to the plaintiff. The defense argued that the action of the plaintiff caused the incident and the plaintiff’s injuries were minor and resolved.

On April 3, 2019, the male plaintiff was operating his vehicle at the intersection of Route 9 W and Glen Goin Drive in Alpine, New Jersey. The plaintiff had

stopped or was slowing his vehicle to make a left turn at the intersection when his vehicle was negligently struck in the rear by the defendant at a high rate of speed.

The plaintiff maintained that the defendant was negligent in failing to operate the vehicle at a reasonable speed for traffic conditions, failing to keep a proper lookout, and failing to observe the plaintiff's motor vehicle slowing to make a left turn. Following the accident the plaintiff was diagnosed with herniated nuclei pulposi at L2 through S1 and C3-C7, along with disc bulges at L1-L2 and C7-T1 and injuries to the ankle and right shoulder. The plaintiff underwent cervical and lumbar epidural steroid injections.

The defendant contended that the plaintiff pulled out from the intersection and cut the defendant off, coming to an almost complete stop causing the ac-

cident. In addition, the defense argued that medically the plaintiff sustained sprains and strains which all resolved with no permanency the defense further contended that MRI findings are consistent with pre-existing conditions that were temporarily exacerbated.

In February of 2023 an arbitrator found for the plaintiff awarding the plaintiff \$60,000. The defense requested trial de novo. In February of 2024 a jury found in favor of the defendant.

REFERENCE

John J. Park vs. Robert Brobeck. Docket no. BER-L-1566-21; Judge Anthony R. Suarez, 02-08-24.

Attorney for plaintiff: Nicholas Farnolo of Napoli, Shkolnik in New York, NY. Attorney for defendant: Thomas B. Hight of Chasan Lamparello Mallon & Cappuzzo, PC in Secaucus, NJ.

Right Turn Collision

JUDGMENT IN FAVOR OF DEFENDANT

Motor vehicle negligence – Right turn collision – Plaintiff's vehicle struck by defendant's vehicle which lost control while making right turn – Cervical disc herniation – Cervical disc bulge – Soft tissue injuries to lower back and left knee.

Camden County, NJ

In this motor vehicle negligence action, the plaintiff's vehicle was struck by the defendant's vehicle, which lost control while making a right turn, causing the plaintiff to become injured. The defendant generally denied all allegations of negligence, maintaining that the collision was caused by conditions over which the defendant had no control.

On May 12, 2019, the plaintiff's vehicle was traveling on Cross Keys Road, at or near its intersection with Kearsley Road in Winslow Township, New Jersey. At this time, the plaintiff's vehicle was preparing to proceed straight through the subject intersection. At the same time, the defendant's vehicle was traveling on Kearsley Road, toward the same intersection, and was preparing to make a right turn onto Cross Keys Road. At the time of the incident, the defendant's vehicle attempted to turn right, at which point the vehicle slid on wet road conditions and entered the plaintiff's travel lane. The defendant's vehicle then struck the plaintiff's vehicle.

The plaintiff maintained that the defendant was negligent in failing to keep the vehicle under proper and adequate control, failing to safely and properly execute a right turn, and failing to apply the brakes in a timely manner. Consequently, the plaintiff sustained injuries, including a cervical disc herniation, a cervical disc bulge, and soft tissue injuries to the lower back and the left knee. A doctor for the defendant disputed causation of the plaintiff's injuries, maintaining that the plaintiff had a history of neck and back pain prior to the accident.

The arbitrators in this case found the defendant 100% liable and reported an award for the plaintiff in the amount of \$50,000. Following arbitration, the defendant's counsel requested a trial de novo. The trial took place from April 1, 2024, to April 4, 2024, during which time the jury rendered a verdict finding that the plaintiff did not prove a permanent injury as required for the recovery of damages. On April 18, 2024, the Honorable Donald J. Stein entered a judgment of no cause of action in favor of the defendant.

REFERENCE

Vining Alberta vs. Rupertus Austin. Docket no. CAML000600-21; Judge Judith S. Charny, 04-04-24.

Attorney for plaintiff: Adam M. Starr of Jarve Kaplan Granato Starr, LLC in Marlton, NJ. Attorney for defendant: Christopher J. Marcucci of Margolis Edelstein in Mt Laurel, NJ.

PREMISES LIABILITY

Fall Down

\$75,000 ARBITRATION AWARD

Premises liability – Fall down – Plaintiff slips and falls on crushed grape at defendant supermarket – Lumbar disc bulges – Lumbar radiculitis – Left knee sprain/strain.

Camden County, NJ

In this premises liability action, the plaintiff slipped and fell on a crushed grape at the defendant supermarket, causing her to become injured. The defendants denied negligence on the grounds that any negligence present in this case was caused by third parties over which the defendants had no control.

On November 7, 2020, the plaintiff was a lawful visitor and business invitee at the defendant supermarket, located on the premises of 100 South Black Horse Pike in Williamstown, New Jersey. At this time, the plaintiff was traversing inside the store, specifically in the produce section. While the plaintiff was walking through an aisle, she encountered a crushed grape that had been left on the floor. The plaintiff then slipped on the grape and fell.

\$48,750 ARBITRATION AWARD

Premises liability – Fall down – Plaintiff slips and falls on outdoor stairs at defendant country club – Wrist injury – Left foot fracture – Surgery required.

Somerset County, NJ

In this premises liability action, the plaintiff slipped and fell on outdoor stairs at the defendant country club, causing her to become injured. The defendants denied all allegations of negligence, maintaining that any injuries or damages sustained by the plaintiff were the result of the plaintiff's own comparative or contributory negligence.

On November 2, 2019, the plaintiff was a lawful visitor at the defendant country club, located on the premises of 900 Lamington Road in Bedminster, New Jersey. On this day, the plaintiff was attending a wedding on the premises. At this time, the plaintiff was attempting to exit the second floor of the building via an outdoor staircase. At the time of the incident, the plaintiff was descending the outdoor stairs when she tripped and fell.

The plaintiff maintained that the defendants were negligent in failing to ensure the safety of the outdoor stairs on the premises, failing to provide proper light-

The plaintiff maintained that the defendants were negligent in failing to maintain and inspect the premises, failing to properly clean the premises, failing to remove fallen produce from the floor, and failing to warn of a slipping hazard. Consequently, the plaintiff sustained injuries, including lumbar disc bulges, lumbar radiculitis, and left knee sprain/strain. The plaintiff's lumbar spine injuries required epidural injections to repair.

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

REFERENCE

Denise Mears vs. Zallie Supermarkets, Inc. Docket no. L002186-21; Judge Michael J. Kassel, 03-27-24.

Attorney for plaintiff: Albert J. Olizi of Mattleman, Weinroth, & Miller, PC in Cherry Hill, NJ. Attorney for defendant: Colleen M. Ready of Margolis Edelstein in Mt Laurel, NJ.

ing in the area of the outdoor staircase, and failing to prevent a slipping hazard on the premises. Consequently, the plaintiff sustained injuries, including a wrist injury, as well as a fracture of the left foot, which required open reduction and internal fixation surgery to repair.

The arbitrator in this case found the plaintiff 35% liable for the accident and the defendants 65% liable, reporting an award for the plaintiff in the amount of \$48,750. Following arbitration, the plaintiff's counsel requested a trial de novo. The trial was scheduled for May 13, 2024, but the parties entered into a settlement on April 12, 2024, for an amount not specified on the docket. On April 16, 2024, the Honorable Robert A. Ballard, Jr. ordered that the case be dismissed.

REFERENCE

Kathleen Dooley vs. Trump National Bedminster. Docket no. SOML000692-21; Judge Kevin M. Shanahan, 04-12-24.

Attorney for plaintiff: Swartz Culleton, PC in Newtown, PA. Attorney for defendant: Lewis Brisbois Bisgaard & Smith, LLP in New York, NY.

DEFENDANTS' VERDICT

Premises liability – Fall down – Plaintiff trips on corner of column on sidewalk at entrance of defendant membership warehouse – Fracture of right hip – Fracture of right wrist – Surgery required.

Monmouth County, NJ

In this premises liability action, the plaintiff was outside of the defendant's warehouse when she tripped and fell over the corner of a column by the front door, causing her to become injured. The defendants generally denied negligence.

On December 22, 2019, the plaintiff was a lawful visitor and business invitee at the defendant membership warehouse store, located on the premises of 2361 NJ-66 in Ocean Township, New Jersey. At this time, the plaintiff was walking on a sidewalk near the store's entrance. At the time of the incident, the plaintiff tripped over the corner of a large support column, located near the front door of the warehouse. The plaintiff then fell.

The plaintiff maintained that the defendants were negligent in failing to prevent a tripping hazard on the premises, failing to warn of a tripping hazard and failing to provide safe passage on the premises. Consequently, the plaintiff sustained injuries, including a fracture of the right hip, as well as a fracture of the

right wrist. The plaintiff's hip fracture required surgical intervention to repair. The defendants generally denied all allegations of negligence, maintaining that any injuries or damages sustained by the plaintiff were the result of the plaintiff's own contributory negligence.

The arbitrator in this case found both the plaintiff and the defendants 50% 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. A trial took place before a jury from April 8-11, 2024, at which time the jury returned a verdict of no cause for action in favor of the defendants. On April 30, 2024, the Honorable Stacy Adams ordered that a judgment be entered in favor of the defendants.

REFERENCE

Kathie Maguire vs. Costco Wholesale Corporation. Docket no. MONL001929-21; Judge Stacey D. Adams, 04-11-24.

Attorney for plaintiff: Gerard Ryan of Parker Waichman, LLP in Port Washington, NY. Attorney for defendant: James J. Law of Dengler & Lipski in Philadelphia, PA.

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

\$2,590,194 VERDICT – MEDICAL MALPRACTICE – ORTHOPEDIST/HOSPITAL NEGLIGENCE – DEFENDANT DOCTOR AND NURSING STAFF FAIL TO APPRECIATE PLAINTIFF’S SIGNS OF COMPARTMENT SYNDROME CAUSING DELAY IN TREATMENT – PARALYSIS OF LEFT LOWER EXTREMITY – NERVE INJURY, DECUBITUS PLANTAR ULCERS; INABILITY TO STAND AND GAIT IMPAIRMENT WITH INABILITY TO WALK.

Bridgeport County, CT

The male plaintiff in this medical malpractice action broke his leg in a fall from a ladder while working in construction. He was taken to the defendant’s hospital and surgery was performed. Following surgery, the plaintiff complained of severe pain which the defendants failed to appreciate as a symptom of compartment syndrome which caused the plaintiff to suffer permanent injury. All defendants denied being negligent and blamed the other defendants, third parties and/or the plaintiff for being negligent.

The defendant Meltsakos opted to monitor the patient instead of surgically intervening. Thereafter, the plaintiff suffered compartment syndrome of the left lower extremity, paralysis of the left lower extremity, nerve injury, decubitus plantar ulcers, inability to stand

and gait impairment with inability to walk. The plaintiff maintained that the defendants failed to elicit a proper history, failed to make a proper diagnosis and failed to institute a proper treatment plan.

The jury found the defendant doctor Meltsakos to be 60% negligent and the defendant Stamford Hospital to be 40% negligent. The plaintiff was awarded damages totaling \$2,590,194.

REFERENCE

Carlos Ortiz vs. Stamford Hospital, Stamford Health Medical Group, Inc., University Orthopedics, David Asprinio, M.D. and Christopher Meltsakos, M.D. Case no. FBT-CV18-6078532; Judge Kenneth Povodator, 09-09-23.

Attorney for plaintiff: Patrick J. Filan of Law Office of Patrick J. Filan in Fairfield, CT.

\$1,700,000 JUDGMENT INCLUDING \$1,400,000 PUNITIVE DAMAGES – MEDICAL MALPRACTICE – PLASTIC SURGERY – DEFENDANT IMPROPERLY PERFORMED HERNIA REPAIR AND ABDOMINOPLASTY – REVISION SURGERY – PERMANENT SCARRING.

Suffolk County, NY

In this medical malpractice case, the plaintiff contended that the defendant was negligent in deviating from accepted and proper medical, surgical, plastic surgical and nursing practices and standards extant in the community. The defendant denied negligence and asserted that all treatment of the plaintiff was within acceptable medical standards of practice.

The plaintiff underwent surgery performed by the defendant for ventral hernia repair with mesh, liposuction of abdomen and hips, and full abdominoplasty. The plaintiff claimed that the defendant improperly performed the surgeries and failed to appropriately treat the plaintiff post-surgery, resulting in infection; abdominal scarring; extensive blood loss and irregular scar tissue and excessive fat; deformity, disfiguration and discoloration at the surgical site

The defendants failed to provide identification of professional liability insurance policies in existence on the date of the alleged malpractice pursuant to CPLR § 101 (f), and the court’s preliminary conference order. As such, the defendant’s Answer was stricken and the defendant was found in default on liability. The case was set down for inquest on damages.

At inquest, the court awarded damages in the amount of \$1.7 million broken down as follows: \$275,000 for the plaintiff’s pain and suffering; \$25,000 for the loss of consortium claim and \$1.4 million in punitive damages.

REFERENCE

Cowen vs. Landsman, M.D. Index no. 621569/2021; Judge Paul M. Hensley, 11-14-23.

Attorney for plaintiff: Alan H. Figman of Alan H. Figman, PLLC in New York, NY.

\$1,375,000 RECOVERY – MEDICAL MALPRACTICE – SURGEON/DOCTOR NEGLIGENCE – DEFENDANT DOCTORS FAIL TO ORDER REPEAT COLONOSCOPY ON PLAINTIFF’S DECEDENT AFTER COLON COULD NOT BE PROPERLY VISUALIZED DUE TO POOR TEST PREP – LARGE TUMOR FOUND IN DECEDENT’S COLON SEVERAL YEARS LATER – METASTATIC COLON CANCER – WRONGFUL DEATH OF 72-YEAR-OLD MALE.

Montgomery County, PA

The decedent in this action for medical malpractice was a patient of the defendants for many years. The decedent’s history was significant for rectal cancer, and he was being followed by the defendants. 2 consecutive colonoscopies were inadequate due to poor test prep. Despite the defendants being unable to properly visualize the colon of the decedent, the defendants failed to order and perform proper repeat testing. A large tumor was found in the decedent’s colon several years later. He died from his disease a few short months after the tumor was discovered. The defendants generally denied all allegations of negligence and injury.

The estate maintained that the defendants were negligent in failing to timely diagnose the decedent’s colon cancer, failing to recognize the signs and symptoms of colon cancer, failing to recommend, order and obtain proper diagnostic tests, failing to re-test in light of clinically significant poor preparation

and failing to perform repeat colonoscopies. The estate maintained that the doctors’ group was vicariously liable for the acts of the individual defendants.

The decedent is survived by his wife and 2 adult daughters.

The parties settled for \$1,375,000.

REFERENCE

Plaintiff’s colon and rectal surgery expert: Marvin Corman, M.D. Plaintiff’s gastroenterology expert: Michael Apstein, M.D. Plaintiff’s oncology expert: Richard Hirschman, M.D.

The Estate of John McNabb by Kathleen McNabb vs. Anthony Coletta, M.D., Ronald J. Mattson M.D., Philip Y. Pearson, M.D. Surgical Specialists, PC. Case no. 2013-26195; Judge Lois E. Murphy, 12-28-23.

Attorney for plaintiff: Suzanne dePillis of Kline & Specter in Philadelphia, PA. Attorney for defendant: Thomas M. Savon of Naulty Scaricamazza & McDevitt. Attorney for defendant: Daniel Tran of Marshall Dennehey Warner Coleman & Goggin, PC in Philadelphia, PA.

MOTOR VEHICLE NEGLIGENCE

\$2,399,919 VERDICT – MOTOR VEHICLE NEGLIGENCE – MOVING TRUCK/AUTO COLLISION – PLAINTIFFS FRONT AND BACK-SEAT PASSENGERS IN STATIONARY VEHICLE STRUCK BY MOVING TRUCK BACKING UP IN FRONT OF AUTO – PLAINTIFFS SUFFER BACK AND KNEE INJURIES – BOTH UNDERGO MULTIPLE SURGERIES.

Kings County, NY

This motor vehicle negligence action arose from an accident that occurred on August 12, 2016, while a vehicle was attempting to park. At the time of the accident, the plaintiffs were passengers in a stationary vehicle that the plaintiffs asserted that was struck by a moving truck owned by the defendant moving company and operated by its employee in the scope and course of his employment, causing both plaintiffs to sustain serious injuries. The defendant denied negligence and claimed that there were conflicting versions of how the accident occurred.

As a result of the collision, the first plaintiff claimed disc herniation at C2-3, C3-C4 and tear of the posterior horn of the left knee medial meniscus. The first plaintiff underwent C3-C4 fusion, anterior cervical discectomy at C3-C4, lateral media foraminotomies, partial excision of the C4 vertebral body was performed to decompress C3-C4 level, soft disc fragments removed from the C3-C4 level, arthrodesis, anterior instrumentation, intervertebral implant, allograft and autograft; and left knee arthroscopy,

partial medial meniscectomy, synovectomy and chondroplasty. The second plaintiff suffered L5-S1 disc herniation with annular tear, extruded fragment and L5-S1 nerve root compression; disc herniations at C4-5 and C5-6 and tear of the posterior horn of the medial meniscus of the right knee. The second plaintiff underwent discectomy at L5-S1; left hemilaminectomy, foraminotomy and hemilamina. The court granted the plaintiffs’ summary judgment motion and found that the defendants “bear full responsibility for causing the subject occurrence.” The matter then proceeded to a jury trial on damages and a verdict was returned in favor of the plaintiffs in the amount of \$1,470,516 to the first plaintiff and \$929,403 to the second plaintiff.

REFERENCE

Usolani, et al. vs. Dumbo Moving & Storage, Inc., et al. Index no. 507010/2017; Judge Devin P. Cohen, 01-04-24.

Attorney for plaintiff: Steven V. Podolsky of Cherny & Podolsky, PLLC in Brooklyn, NY. Attorney for defendant: Timothy McCarthy of Cheven, Keely & Hatzis in New York, NY.

PREMISES LIABILITY

\$10,000,000 VERDICT – PREMISES LIABILITY – HAZARDOUS PREMISES – DEFENDANT VENDOR FAILED TO WARN GROUND UNDER TENT UNEVEN – PLAINTIFF SET UP LADDER AND FELL – FRACTURES OF LEFT LEG AND ANKLE – 7 SEPARATE SURGERIES.

Broward County, FL

In this premises liability case the plaintiff, a contractor hired to remove a rental tent, contended that the defendant, who rented the tent out of which she sold fireworks, was negligent in failing to warn that the ground where the tent was set up was uneven and that the defendant's negligence caused the plaintiff to fall. As a result of the fall, the plaintiff claimed catastrophic injuries including severe fractures of the left leg and ankle requiring 7 surgeries and rendering him disabled. The court determined as a matter of law that the defendant was negligent and that the defendant's negligence caused the plaintiff's injuries. The matter went to trial on damages.

The defendant denied negligence, arguing that she neither owned nor maintained the property where the tent was set up and owed the plaintiff no duty as to

the safety of placing a ladder on the premises. The defendant asserted that the plaintiff was at fault himself for any negligent placement of the ladder and resulting injury, if any. The defendant's attorney filed a motion to withdraw from the case. The defendant then took on the case pro se but failed to meet court deadlines and was found in default.

The jury awarded damages in the amount of \$10,000,000.

REFERENCE

Daye vs. Fireworks Lady & Co., LLC. Case no. CACE20011064; Judge Carol-Lisa Phillips, 07-18-23.

Attorneys for plaintiff: Jocelyn Santana and Judd G. Rosen of Goldberg & Rosen, P.A. in Miami, FL.

\$321,548 JUDGMENT – PREMISES LIABILITY – PLAINTIFF FALLS DOWN DEFENDANT'S BROKEN EXTERIOR STEPS – PATELLA TENDON AVULSION TEAR – SURGERY.

Essex County, NJ

In this premises liability action, the plaintiff tripped and fell down a set of exterior steps on the defendant's premises. Consequently, the plaintiff sustained injuries, including a patella tendon avulsion tear, which required surgery. The defendant denied negligence, maintaining that any injuries or damages sustained by the plaintiff were outside of the defendant's control.

The plaintiff maintained that the defendant was negligent in failing to repair broken and hazardous exterior steps, failing to prevent a tripping hazard on the exterior steps, and failing to warn of a missing piece of concrete on the steps.

2 arbitrators found the defendant 100% liable for the plaintiff's injuries, and reported an award for \$321,548.07. Following arbitration, the plaintiff's counsel motioned to confirm the arbitration award. On April 12, 2024, the honorable Richard T. Sules ordered that the arbitration award of \$321,548.02 be confirmed and entered as a judgment in favor of the plaintiff, plus prejudgment interest.

REFERENCE

Dashaon vs. Safet. Docket no. ESXL004662-22; Judge Richard T. Sules, 04-12-24.

Attorney for plaintiff: Richard J. Villanova of Blume, Forte, Fried Zeres & Molinari, P.C. in Chatham, NJ.

ADDITIONAL VERDICTS OF PARTICULAR INTEREST

Civil Assault

\$2,421,426 VERDICT – CIVIL ASSAULT – DEFENDANT HOMEOWNER ASSAULTS PLAINTIFF ELECTRICIAN AT DEFENDANT'S HOME TO PERFORM ELECTRICAL WORK – DISC HERNIATIONS AT C5-6 AND C6-7; LUMBAR DISC HERNIATION AT L5-S1 AND HEADACHES – INTRA-ARTICULAR CERVICAL FACET INJECTIONS, CERVICAL RHIZOTOMY, AND CERVICAL BRANCH BLOCK INJECTIONS.

Miami-Dade County, FL

In this civil assault case, the plaintiff, a 38-year-old electrician, asserted that the defendant physically assaulted him, punching him with a closed fist repeatedly in the face, head, neck and shoulder and causing significant, permanent injury. He reported the onset of his symptoms

immediately after the incident occurred. The defendant failed to answer or appear before the court and was found in default as to liability.

Immediately after the assault, the plaintiff went to the emergency room where he underwent various tests including MRI and CT of the spine. The plaintiff sustained cervicalgia with disc bulge at C2-3 and disc

herniations at C5-6 and C6-7; lumbar disc herniation at L5-S1 and headaches. The plaintiff treated with a chiropractor, underwent intra-articular cervical facet injections, cervical rhizotomy, and cervical medial branch block injections. The plaintiff's treating physician stated that the plaintiff sustained a 16% partial permanent impairment of the

The matter was set down for jury trial on damages only. The jury found in favor of the plaintiff and awarded damages in the amount of \$2,421,426 broken down as follows: \$68,000 in past lost earnings;

\$780,000 in future lost earnings; \$123,436 in past medical expenses; \$700,000 in future medical expenses; \$250,000 in past pain and suffering and \$500,000 in future pain and suffering.

REFERENCE

Gonzales vs. Pacin. Case no. 2022-01 1291-CA 01; Judge Antonio Arzola, 05-15-23.

Attorney for plaintiff: Garrett Biondo of The Biondo Law Firm, P.A. in Coral Gables, FL.

Elevator Maintenance Negligence

\$8,000,000 SETTLEMENT – ELEVATOR MAINTENANCE NEGLIGENCE – CAR NOT PRESENT WHEN PLAINTIFF ATTEMPTS TO MOVE PIANO AT NIGHT – 13-FOOT FALL – MULTIPLE FRACTURES – BRAIN BLEED – NEED TO RELEARN BASIC ACTIVITIES.

Morris County, NJ

This action involved a 53-year-old plaintiff worker for a piano moving company which leased space, including the freight elevator, from the defendant landlord. The plaintiff asserted that the defendant's landlord and elevator company negligently failed to properly maintain the elevator. The plaintiff contended that as result, the car was not present as he stepped into the shaft, causing him to fall 13 feet. The plaintiff maintained that he suffered multiple traumatic injuries and required some 8 surgeries over a 10-day hospitalization. The plaintiff also suffered a severe cognitive deficit. The defendant's asserted that the condition was open and obvious and that the plaintiff was overwhelmingly comparatively negligent.

The plaintiff countered that he had every right to believe that the elevator car was present and denied that stepping into the shaft when he was attempting to fulfill his duties constituted negligence. The plaintiff would have introduced approximately 1 million dollars in future lost wages.

The case was settled with all defendants for \$8,000,000 at trial call.

REFERENCE

Fogarty vs. SL Park Place, et al. Docket no. MRS-L-786-20; Judge David H. Ironson.

Attorneys for plaintiff: Bruce H. Nagel and Michael J. Paragano of Nagel Rice, LLP in Roseland, NJ.

Municipal Liability

\$644,525 VERDICT – MUNICIPAL LIABILITY/PREMISES LIABILITY – PLAINTIFF CONSTRUCTION FLAGGER FALLS IN HOLE IN STREET OWNED AND MAINTAINED BY DEFENDANTS – LUMBAR COMPRESSION FRACTURE – PERMANENT DISABILITY.

Allegheny County, PA

The plaintiff in this negligence action maintained that the defendant's failed to maintain a street the plaintiff was working on causing the plaintiff to trip and fall in a hole resulting in permanent disability from a lumbar fracture. The defendant's denied all allegations of negligence and injury and maintained that the plaintiff was negligent in failing to watch where she was walking. Additionally, each defendant blamed the other and the plaintiff for the incident and damages.

The plaintiff maintained that the defendant's were negligent in allowing the appraised street to be kept in a dangerous condition for a prolonged period of time, failing to inspect the street so as to identify defects and failing to mark, barricade or warn of the defective condition on the roadway. Consequently, the plaintiff sustained an L2 compression fracture of

her lumbar spine as well as aggravation of lumbar degenerative disc disease, aches, pains, and mental anxiety.

The jury found that the defendant City of Pittsburgh was 80% liable, the defendant PWSA was 10% liable and the plaintiff 10% liable. The jury awarded the plaintiff past medicals in the amount of \$49,524.85, past lost earning of \$100,000, future lost earning of \$195,000 and pain and suffering in the amount of \$300,000 for a total off \$644,524.85.

REFERENCE

Plaintiff's architectural expert witness, code compliance consultant expert: Richard Zimmerman from Solon, OH.

Holly Barlett and George Deakings w/h vs. City of Pittsburgh, Pittsburgh Water and Sewer Authority. Case no. GD-20-007886; Judge Arnold Klein, 01-31-24.

Attorneys for plaintiff: Anthony Giannetti and Adam Shorr of Swartz & Culleton in Pittsburgh, PA.

Police Liability

DEFENDANT'S VERDICT – POLICE LIABILITY – DEFENDANT SHERIFF'S DEPUTY KICKS DOWN FENCE WHILE ATTEMPTING TO ASSIST PLAINTIFF IN GAINING ENTRANCE TO LOCKED PROPERTY NEGLIGENTLY STRIKING PLAINTIFF IN FACE WITH PIECE OF FENCE – FACIAL LACERATION, NERVE DAMAGE AND SCARRING.

San Diego County, CA

The plaintiff in this action maintained she suffered facial lacerations requiring stitches along with facial scarring, visual impairment and emotional distress when she was struck with a fence plank that had been kicked in by the defendant sheriff's deputy who was attempting to enter a locked property in which the plaintiff was in potential danger. The defendant denied all allegations of negligence and maintained that the incident occurred in the absence of negligence.

The plaintiff maintained that the defendant kicked in 2 of the fence posts and when he went to remove the post from the bottom cross beam, it slipped out of his hands and struck the plaintiff above her eye. The plaintiff maintained that the deputy was negli-

gent in breaching his duty of care while rendering assistance, negligently kicking in the fence and failing to find another way to enter the property and render assistance.

The jury found no negligence on the part of the defendant.

REFERENCE

Lisa Joy Kelly vs. County of San Diego and James Steinmeyer. Case no. 37-2022-00018907-CU-PO-NC; Judge Earl H. Maas, 12-14-23.

Attorney for plaintiff: Jerry L. Steering of Law Office of Jerry L. Steering in Newport Beach, CA. Attorney for defendant: Alexa Katz of Office of County Counsel, County of San Diego in San Diego, CA.

Sexual Assault

\$3,750,000 VERDICT – SEXUAL ASSAULT – CHILD VICTIMS ACT – PLAINTIFF CONTENDS DEFENDANT TEACHER ENGAGED IN SEXUAL CONDUCT WITH ADOLESCENT PLAINTIFF STUDENT OVER COURSE OF SEVERAL YEARS WHICH COMMENCED IN EIGHTH GRADE WHEN HE WAS HER TEACHER – DEFENDANT DENIES ANY RELATIONSHIP WITH PLAINTIFF.

Orange County, NY

In this wrongful sexual contact case, the plaintiff asserted that the defendant teacher sexually battered her when she was a minor and a student in middle school. The case against the School District was concluded during the litigation and the case against the teacher went to jury trial. The defendant teacher denied that he ever had physical contact with the plaintiff. The defendant maintained that the plaintiff had fabricated the abuse in order to get a judgment.

As a result of the defendant's conduct, the plaintiff suffered pain of mind and body, severe and permanent emotional distress, and physical manifestations of emotional distress. The plaintiff was prevented from obtaining the full enjoyment of life; has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling; and has incurred and will continue to incur loss of income and loss of earning capacity.

The jury found in favor of the plaintiff and awarded damages in the amount of \$3.75 million in compensatory damages for emotional psychological pain and suffering and loss of enjoyment of life.

REFERENCE

Leudemann vs. Grosse. Index no. EF000447-2020; Judge Sandra B. Sciortino, 01-05-24.

Attorneys for plaintiff: John Aaron Stark and Evan M. Foulke of Foulke Law Firm in Goshen, NY. Attorney for defendant: Kiel E. Van Horn of Law Offices of Kiel Van Horn, PLLC in Port Jervis, NY.