



NEW JERSEY

# JURY VERDICT

## REVIEW & ANALYSIS®

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FEATURED CASES

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

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

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## FEATURED CASES

### **\$3,611,842 VERDICT – EMPLOYER’S LIABILITY – VIOLATION OF FELA – PLAINTIFF SIGNAL REPAIRMAN ASSIGNED TO REMOVE EQUIPMENT FROM RELAY ROOM FALLS INTO 4-FOOT HOLE COVERED BY PLYWOOD – CONCUSSION – FRACTURED SPINE – BULGING DISCS – NERVE DAMAGE – LACERATIONS ON BACK AND HEAD – STITCHES.**

#### **Essex County, NJ**

**This FELA action was filed on April 9, 2021, by the plaintiff employee against the defendant, Port Authority Trans-Hudson Corp., for serious injuries sustained when the plaintiff fell in a hole while performing his job duties as a signal repairman. The defendant contended the plaintiff’s own negligence caused his injuries**

The plaintiff alleged he began working as a signal repairman at PATH in 1993 with the responsibility for maintaining and repairing signal equipment, switches and signals and occasionally the plaintiff worked inside relay rooms, which contain the apparatus that controls the signal systems for path. The plaintiff contended that on February 2, 2019, the plaintiff was assigned to remove all equipment and material, including anything that could be detached from 2 relay rooms and the plaintiff did not receive a job briefing prior to starting his shift. The plaintiff maintained that at the time of clearing one of the relay rooms there was a piece of loose, unmarked plywood left on the floor covering a hole and further maintained the plaintiff lifted the plywood, which was immediately in front of him and partially blocked his vision, then simultaneously took a step towards the exit where the other debris was being collected and fell into nearly 4-foot-deep hole sustaining injury.

The plaintiff alleged he never knew the hole was there, the hole served no purpose, the plywood was not bolted to the ground and the plywood contained no markings and PATH violated FELA by failing to provide a reasonably safe workplace, failing to secure a cover over the hole, failing to warn of the danger, failing to inspect the plaintiff’s work area for risks or cordon off the area. The plaintiff pled injuries of a concussion, a fractured spine, bulging discs, nerve damage and lacerations on his back and head re-

quiring stitches. The defendant argued it lacked actual or constructive notice of the alleged dangerous condition the hole created and was therefore not liable for the plaintiff’s injuries.

The court awarded the plaintiff \$3,611,842 in damages.

#### **REFERENCE**

Mark Tozzi vs. Port Authority Trans-Hudson Corp. Docket no. 2:21-CV-08727; Judge William J. Martini, 08-06-24.

**Attorney for plaintiff: Marc Wietzke of Flynn & Wietzke, PC in Garden City, NJ. Attorney for defendant: Thomas Brophy of Law Office of Thoms Brophy in New York, NY.**

#### **COMMENTARY**

The court stated, “even accepting, for the sake of argument, the defendant’s characterization of the facts demonstrating that the plaintiff was negligent by, among other things, removing the piece of plywood covering the hole that he fell into, this evidence does not defeat the plaintiff’s FELA claim as a matter of law” as an employee’s contributory negligence does not bar recovery under FELA. The court cited that the statute abrogated the common law defense of assumption of risk and set forth the Supreme Courts relaxed standard of liability under FELA as:

Under this statute, the test of a jury case is simply whether the proofs justify with reason the conclusion that employer negligence played any part, even the slightest, in producing the injury or death for which damages are sought. It does not matter that, from the evidence, the jury may also with reason, on grounds of probability, attribute the result to other causes, including the employee’s contributory negligence. Judicial appraisal of the proofs to determine whether a jury question is presented is narrowly limited to the single inquiry whether, with reason, the conclusion may be drawn that negligence of the employer played any part at all in the injury or death.

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

**Middlesex County, NJ**

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

The plaintiff alleged on May 21, 2015, the plaintiff placed himself under the care of the defendant to diagnose, treat and care for him particularly with regard to performing surgery on his back on May 21, 2015 and the defendant held himself out to the public and to the plaintiff as being skilled, careful and diligent in the practice of his profession as a physician and a specialist in spinal surgery. The plaintiff maintained that the plaintiff had a second operation in the same year and the surgeon informed him the first surgery damaged the plaintiff’s nerve.

The plaintiff contended that the defendant, in his diagnoses, treatment, care, assessment and supervision of the plaintiff, did personally and by and through his agents, servants, contractors and/or employees, negligently failed to exercise ordinary care and otherwise failed to exercise the degree of care commonly exercised by other such physicians in like cases, having due regard to the existing state of knowledge when he operated on the plaintiff on May 21, 2015, causing the C8 nerve root to become severed and otherwise irreparably damaged and further contended said defendant failed to properly observe, identify, manipulate equipment, monitor and perform a careful procedure to identify and protect the significant nerve in the operative field, failed to consult with other specialized physicians to assist in the identification and protection of the C8 nerve.

The plaintiff alleged as a direct and proximate result of the negligence of the defendant in performing an operative procedure that fell below the generally accepted standard of care and failing to advise and acknowledge the damage caused in the surgery, the plaintiff sustained substantial and permanent injuries to his major nerve and developed neurologic deficits, pain syndrome and an altered ability to live life. The plaintiff pled further injuries of pain and suffering; disability; loss of enjoyment of life; physical limitations; emotional pain and distress; loss of economic opportunity into the future and for the remainder of his life; injuries and damages on a permanent basis and into the future, including medical expenses and economic losses in the past, present and future. The defendant, Dr. Nazarian argued for dismissal based on the statute of limitations.

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

## REFERENCE

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

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

## COMMENTARY

The plaintiff's first operation was performed by Dr. Nazarian in May 2015 to address a herniated disc. In September 2015, the plaintiff underwent a second operation performed by Harshpal Singh who noted significant damage to the c8 nerve root and attributed the injury to the plaintiff's first operative procedure in May. The initial complaint sued Dr. Nazarian but Dr. Harshpal Singh was later added as a defen-

dant following expert testimonies as to whether the nerve damage occurred during the first or second surgery. The jury found Dr. Singh's negligence the proximate cause for the nerve damage and his appeal was denied.

Jeffrey Strauss, co-counsel for the plaintiff: "Despite the apparent simplicity of the facts, a severely shredded major root, the case was full of twists and turns that created a confusing picture focused upon who did what and when. To unravel the knots created by the defendants, there were about 18 experts from around the country representing some top medical facilities and programs to present a picture to the jury that would clear up any confusion. Our closing argument was most telling because it brought all the testimony and evidence together in a direct, well founded and straight forward presentation that allowed the jury after 6 weeks to see the simplicity that we saw when we started the case."

## **\$3,088,835 GROSS VERDICT – MEDICAL MALPRACTICE – EMERGENCY DEPARTMENT – FLESH-EATING BACTERIA DEATH OF 54-YEAR-OLD FEMALE – PLAINTIFF'S DECEDENT PRESENTING TO E.R. COMPLAINING OF BACK PAIN MISDIAGNOSED WITH SCIATICA – PLAINTIFF ALLEGED DECEASED SUFFERED BRIEF PEA CARDIAC ARREST INTRAOPERATIVELY SHORTLY AFTER INTUBATION AND SUFFERED UNTIL DEATH.**

### **Camden County, NJ**

**This medical malpractice action was filed on August 2, 2018, by the plaintiff, Administrator of the Estate of Adrienne of the deceased, against the defendants, Reconstructive Orthopedics, P.A. et al., for failure of medical personnel to urgently treat her necrotizing fasciitis resulting in death. The defendants denied negligence and breach of any duty and asserted that the plaintiff's injuries and damages, if any, were caused by factors other than and unrelated to, the actions of the defendants, including but not limited to pre-existing medical, genetic and/or environmental conditions, disease or illness.**

The plaintiff alleged that on February 28, 2017, the deceased presented to the defendant's emergency room with complaints of right lower back pain that was radiating into her right leg and after being evaluated the medical records documented findings of "normal" inspection. The plaintiff contended that after the defendant ordered Vicodin 5 milligrams and injecting the deceased with orphenadrine citrate shot in her left deltoid, the deceased was discharged.

On March 2, 2017, the deceased returned to the defendant complaining of buttock pain, nausea and vomiting and defendant's nurse evaluated the deceased and documented that the deceased had been seen in the E.R. earlier for the same complaint and "diagnosed with sciatica". The plaintiff alleged on March 2, 2017, the deceased was documented with unsteady gait, anxious and in distress due to pain of level 10, shallow respirations, tachycardic, hypoactive bowels and at 12:14 p.m. on March 2, 2017, the deceased's medical record was documented by the defendants with "Called Sepsis Warning" and a STAT portable chest x-ray was ordered on the deceased for sepsis.

The plaintiff alleged the same day on March 2nd, the defendant ordered x-rays of the deceased's left humerus, "the reason for the x-ray was necrotizing fasciitis and discussions between defendants were held regarding the potential for surgical intervention. The plaintiff alleged at 5:38 p.m. on March 2, 2017, the deceased negligently received a dose of orphenadrine citrate in her left arm and at 5:56 anesthesia assumed care of the deceased in preparation for surgery. The plaintiff contended that the deceased suffered a brief PEA cardiac arrest intraoperatively shortly after intubation and suffered until her death at 10:15 a.m. on March 3, 2017.

The plaintiff pled injuries of acute kidney injury, metabolic acidosis and lactic acidosis, electrolyte derangement, severe sepsis and septic shock, myositis, necrotizing fasciitis, cardiac arrest; and further maintained that the deceased's autopsy report documented that the deceased died as a result of toxic shock syndrome caused by Streptococcus pyogenes most likely from an injection to the left upper arm.

The jury verdict after reached a verdict for the plaintiff after a 2-month trial and 2-days of deliberation. They awarded the plaintiff \$3,088,835 which was reduced to \$2,007,742 million by Judge Charny on February 23, 2024.

## REFERENCE

Tyrone Nock, Administrator of the Estate of Adrienne Nock vs. Reconstructive Orthopedics, P.A. et al. Docket no. CAM-L-002856; Judge Judith Charny, 02-16-24.

**Attorneys for plaintiff: Steven G. Wigrizer, Jason S. Weiss and Morgan A. Kendall of Saltz, Mongeluzzi & Bendesky in Marlton, NJ. Attorney for defendant: Thomas M. Walsh of Parker McCray, PA in Mount Laurel, NJ.**

## COMMENTARY

After the verdict the plaintiff's attorneys stated, "Adrienne Nock, loving wife, mother and grandmother, devoted her career in public service to compassionately and without delay assisting the under-served citizens of Camden County to improve their lives. She was focused and fearless. Tragically, when her life was on the line, the medical professionals entrusted with her care, failed to swiftly act by immediately performing life-saving surgery and as a result she died in what we demonstrated to the jury was a potentially preventable death."

"We were truly honored to represent the Nock family and obtain a significant measure of justice from the defendant institutions and practitioners, particularly faced with the challenges presented under New Jersey law. The factual record developed over more than 6 years was compelling, illuminated at trial by four of our medical experts." The jury's verdict was directed to Reconstructive Orthopedics and Jeffrey P. Kovacs, D.O. Separate settlements were reached prior to the verdict with other parties.

### **\$2,000,000 SETTLEMENT – MEDICAL MALPRACTICE – PRIMARY CARE PHYSICIAN NEGLIGENCE – PLAINTIFF'S DECEDENT PRESENTS TO DEFENDANT DOCTOR'S GROUP WITH SYMPTOMS OF PNEUMONIA WHICH DEFENDANTS DIAGNOSE AS FLU – DECEDENT DIES 5 DAYS LATER FROM PNEUMONIA AND SEPSIS – FAILURE TO ORDER PROPER DIAGNOSTIC TESTS – WRONGFUL DEATH OF 46-YEAR-OLD MALE.**

#### **Gloucester County, NJ**

This action for medical malpractice arose when the plaintiff's decedent presented to the defendant doctor's office with severe symptoms of pneumonia and was diagnosed and treated for the flu. The decedent's condition worsened and he presented to a hospital where he was diagnosed with influenza pneumonia and sepsis. He died 5 days after presenting to the defendants. The defendants denied all allegations of negligence.

On April 1, 2017, the 46-year-old male decedent presented to the defendant doctor's office with a fever of 102.1, low oxygen saturation and a painful mucus cough. The decedent was seen by defendant Maslin who performed a urinalysis and diagnosed the decedent with influenza and prescribed Tamiflu and Mucinex. On April 4, 2017, the decedent reported to a local hospital emergency room with worsening shortness of breath, pain, tachypnea, diaphoresis and hypoxia. He was only able to speak in one word sentences. While in the E.R., the decedent began to cough up blood and he was transferred to intensive care. He was diagnosed with influenza pneumonia and severe sepsis among other diagnoses.

The decedent was then transferred to a city hospital in Philadelphia where unfortunately his condition deteriorated, and he died on April 6, 2017. He is sur-

vived by a wife and 3 minor children. The estate of the decedent maintained that the defendant was negligent in failing to order appropriate diagnostic tests, failing to properly diagnose the decedent with pneumonia, failing to properly treat the decedent's condition and failing to admit the decedent to the hospital. The estate sued for wrongful death and survival. The defendant doctor and doctor's group argued they were guilty of no negligence which was the proximate cause of the injuries alleged. The defendants performed each and every duty and obligation owed to the plaintiff.

The parties settled for \$2,000,000.

#### **REFERENCE**

Lauren Montenegro, Individually and as Administratrix of The Estate of Pasquale Montenegro, Jr. vs. Stuart J. Maslin, M.D., Joseph Jumao-As, M.D., American Family Care Urgent Care, American Family Care, American Family Care, Inc., AFC Urgent Care of Williamstown. Docket no. GLO-L-001203-17; Judge Samuel J. Ragonese.

**Attorney for plaintiff: James Waldenberger of Kline & Specter in Cherry Hill, NJ. Attorney for defendant: Anthony P. DeMichele of O'Brien & Ryan in Plymouth Meeting, PA.**

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

#### **Middlesex County, NJ**

This premises liability action was filed on October 28, 2020, by the plaintiff, a 66-year-old female, against the defendant, Public Storage, for injuries sustained from falling on the defendant's premises. The defendant argued the plaintiff was prone to falling and had fallen at the site before the subject incident.

The plaintiff alleged on January 9, 2020, she was at the defendant's premises in the entranceway to the facility's office and the step leading to the entranceway was in disrepair causing the plaintiff's foot to get caught. The plaintiff further alleged the step was not up to code and had multiple defects which caused her foot to get caught resulting in fracture injuries to her left elbow.

The plaintiff contended she is left-handed and her left elbow joint was surgically replaced. The plaintiff pled injuries of fracture, joint surgery, 2 carpal tunnel surgeries to alleviate swelling from the initial, injury related surgery, pain and suffering. The defendant contended it was not obligated to make repairs to the entrance.

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

**\$2,412,555 VERDICT – FRAUD – HEALTHCARE PROVIDERS IMPROPERLY BILLED FOR SERVICES NOT PERFORMED AND FRAUDULENTLY SUBMITTED CLAIMS FOR DIAGNOSTIC TESTS – STATUTORY INSURANCE FRAUD IN VIOLATION OF NEW JERSEY INSURANCE FRAUD ACT.**

**Essex County, NJ**

**This healthcare fraud action was filed on February 24, 2017, by the plaintiff, Horizon Blue Cross Blue Shield of New Jersey, against the defendants, Integrative Medicine & Biofeedback Clinic, James Claire, D.O. and C. Samuel Verghese for fraudulent billing.**

The plaintiff alleged the defendants, all healthcare providers, improperly billed the plaintiff for services that were not actually performed and the defendants' fraudulently submitted claims for diagnostic electroencephalogram (EEG) tests and comprehensive evaluation and management (E&M) visits for established patients.

The plaintiff maintained the claims forms submitted materially misrepresented that, (1) services performed were medically necessary and (2) were ordered by persons, who were properly licensed and qualified to provide medical diagnostic and treatment services. The plaintiff further maintained that as a result of these representations, the defendants procured from the plaintiff health insurer payments that would not have been reimbursed if the true nature of the services actually rendered had been known.

After a jury trial, the plaintiff was awarded \$2,412,555.45 in damages.

**\$1,800,000 VERDICT – CONSTRUCTION SITE NEGLIGENCE – CONTRACTOR NEGLIGENCE – PLAINTIFF PLUMBER FALLS CARRYING BATHTUB DOWN FLIGHT OF UNGUARDED STAIRS – SEVERE BACK INJURIES – LUMBAR AND CERVICAL DISC HERNIATIONS – 4 SPINE SURGERIES AND FUSIONS.**

**Essex County, NJ**

**This construction site negligence action was filed September 11, 2018, by the plaintiff, a plumber, against the defendants, Vin-Rick and Hutchgrove Enterprises, project owner-developer. The plaintiff alleged that while working at the project of the defendant owner, he fell carrying a bathtub down a flight of unguarded stairs sustaining serious injuries. The defendant Vin-Rock then countersued the defendant Hutchgrove, as third-party defendants and alleged Hutchgrove was the**

**REFERENCE**

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

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

**REFERENCE**

Horizon Blue Cross Blue Shield of New Jersey vs. Integrative Medicine & Biofeedback Clinic, James Claire, D.O. and C. Samuel Verghese. Docket no. ESX-L-1434-17; Judge Annette Scocca, 09-18-24.

**Attorney for plaintiff: Thomas D. Forrester of Connell Foley, LLP in Roseland, NJ. Attorney for defendant: Olivier Salvagno of Greenbaum Rowe Smith & Davis, LLP in Roseland, NJ.**

**COMMENTARY**

The New Jersey Insurance Fraud Prevention Act (IFPA), N.J.S.A. 17:33A-4(a), subsections (1) and (3) requires a showing that the defendant: (1) presented or caused to be presented any written or oral statement as part of, or in support of, a claim for payment or other benefit pursuant to an insurance policy, knowing that the statement contains any false or misleading information concerning any fact or thing material to a claim. (2) Concealed or knowingly failed to disclose the occurrence of an event which affects any person's initial or continued right or entitlement to (a) any insurance benefit or payment or (b) the amount of any benefit to which a person is entitled. The unanimous jury found a pattern of 5 or more violations of the Statutory Insurance Fraud in violation of The New Jersey Insurance Fraud Prevention Act (IFPA), N.J.S.A. 17:33A-4(a), subsections (1) and (3). The jury also found the defendants committed common law fraud and negligent representation and apportioned liability at 50% for Verghese, 40% for Clair and 10% for IMBC.

liable party for the plaintiff's injuries as they operated as the de facto general contractor at the time of the accident.

The plaintiff maintained the defendant's failed to provide a safe work environment proximately causing his injuries. The plaintiff alleged severe back injuries, lumbar and cervical disc herniations, 4 spine surgeries and fusions.

The jury reached a verdict of \$1,800,000 after 45 minutes of deliberation.

## REFERENCE

Guerini vs. Vin-Rick Builders and Hutchgrove Enterprises. Docket no. ESX-L-6427-18; Judge Joshua Sanders, 10-24-24.

**Attorney for plaintiff:** John L. Ratkowitz of Ginarte Gonzalez Winograd, LLP in Newark, NJ. **Attorney for defendant:** Christopher J. Hoare of Capehart & Scatchard, PA in Mt Laurel, NJ.

## COMMENTARY

Prior to his deposition the owner of Vin-Rick died. Vin-Ricks prior motion for summary judgment had been denied due to the factual issue remaining for trial as to which defendant was acting as the de facto

general contractor on the project as of date of accident. At trial, the defense presented circumstantial evidence that Hutchgrove was acting as the defacto contractor.

The jury deliberated for 45 minutes and returned a no-cause verdict in favor of Vin-Rock and awarded the plaintiff's \$1.8 million verdict against codefendant Hutchgrove Enterprises. The attorney for the plaintiff successfully proved Hutchgrove Enterprises exercised the elements of control by a general contractor on the project, i.e, hiring sub-contractors, purchasing material, paying for permits, and supervising of sub-contractors. See: *Costco v. Gaccione*, 408 N.J. Super. 362 (App. Div. 2009).

## **DEFENDANT'S VERDICT – CONTRACT – MOTHER AND MOTHER-IN-LAW TO DEFENDANTS ENTERED INTO CONTRACT OF SALE FOR PURCHASE OF PROPERTY; MOTHER REMOVED AS BUYER AND MOTHER CONTRIBUTES \$250,000 IN CHECK TO DEFENDANT SON-IN-LAW – REQUEST FOR EQUITABLE PARTITION – DEFENDANTS CONTEND PLAINTIFF SIGNED ADDENDUM ELECTRONICALLY REMOVING HERSELF FROM TRANSACTION AND SUPPLIED "GIFT" LETTER.**

### **Monmouth County, NJ**

**This equitable action for third interest and equitable partition was filed by the plaintiff, mother and mother in-law to the defendants, for equitable ownership interest in a Lake Como residence deeded solely in the defendant's name and an order of partition.**

The plaintiff alleged that she and the defendants are identified as purchasers in the 2019 contract for sale of the Lake Como property and the purchase price was \$665,000 calling for cash deposits totaling \$10,000, a mortgage loan of \$415,000 and \$240,000 to be paid at the time of closing. The plaintiff alleged she was helping the defendants, her daughter and son-in-law to purchase the property and the transaction was started with the 3 of them as joint purchasers, but later evolved that the defendants would be the only purchasers and title holders.

The plaintiff maintained she provided \$250,000 by check payable to her son-in law, which was intended to be loan and not a gift to facilitate the transaction and further maintained said funds constituted plaintiff's consideration for obtaining a partial interest in the property. The plaintiff alleged the defendants went behind her back and changed the contractual agreement so that the defendants would be sole owners, depriving the plaintiff of her interest and she did not consent to a modification of the contract, and did not sign the addendum that was electronically signed that plaintiff be "deleted as a buyer". The plaintiff pled injury to equitable rights and requested partition. The defendants contended the plaintiff signed the addendum electronically removing herself from the transaction and supplied a "gift" letter for the transaction not a loan.

After a 2-day trial, the jury reached a full defense verdict.

## REFERENCE

Vilasini Pallai vs. Gerald Loschiavo and Reena Pillai, et al. Docket no. MON-C-154-22; Judge Clarkson S. Fisher, Jr. 12-09-24.

**Attorney for plaintiff:** Michael C. Schonberger of Law Firm of Michael C. Schonberger in Jersey City, NJ. **Attorney for defendant:** Natalie L. Pavone of Law office of Natalie L. Pavone in Belmar, NJ.

## COMMENTARY

The court in ruling for the defendant heard testimony from all 3 parties, for veracity, concerning the 2 addendums. The first addendum was not signed by the plaintiff in any fashion. The second addendum at issue was electronically signed by all parties and memorialized the party's instructions to remove the plaintiff as a buyer. The courts stated that the proceedings of the suit were prolonged by the second addendums "later-than-appropriate appearance in the case"; citing that it had not been turned over in discovery and first surfaced after the plaintiff had rested her case and while the defendants were putting on their case-in-chief. Upon objection by the plaintiff, defense counsel responded that the addenda had only been provided to defendant counsel during the course of trial, and not previously, due to a misunderstanding. The court concluded that the defendant's answers to interrogatories referred to the relevant documents, as including an "addendum" and the providing of the unsigned addendum instead of the electronically signed addendum caused "confusion that was somewhat understandable since the documents look alike and served the same purpose."

The court opined to exclude the electronically signed addendum "simply because it hadn't been provided when the plaintiff answered interrogatories was too drastic a remedy and would not service the court's ultimate desire to get at the truth of the matter" and that plaintiff was given every opportunity and considerable time "to explore and investigate the legitimacy of the second addendum or to marshal other evidence to suggest the addendum wasn't or couldn't have been electronically signed or otherwise authorized by the plaintiff." The court opined that it was satisfied that the second addendum "was executed electronically by the plaintiff, despite her protestations to the contrary."

# Verdicts By Category

## OPTOMETRY MALPRACTICE

### DEFENDANT'S VERDICT

**Optometry malpractice – Plaintiff presents to defendant optometrist with complaints of pain and itching in right eye and defendant diagnoses plaintiff with dry eye when plaintiff suffering retinal detachment – Failure to conduct proper examination – Loss of vision – Emotional distress.**

#### Bergen County, NJ

**The plaintiff in this case presented to the defendant optometrist with complaints of pain and itching in his right eye and the defendant negligent diagnosed the plaintiff with dry eye. The plaintiff presented to another doctor a few weeks later and was diagnosed with a detached retina. The defendant generally denied all allegations of negligence and injury.**

On November 16, 2021, the male plaintiff presented to the defendant optometrist at his office located in Paramus, New Jersey. The plaintiff presented with complaints of itchiness and pain in his right eye for several weeks' duration. The plaintiff was examined by the defendant who diagnosed the plaintiff with dry eye and instructed him to use eye drops.

On December 8, 2021, the plaintiff presented to a non-party ophthalmologist who diagnosed the plaintiff with a detached retina and told the plaintiff he needed surgery. On December 10, 2021, the plaintiff underwent surgery.

The plaintiff alleged the defendant failed to conduct a proper examination of the plaintiff, failed to consider the plaintiff's symptoms and failed to timely diagnose and treat his retinal detachment upon presenting on November 16, 2021. The plaintiff further alleged the defendant's negligence caused him to suffer loss of all peripheral vision in the right eye, a 40% loss of field vision, emotional and psychological grief and a loss of independence as he is now unable to drive. The defendant denied misdiagnosing the plaintiff.

The defendant motioned the court for summary judgment arguing that the plaintiff did not produce an expert opinion on issues relating to standard of care, liability, causation and damages. The plaintiff also did not provide an expert opinion that the plaintiff was indeed suffering from retinal detachment at the time of presentation to the defendant. The court granted the defendant's motion and the case was dismissed on summary judgment.

#### REFERENCE

Tommolillo Claudio vs. Alfonso Bullock, O.D. Docket no. BERL002491-23; Judge David Nasta, 05-23-25.

**Attorney for plaintiff: Christina R. Mastondrea of Shebell & Shebell, LLC in Shrewsbury, NJ. Attorney for defendant: Mark S. Armstrong of Hardin Kundla McKeon & Poletto in Springfield, NJ.**

## DOG ATTACK

### \$175,000 ARBITRATION AWARD

**Dog attack – Plaintiff attacked and bitten by defendants' dog while walking his own dog in neighborhood – Failure to keep dog on premises of its home – Lacerations to neck related to dog bites – Lacerations to right upper arm and right leg related to dog bites – PTSD and chronic insomnia.**

#### Essex County, NJ

**In this dog attack action, the plaintiff sustained injuries when he was attacked and bitten by the defendants' dog while walking his own dog in his neighborhood. The defendants generally denied all allegations of negligence.**

On May 5, 2023, the plaintiff was lawfully walking his dog in his neighborhood in the area of the defendants' home in Fairfield, New Jersey. At this time, the defendants' dog was outside on their property. The defendants were aware that their dog had previously exhibited violent tendencies and behavioral issues, but even still, the dog was alone outside at this time. While the plaintiff was walking by, the dog escaped from the defendants' property and charged at the plaintiff and his own dog, and began attacking them both. The dog began to bite the plaintiff around his neck and face and continued attacking until another neighbor intervened.

The plaintiff maintained that the defendants were negligent in failing to keep the dog on the premises of its own home, failing to leash the dog, and failing to prevent the dog from attacking. Consequently, the plaintiff sustained injuries, including lacerations to the neck related to dog bites, lacerations to the right upper arm and right leg related to dog bites, as well as PTSD and chronic insomnia, for which the plaintiff has sought counseling.

The arbitrator in this case found the defendants 100% liable for the accident and reported an award for the plaintiff in the amount of \$175,000. Following arbitra-

tion, the defendants' counsel requested a trial de novo, which was scheduled to begin on May 19, 2025. However, the parties entered into a settlement on April 10, 2025, prior to the initial hearing.

#### REFERENCE

Naume Trajkoski vs. Anthony Scala. Docket no. ESXL005242-23; Judge Russell J. Passamano, 04-09-25.

**Attorney for plaintiff: Raymond B. Reddin, Esq. of Reddin Masri, LLC in Totowa, NJ. Attorney for defendant: Michael Della Rovere of OToole Couch in Cedar Knolls, NJ.**

## LANDLORD NEGLIGENCE

### \$148,000 ARBITRATION AWARD

**Landlord negligence – Plaintiff tenants slip and fall on ice on exterior stairs of apartment building – Failure to place salt or take measures to melt ice/snow on premises – Cervical disc bulges from C2-5 – Lumbar disc bulges from L1-5 – Disc herniation at C4-5 – Disc herniation at L3-4 – Disc bulges at C3-4, C5-6, and C6-7 – Disc bulge at L4-5 – Right knee tear – Surgery required.**

#### Essex County, NJ

**In this negligence action, the 2 plaintiff tenants both slipped and fell on ice on a set of exterior stairs at the apartment building owned by the defendant. The defendant generally denied all allegations of negligence.**

On February 2, 2021, the plaintiffs were lawful tenants of the defendant apartment building, located on the premises of 127 Shepard Avenue in East Orange, New Jersey. At this time, the premises was owned, operated, and maintained by the defendants. On this day, the plaintiffs were both attempting to use an outdoor staircase attached to the apartment building in order to reach their unit. While using the outdoor stairs, both plaintiffs slipped on icy conditions and fell, causing them to become injured.

The plaintiffs maintained that the defendant was negligent in failing to place salt or take other measures to melt ice and snow on the premises, failing to

ensure the safety of the outdoor staircase, and failing to provide safe passage on the premises. Consequently, the plaintiffs sustained injuries. The primary plaintiff sustained cervical disc bulges from C2-5, and lumbar disc bulges from L1-5. The secondary plaintiff sustained a disc herniation at C4-5, a disc herniation at L3-4, disc bulges at C3-4, C5-6, and C6-7, a disc bulge at L4-5, and a right knee tear, which required arthroscopic surgery to repair.

The arbitrator in this case found the defendant 80% liable for the accident and the plaintiffs 20% liable. The arbitrator reported an award for the primary plaintiff in the amount of \$28,000 and the secondary plaintiff in the amount of \$120,000, for a total award amount of \$148,000. Following arbitration, the defendant's counsel requested a trial de novo, but the parties entered into a settlement prior to the initial hearing. A stipulation of dismissal was submitted on October 8, 2024.

#### REFERENCE

Melissa Warren vs. Frankey Deleon. Docket no. ESXL004685-21; Judge Joshua D. Sanders, 09-06-24.

**Attorney for plaintiff: David T. Ercolano, Esq. of The Law Offices of Fusco & Macaluso, P.C. in Passaic, NJ.**

### \$75,000 ARBITRATION AWARD

**Landlord negligence – Plaintiff tenant injured when railing comes loose and falls while she ascends staircase, causing her to fall – Failure to properly install railing – Left shoulder torn supraspinatus tendon with impingement syndrome.**

#### Essex County, NJ

**In this negligence action, the plaintiff tenant was injured when a railing came loose and fell away while she was ascending a staircase in the defendant's apartment building. The defendant generally denied all allegations of negligence.**

On October 6, 2020, the plaintiff was lawfully traversing inside her apartment home, located on the premises of 263 S. Harrison Street in East Orange, New Jersey. On this day, the premises was owned, operated, and maintained by the defendant. At this time,

the plaintiff was attempting to ascend a staircase inside her apartment, and was holding on to a railing. While she was holding onto it, the railing came loose and fell away from the wall, causing the plaintiff to fall.

The plaintiff maintained that the defendant was negligent in failing to properly install the railing, failing to properly repair the railing after previous complaints that it was loose, and failing to warn of the hazardous condition of the railing. Consequently, the plaintiff sustained injuries, including a left shoulder torn supraspinatus tendon with impingement syndrome. The plaintiff's injuries were treated with injections.

The arbitrator in this case found the defendants 100% liable for the accident and reported an award for the plaintiff in the amount of \$75,000. The case was dismissed following arbitration on September 12, 2024.

#### REFERENCE

Debra Swope vs. Rushmore Management. Docket no. ESXL004169-22; Judge L. Grace Spencer, 09-12-24.

**Attorney for plaintiff: Glen Devora, Esq. of Jonathan D'Agostino & Associates, P.C. in Staten Island, NY.**

**Attorney for defendant: Jill Cantor-Burns of CP Law Group in Narberth, PA.**

## MOTOR VEHICLE NEGLIGENCE

### Auto/Pedestrian Collision

#### ■ \$375,000 ARBITRATION AWARD

**Motor vehicle negligence – Auto/pedestrian collision – Plaintiff pedestrian struck by defendant's vehicle turning left – Left shoulder tear of superior and anterior labrum – Left shoulder bursal tear of supraspinatus tendon – Subdural hematoma – Surgery required.**

#### **Bergen County, NJ**

**In this motor vehicle negligence action, the plaintiff pedestrian sustained injuries after being struck by the defendant's vehicle as the defendant made a left turn. The defendant generally denied all allegations of negligence.**

On October 25, 2021, the plaintiff was a pedestrian walking on Bergen Boulevard, at or near its intersection with East Edsall Boulevard in Palisades Park, New Jersey. At this time, the plaintiff was walking straight on Bergen Boulevard and was crossing East Edsall. At the same time, the defendant's vehicle was traveling north on Bergen Boulevard and was preparing to turn left onto East Edsall. At the time of the incident, the defendant attempted to turn left while the plaintiff was crossing the roadway and struck the plaintiff pedestrian.

The plaintiff maintained that the defendant was negligent in failing to yield to pedestrians, failing to wait for clearance before making a left turn, and failing to remain adequately attentive. Consequently, the plaintiff sustained injuries, including a left shoulder tear of the superior and anterior labrum, a left shoulder bursal tear of the supraspinatus tendon, and subdural hematoma. The plaintiff's injuries were treated with arthroscopic surgery to the left shoulder.

The arbitrator in this case found the defendant 100% liable for the accident and reported an award for the plaintiff in the amount of \$375,000. Following arbitration, the defendant's counsel requested a trial de novo, which was scheduled to take place on June 2, 2025. However, on April 14, 2025, the parties entered into a settlement. A stipulation of dismissal was submitted on April 24, 2025.

#### REFERENCE

Kwi An vs. Jihyun Indomenico. Docket no. BERL006799-22; Judge Lina P. Corrison, 04-03-25.

**Attorney for plaintiff: Jae Lee of Jae Lee Law, PC in Fort Lee, NJ. Attorney for defendant: Pamela D. Hargrove of Law Offices of Pamela D. Hargrove in Clark, NJ.**

#### ■ \$150,000 ARBITRATION AWARD

**Motor vehicle negligence – Auto/pedestrian collision – Plaintiff pedestrian struck by defendant's vehicle in parking lot – Failure to yield to pedestrians – Cervical disc herniations – Contusions – Bilateral meniscus tears – Rib fracture – Hand injury.**

#### **Bergen County, NJ**

**In this motor vehicle negligence action, the plaintiff pedestrian sustained injuries when he was struck by the defendant's vehicle in a parking lot. The defendant generally denied all allegations of negligence.**

On March 26, 2021, the plaintiff was lawfully traversing in a parking lot located on the premises of 605 Bergen Town Center in Paramus, New Jersey. At the same time, the defendant's vehicle was traveling in

the same parking lot. At the time of the incident, the plaintiff was approaching a building at the same location when he was struck and knocked down by the defendant's vehicle.

The plaintiff maintained that the defendant was negligent in failing to yield to pedestrians, failing to observe the plaintiff pedestrian, and failing to remain adequately attentive. Consequently, the plaintiff sustained injuries, including cervical disc herniations, contusions, bilateral meniscus tears, a rib fracture, and an injury to the hand. The plaintiff's injuries were treated with injections and were otherwise treated conservatively.

The arbitrator in this case found the defendant 100% liable for the accident and reported an award for the plaintiff in the amount of \$150,000. Following arbitration, the parties entered into a settlement for the same amount. A stipulation of dismissal was submitted on April 30, 2025.

#### REFERENCE

Walter Posligua vs. Judith Niland. Docket no. BERL001470-23; Judge Kevin P. Kelly, 04-14-25.

**Attorney for plaintiff: Christopher Perez, Esq. of Hanna Perez, PC in Paramus, NJ. Attorney for defendant: Joseph B. O'Toole of O'Toole, Couch, & Della Rovere in Cedar Knolls, NJ.**

## Back-up Collision

### ■ \$105,000 ARBITRATION AWARD

**Motor vehicle negligence – Back-up collision – Defendant backs into plaintiff's parked vehicle – Failure to remain adequately attentive – Lumbar disc bulges – Shoulder injury – Surgery required.**

#### Passaic County, NJ

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

On August 29, 2020, the plaintiff's vehicle was parked on Main Street in Paterson, New Jersey, along the side the street. At the same time, the defendant's vehicle was backing out of a parking spot on Main Street, in the same vicinity as the plaintiff's vehicle. As the defendant was backing out, his vehicle struck the plaintiff's vehicle in the side.

The plaintiff maintained that the defendant was negligent in failing to remain adequately attentive, failing to observe surrounding conditions before backing

out, and failing to wait for clearance before backing out. Consequently, the plaintiff sustained injuries, including lumbar disc bulges as well as shoulder injury. The plaintiff's shoulder injury required an arthroscopic labrum repair procedure. A doctor for the defendant opined that the plaintiff's injuries were degenerative.

The arbitrator in this case found the defendant 100% liable for the accident and reported an award for the plaintiff in the amount of \$105,000. Following arbitration, the defendant's counsel requested a trial de novo, which was scheduled to take place on September 23, 2024. However, the case was dismissed.

#### REFERENCE

Tanisha James vs. Charles Kern. Docket no. PASL001291-22; Judge Scott J. Bennion, 11-14-24.

**Attorney for plaintiff: Michael N. Aquino of Salomon & Aquino, LLC in Paterson, NJ. Attorney for defendant: Carl Mazzie of Foster & Mazzie, LLC in Totowa, NJ.**

### ■ \$62,588 ARBITRATION AWARD

**Motor vehicle negligence – Back-up collision – Plaintiff injured after defendant backs front end loader into dump truck operated by plaintiff – Left shoulder rotator cuff and labrum tears – Proximal biceps tendonitis – Right knee internal derangement and advanced generative joint disease.**

#### Middlesex County, NJ

**In this motor vehicle negligence action, the plaintiff was injured after the defendant backed a front-end loader into the dump truck that the plaintiff was operating. The defendant generally denied all allegations of negligence.**

On July 20, 2020, the plaintiff was operating a dump truck in the scope of his employment at 1 Waterworks Road in Old Bridge, New Jersey. At this time, the

dump truck was stopped in a loading area on the premises, and was parked directly behind a front end loader, which was being operated by the defendant. At the time of the incident, the defendant suddenly reversed the front end loader. The vehicle then backed into the dump truck operated by the plaintiff, causing the plaintiff to become injured.

The plaintiff maintained that the defendant was negligent in failing to keep the vehicle under proper and adequate control, failing to observe the plaintiff's vehicle, and failing to wait before moving the vehicle. Consequently, the plaintiff sustained injuries, including left shoulder rotator cuff and labrum tears, proximal biceps tendonitis, and right knee internal derangement and advanced generative joint disease.

The arbitrator in this case found the defendant 100% liable for the accident and reported an award for the plaintiff in the amount of \$62,587.58. Following arbitration, the plaintiff's counsel requested a trial de novo, which was scheduled to begin on September 3, 2024. However, the parties entered into a settlement on August 30th. A stipulation of dismissal was submitted on January 6, 2025.

## REFERENCE

Theodore Brown vs. Oscar Villegas. Docket no. MIDL000092-22; Judge Gary K. Wolinetz, 01-06-25.

**Attorney for plaintiff: Joseph A. Lombardi of Lombardi & Lombardi, P.A. in Edison, NJ. Attorney for defendant: Christopher M. Kolb of Law Office of Frank A. Viscomi in Scranton, PA.**

## Head-on Collision

### ■ \$145,000 ARBITRATION AWARD

**Motor vehicle negligence – Head-on collision – Plaintiff's vehicle struck head-on by defendant's vehicle after defendant's vehicle crosses over into wrong lane – Thoracic disc bulge – Lumbar disc herniation with radiculopathy – Shoulder impingement – Possible epilepsy – Cervical disc herniations and bulges with radiculopathy – Lumbar disc herniations and bulges – Shoulder tendonitis – Multiple cervical disc bulges.**

#### Passaic County, NJ

**In this motor vehicle negligence action, the plaintiff's vehicle was struck head on by the defendant's vehicle when the defendant crossed over into the wrong lane, resulting in the plaintiff driver and plaintiff passengers sustaining injuries. The defendant generally denied all allegations of negligence.**

On November 5, 2019, the plaintiff driver was operating his vehicle in an eastbound direction on Central Avenue in Haledon, New Jersey. At this time, the plaintiff's vehicle contained 2 co-plaintiff passengers. At the same time, the defendant's vehicle was traveling in a westbound direction on Central Avenue, toward the plaintiff's vehicle. At the time of the incident, the defendant's vehicle abruptly crossed over into the eastbound lane and struck the plaintiff's vehicle head on.

The plaintiffs maintained that the defendant was negligent in failing to remain in the correct lane of travel, failing to keep the vehicle under proper and ade-

quate control, and failing to remain adequately attentive. Consequently, the plaintiff driver sustained injuries, including thoracic disc bulge, lumbar disc herniation with radiculopathy, shoulder impingement, and possible epilepsy from a head injury. The first plaintiff passenger also sustained injuries, including cervical disc herniations and bulges with radiculopathy, lumbar disc herniations and bulges, and shoulder tendonitis. The second plaintiff passenger sustained multiple cervical disc bulges.

The arbitrator in this case found the defendant 100% liable for the accident and reported an award for the plaintiffs in the amount of \$145,000. The plaintiff driver was awarded \$65,000 and each co-plaintiff was awarded \$40,000. Following arbitration, the defendant's counsel requested a trial de novo, which was scheduled to begin on September 23, 2024. However, on the same day, a notice of settlement was submitted. A stipulation of dismissal was submitted on October 2, 2024.

## REFERENCE

Manuel Probst vs. Tara Caporrimo. Docket no. PASL003499-21; Judge Scott J. Bennion, 10-02-24.

**Attorney for plaintiff: Nicholas Barone of Peter N. Davis & Associates in Paterson, NJ. Attorney for defendant: Anthony Coppola of Gregory P. Helfrich & Associates in Summit, NJ.**

## Intersection Collision

### ■ \$82,000 ARBITRATION AWARD

**Motor vehicle negligence – Intersection collision – Plaintiff's vehicle struck by defendant's vehicle after defendant runs stop sign – Failure to obey stop sign – Cervical disc bulges with radiculopathy – Lumbar disc herniations at every level – Lumbar radiculopathy.**

#### Burlington County, NJ

**In this motor vehicle negligence action, the plaintiff's vehicle was struck by the defendant's vehicle after the defendant ran a stop sign**

**resulting in the plaintiff sustaining injuries. The defendant generally denied all allegations of negligence.**

On November 16, 2020, the plaintiff's vehicle was traveling south on Stiles Avenue, at its intersection with Harvard Avenue in Maple Shade, New Jersey. At the same time, the defendant's vehicle was traveling westbound on an exit ramp off of Rt. 73, which became Harvard Avenue at the same intersection. At the time of the incident, the plaintiff was proceeding straight through the intersection on Stiles Avenue. As the plaintiff was proceeding through, the defendant's

vehicle ran the stop sign at the intersection and collided with the plaintiff's vehicle, causing the plaintiff's vehicle to strike a curb, signpost, and then a tree.

The plaintiff maintained that the defendant was negligent in failing to obey a stop sign, failing to remain adequately attentive, and failing to keep the vehicle under proper and adequate control. Consequently, the plaintiff sustained injuries, including cervical disc bulges with radiculopathy, lumbar disc herniations at every level, and lumbar radiculopathy. A doctor for the defendant disputed causation and permanency.

The arbitrator in this case found the defendant 100% liable for the accident and reported an award for the plaintiff in the amount of \$82,000.

### ■ \$50,000 ARBITRATION AWARD

**Motor vehicle negligence – Intersection collision – Plaintiff's vehicle struck broadside by defendant's vehicle after defendant runs red light – Disc herniation at C5-6 – Right wrist sprain – Right knee ligament tear – Right foot ligament tear.**

#### **Essex County, NJ**

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

On October 31, 2022, the plaintiff's vehicle was traveling westbound on Freeway Drive West, at or near its intersection with South Harrison Street in Orange, New Jersey. 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 northbound on South Harrison Street, toward the same intersection. At the time of the incident, the defendant's vehicle ran a red light at the subject intersection and struck the plaintiff's vehicle.

### ■ \$35,000 ARBITRATION AWARD

**Motor vehicle negligence – Intersection collision – Plaintiff's vehicle struck broadside after defendant runs stop sign – Cervical disc bulge at C4-5 – Cervical disc herniations at C5-6 and C6-7 – Lumbar spine injury – Left shoulder injury.**

#### **Passaic County, NJ**

**In this motor vehicle negligence action, the plaintiff's vehicle was struck broadside by the defendant's vehicle after the defendant ran a**

stop sign resulting in the plaintiff sustaining injuries. The defendant generally denied all allegations of negligence.

#### **REFERENCE**

Jarrold Fegley vs. Milagros Barber. Docket no. BURL001686-22; Judge Richard L. Hertzberg, 04-09-25.

**Attorney for plaintiff: Steven M. Petrillo of Petrillo & Goldberg, PC in Pennsauken, NJ. Attorney for defendant: John R. Johnson, Esq. of Law Office of Michael G. David in Marlton, NJ.**

The plaintiff maintained that the defendant was negligent in failing to obey a red light, failing to obey traffic signals, and failing to remain adequately attentive. Consequently, the plaintiff sustained injuries, including a disc herniation at C5-6, right wrist sprain, right knee ligament tear, and right foot ligament tear. The plaintiff's right knee injury was treated with an injection.

The arbitrator in this case found the defendant 100% liable for the accident, and reported an award for the plaintiff in the amount of \$50,000. Following arbitration, the parties entered into a settlement. A stipulation of dismissal was submitted on May 22 2025.

#### **REFERENCE**

Rebecca Soto vs. Shameka Brown. Docket no. ESXL002547-23; Judge Russell J. Passamano, 05-22-25.

**Attorney for plaintiff: Christopher Musmanno of Einhorn, Barbarito, Frost & Botwinick, PC in Denville, NJ. Attorney for defendant: Dominic Ciallela of Gregory P. Helfrich & Associates in Summit, NJ.**

**stop sign resulting in the plaintiff sustaining injuries. The defendant generally denied all allegations of negligence.**

On May 26, 2020, the plaintiff's vehicle was traveling southbound on 16th Street, at its intersection with Broad Street in Carlstadt, New Jersey. At this time, the plaintiff had stopped at a stop sign and was proceeding straight through the intersection. At the same time, the defendant's vehicle was traveling westbound on Broad Street, toward the same intersection. At the time of the incident, the defendant ran the stop sign and proceeded into the intersection, striking 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, including cervical disc bulge at C4-5, cervical disc herniations at C5-6 and C6-7, lumbar spine injury, and left shoulder injury. A doctor for the defendant opined that the plaintiff's injuries were pre-existing and were not permanent.

The arbitrator 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, which was scheduled to begin on October 28, 2024. However, on September 17, 2024, the parties entered into a settlement conference, and arrived at a settlement. A stipulation of dismissal was submitted on October 7, 2024.

#### REFERENCE

Jonathan Berrios vs. Jonathan Nunez. Docket no. PASL001288-22; Judge Scott J. Bennion, 10-07-24.

**Attorney for plaintiff: Michael J. Andalaft of Andalaft & Associates in Clifton, NJ. Attorney for defendant: Angela Lavelle of Gregory P. Helfrich & Associates in Summit, NJ.**

## Left Turn Collision

### \$35,000 ARBITRATION AWARD

**Motor vehicle negligence – Left turn collision – Defendant's vehicle strikes plaintiff's vehicle as plaintiff makes left turn at intersection – Disc herniations from C4-6 – Disc herniation at L5-S1 – Left shoulder subscapularis partial tear – Left knee medial meniscus tear.**

#### Essex County, NJ

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

On September 10 2022, the plaintiff's vehicle was traveling northbound on Stuyvesant Avenue, at its intersection with West Allen Street in Irvington, New Jersey. At this time, the plaintiff was attempting to make a left turn onto West Allen Street. At the same time, the defendant's vehicle was traveling southbound on Stuyvesant Avenue, toward the same intersection. As the plaintiff was turning left, the defendant's vehicle proceeded straight into the intersection. The defendant's vehicle then struck the rear passenger side of the plaintiff's vehicle as the plaintiff was finishing her turn.

The plaintiff maintained that the defendant was negligent in failing to wait for clearance before entering the intersection, failing to yield, and failing to remain adequately attentive. Consequently, the plaintiff sustained injuries, including disc herniations from C4-6, disc herniation at L5-S1, left shoulder subscapularis partial tear, and left knee medial meniscus tear. The plaintiff underwent lumbar epidural and trigger point injections.

The arbitrator in this case found the defendant 70% liable for the accident and the plaintiff 30% liable. The arbitrator reported an award for the plaintiff in the amount of \$35,000. Following arbitration, the defendant's counsel requested a trial de novo, which was scheduled to begin on April 28, 2025. However, the parties entered into a settlement on April 16, 2025, prior to the initial hearing.

#### REFERENCE

Leilani Joyner vs. Olusegun Fadugba. Docket no. ESXL003377-23; Judge Joshua D. Sanders, 04-16-25.

**Attorney for plaintiff: James C. Mescall of Mescall Law in West Orange, NJ. Attorney for defendant: James C. Nelson, Esq. of Voss Nitsberg DeCoursey & Hawley in Iselin, NJ.**

## Parking Lot Collision

### \$147,500 ARBITRATION AWARD

**Motor vehicle negligence – Parking lot collision Parked car collision – Sideswipe collision – Plaintiff occupants injured when parked vehicle struck by defendant's vehicle – Failure to safely back out of parking space – Cervical disc herniations at C5-6 and C6-7 – Lumbar disc bulge – Right shoulder type II slap lesion with tearing of supraspinatus tendon – Neck and back injuries.**

#### Bergen County, NJ

**In this motor vehicle negligence action, the plaintiff and the plaintiff passenger were injured when their parked vehicle was struck by the defendant's vehicle. The defendant generally denied all allegations of negligence.**

On July 23, 2020, the plaintiff's vehicle was parked in a parking lot at an unspecified location, and the plaintiff driver and plaintiff passenger were seated inside the vehicle. At this time, the defendant's vehicle had also been parked in the same lot, and was preparing to back out of a parking space just next to the plaintiff's vehicle. As the defendant's vehicle was

backing out, it sideswiped the plaintiff's vehicle, causing both the plaintiff driver and the plaintiff passenger to become injured.

The plaintiff maintained that the defendant was negligent in failing to safely and properly back out of the parking space, failing to observe the plaintiff's vehicle, and failing to remain adequately attentive. Consequently, the plaintiffs sustained injuries. The plaintiff driver sustained cervical disc herniations at C5-6 and C6-7, lumbar disc bulge, and a right shoulder type II slap lesion with tearing of the supraspinatus tendon. The plaintiff driver underwent surgery for their right shoulder injuries. The plaintiff passenger sustained neck and back injuries.

### ■ \$129,000 ARBITRATION AWARD

**Motor vehicle negligence – Parking lot collision – Defendant's vehicle backs into plaintiff's vehicle in parking lot – Failure to wait for clearance before backing out – Neck and back injuries.**

#### **Essex County, NJ**

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

On May 18, 2022, the plaintiff's vehicle was traveling in the parking lot of a grocery store, located on the premises of 133 Main Street in Madison, New Jersey. At the same time, the defendant's vehicle was in the same parking lot, and the defendant was attempting to back out of a parking spot. As it was backing out, the defendant's vehicle struck the front of the plaintiff's vehicle.

The arbitrator in this case found the defendant 100% liable for the accident and reported a net award for the plaintiffs in the amount of \$147,500, including \$125,000 for the plaintiff driver and \$22,500 for the plaintiff passenger. Following arbitration, the plaintiff's counsel requested a trial de novo, which was scheduled to begin on June 9, 2025. However, the parties entered into a settlement on April 23, 2025.

#### **REFERENCE**

Hyunseok Lee vs. Cathy Vanrheenen. Docket no. BERL003982-22; Judge Michael N. Beukas, 04-23-25.

**Attorney for plaintiff: Misha Lee of Law Offices of Misha Lee in Hackensack, NJ. Attorney for defendant: Joanna Inglessis of The Law Office of Alphonso H. Ibrahim in Scranton, PA.**

The plaintiff maintained that the defendant was negligent in failing to wait for clearance before backing out, failing to observe the plaintiff's vehicle, and failing to remain adequately attentive. Consequently, the plaintiff sustained injuries, including neck and back injuries. The plaintiff's injuries were treated with 5 injections as well as 2 radiofrequency ablations from L3-S1.

The arbitrator in this case found the defendant 100% liable for the accident and reported an award for \$129,000. Following arbitration, the parties entered into a settlement. The case was dismissed on April 25, 2025.

#### **REFERENCE**

Melinda Smith vs. Travis Armstead. Docket no. ESXL003085-23; Judge Kenneth E. Lynnott, 04-25-25.

**Attorney for plaintiff: Fernando Lamurri of Fernando Lamurri, PC in Lyndhurst, NJ. Attorney for defendant: Brian T. Byrne of Marshall Dennehey in Roseland, NJ.**

## Parking Lot Exit Collision

### ■ \$36,000 ARBITRATION AWARD

**Motor vehicle negligence – Parking lot exit collision – Plaintiff's vehicle struck by defendant's vehicle turning left out of parking lot – Failure to wait for clearance before making left turn into traffic – Cervical disc herniations – Cervical disc bulges – Lumbar disc herniations – Lumbar disc bulges.**

#### **Essex County, NJ**

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

On September 20, 2021, the plaintiff's vehicle was traveling northbound on Sanford Street, at or near its intersection with Central Avenue in East Orange, New Jersey. At this time, the defendant's vehicle was exiting the parking lot at 563 Central Avenue and was preparing to turn left into traffic on Sanford Street. At the time of the incident, the defendant attempted to execute a left turn directly in front of the plaintiff's vehicle proceeding straight. This resulted in a collision.

The plaintiff maintained that the defendant was negligent in failing to wait for clearance before making a left turn into traffic, failing to yield the right-of-way, and failing to remain adequately attentive. Consequently, the plaintiff sustained injuries, including cervical disc herniations, cervical disc bulges, lumbar disc

herniations, and lumbar disc bulges. The plaintiff's injuries were treated with one lumbar epidural steroid injection, one cervical epidural steroid injection, and one cervical trigger point injection. A doctor for the defendant opined that the plaintiff's injuries were pre-existing.

The arbitrator in this case found the defendant 90% liable for the accident and the plaintiff 10% liable. The arbitrator reported a net award for the plaintiff in the

amount of \$36,000. Following arbitration, the matter was amicably adjusted between the parties, and a stipulation of dismissal was submitted on April 7, 2025.

#### REFERENCE

Michael Ocean vs. Jerry Watson. Docket no. ESXL001311-23; Judge Annette Scoca, 04-07-25.

**Attorney for plaintiff: Amy L. Peterson of Amy L. Peterson, PC in Passaic, NJ. Attorney for defendant: Crystal E. Colindres of Gregory P. Helfrich & Associates in Summit, NJ.**

## Rear End Collision

### ■ \$100,000 ARBITRATION AWARD

**Motor vehicle negligence – Rear end collision – Plaintiff's vehicle struck in rear by defendant's vehicle while slowing for traffic – Failure to maintain safe distance from other vehicles – 3 cervical disc herniations – 1 cervical disc bulge – 1 lumbar disc herniation.**

#### **Bergen County, NJ**

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

On October 13, 2020, the plaintiff's vehicle was traveling westbound on State Highway 7 Westbound in Kearny, New Jersey. At the same time, the defendant's vehicle was also traveling westbound on State Highway 7 Westbound, directly behind the plaintiff's vehicle. At the time of the incident, the plaintiff's vehicle began to slow down to accommodate traffic conditions. As the plaintiff's vehicle slowed, it was struck in the rear by the defendant's vehicle.

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

plaintiff sustained injuries, including 3 cervical disc herniations, 1 cervical disc bulge, and one lumbar disc herniation. The plaintiff's injuries were treated with 3 epidural injections as well as a branch block procedure. A doctor for the defendant opined that the plaintiff only sustained sprains and did not sustain a permanent injury.

The arbitrator in this case found the defendant 100% liable for the accident and reported an award for the plaintiff in the amount of \$100,000. Following arbitration, the plaintiff's counsel requested a trial de novo, which was scheduled to take place on September 10, 2024. However, the parties instead entered into a settlement conference on July 16, 2024. The parties then entered into a settlement for an unspecified amount on the same day. A stipulation of dismissal was submitted on August 27, 2024.

#### REFERENCE

Cormac Lawrence vs. Juan Hoyos. Docket no. BERL004190-22; Judge Kelly A. Conlon, 07-16-24.

**Attorney for plaintiff: Rosemarie Arnold of Law Offices of Rosemarie Arnold, LLP in Fort Lee, NJ. Attorney for defendant: Carl Mazzie of Foster & Mazzie, LLC in Totowa, NJ.**

### ■ \$90,000 ARBITRATION AWARD

**Motor vehicle negligence – Rear end collision – Plaintiff's vehicle struck in rear by defendant's vehicle while slowing to accommodate another vehicle turning left – Failure to remain adequately attentive – Cervical disc herniation at C5-6 – Cervical disc bulge at C6-7 – Lumbar disc herniations at L4-5 and L5-S1.**

#### **Middlesex County, NJ**

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

On November 20, 2019, the plaintiff's vehicle was traveling eastbound on Columbia Turnpike in the Borough of Florham Park, New Jersey. At this time, the defendant's vehicle was also traveling eastbound on Columbia Turnpike, directly behind the plaintiff's vehicle. At the time of the incident, the plaintiff's vehicle slowed down significantly to accommodate a vehicle ahead, which was preparing to turn left into a parking lot. As the plaintiff's vehicle slowed down, it was suddenly struck in the rear by the defendant's vehicle.

The plaintiff maintained that the defendant was negligent in failing to remain adequately attentive and failing to maintain a safe distance from other vehicles. Consequently, the plaintiff sustained injuries, including cervical disc herniation at C5-6, cervical disc bulge at C6-7, and lumbar disc herniations at L4-5

and L5-S1. The plaintiff treated with 2 cervical epidural injections and 3 lumbar epidural injections. Future lumbar fusion surgery was recommended.

The arbitrator in this case found the defendant 100% liable for the accident and reported an award for the plaintiff in the amount of \$90,000. Following arbitration, the defendant's counsel requested a trial de novo, which was scheduled for February 25, 2024. However, on February 1, 2024, the matter was settled prior to a hearing. A stipulation of dismissal was submitted on March 22, 2024.

### ■ \$62,500 ARBITRATION AWARD

**Motor vehicle negligence – Rear end collision – Plaintiff's vehicle struck in rear by defendant's vehicle while stopped – Disc herniation at C5-6.**

#### **Atlantic County, NJ**

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

On February 4, 2019, the plaintiff's vehicle was traveling on South Burnt Mill Road in Voorhees, New Jersey. At this time, the plaintiff's vehicle was stopped to accommodate traffic conditions. At the same time, the defendant's vehicle was also traveling on South Burnt Mill Road, directly behind the plaintiff's vehicle. At the time of the incident, the defendant's vehicle struck the plaintiff's stopped vehicle in the rear.

### ■ \$30,000 ARBITRATION AWARD

**Motor vehicle negligence – Rear end collision – Plaintiff's vehicle struck in rear by defendant's vehicle while stopped in traffic – Failure to maintain safe distance from other vehicles – Headaches – Spinal disc herniations and bulges.**

#### **Camden County, NJ**

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

On the morning of September 15, 2020, the plaintiff's vehicle was traveling on State Highway N. 42 in Gloucester, New Jersey. At this time, the plaintiff's vehicle was stopped in traffic in the left lane. At the same time, the defendant's vehicle was also traveling on State Highway N. 42, directly behind the plaintiff's vehicle. While the plaintiff's vehicle was stopped in traffic, it was suddenly struck in the rear by the defendant's vehicle.

The plaintiff maintained that the defendant was negligent in failing to obey traffic conditions, and failing to remain adequately attentive. Consequently, the

#### **REFERENCE**

Deanna McHugh vs. Dimitrius Ince. Docket no. MIDL004968-21; Judge Patrick Bradshaw, 03-23-24.

**Attorney for plaintiff: Alexa Salcito of Blume, Forte, Fried, Zerres & Molinari in Chatham, NJ. Attorney for defendant: John Anthony Camassa of Camassa Law Firm in Wall, NJ.**

The plaintiff maintained that the defendant was negligent in failing to keep a proper lookout, failing to exercise due care, failing to remain adequately attentive, failing to observe the plaintiff's vehicle, failing to obey traffic conditions, failing to obey traffic signals, failing to maintain a safe distance from other vehicles, failing to operate the vehicle at a reasonable rate of speed and failing to avoid striking the plaintiff's vehicle. Consequently, the plaintiff sustained injuries, including a disc herniation at C5-6.

The arbitrators found in favor of the plaintiff and reported an award for \$62,500.

#### **REFERENCE**

Dansby Danielle vs. Tsafos Roseann. Docket no. L000166-21; Judge Ralph A. Paolone, 04-06-24.

**Attorney for plaintiff: Danielle J. Walcoff of Lipari & Walcoff, LLC in Pleasantville, NJ. Attorney for defendant: Matthew A. Moroney of Goldberg, Miller & Rubin, PC in Fairfield, NJ.**

plaintiff sustained injuries, including headaches, as well as spinal disc herniations and bulges. The plaintiff's injuries were treated with chiropractic care as well as trigger point injections. A doctor for the defendant disputed the plaintiff's injuries.

The arbitrator in this case found the defendant 100% liable for the accident and reported an award for the plaintiff in the amount of \$30,000. Following arbitration, the defendant's counsel requested a trial de novo, which was scheduled to take place on March 4, 2024. However, on February 1, 2024, a notice of settlement was submitted, which indicated that the parties had entered into a settlement for an amount not specified on the docket. A stipulation of dismissal was submitted on March 18, 2024.

#### **REFERENCE**

Jeffrey Thompson vs. Steven Hoover. Docket no. CAML004017-21; Judge Anthony M. Pugliese, 03-18-24.

**Attorney for plaintiff: Marc F. Greenfield of Spear, Greenfield, Richman, Weitz & Taggart, P.C. in Marlton, NJ. Attorney for defendant: Joseph P. Bernhardt of Law Offices of Michael G. David in Marlton, NJ.**

## \$25,000 VERDICT

**Motor vehicle negligence – Rear end collision – Plaintiff’s vehicle struck in rear by defendant’s vehicle while slowing for traffic – Cervical disc herniations at C4-5, C5-6, C6-7 and C7-T1 – Cervical radiculopathy.**

### Hudson 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 denied all allegations of negligence.**

On January 27, 2018, the plaintiff’s vehicle was traveling in a westbound direction on Route 10 in Roxbury, New Jersey. At the same time, the defendant’s vehicle was also traveling westbound on Route 10, directly behind the plaintiff’s vehicle. At the time of the incident, the plaintiff noticed heavy traffic ahead and began to slow his vehicle. As the plaintiff’s vehicle slowed down, it was suddenly struck in the rear by the defendant’s vehicle.

The plaintiff maintained that the defendant was negligent in failing to obey traffic conditions and failing to remain adequately attentive. Consequently, the

plaintiff sustained injuries, including cervical disc herniations at C4-5, C5-6, C6-7, and C7-T1, as well as cervical radiculopathy. The plaintiff’s injuries were treated with epidural injections. A doctor for the defendant disputed the permanency of the plaintiff’s injuries.

The arbitrator in this case found the defendant 100% liable for the accident and reported an award for the plaintiff in the amount of \$25,000. Following arbitration, the plaintiff’s counsel requested a trial de novo. The parties then entered into a settlement conference where they arrived at a settlement for an amount not specified on the docket. The honorable Joseph A. Turula ordered that the case be dismissed.

### REFERENCE

Daniel Velasquez vs. Mia Douglas. Docket no. HUDL003184-19; Judge Martha D. Lynes.

**Attorney for plaintiff: Jean-Claud Labady of Garces, Grabler & Lebrocq, PC in Newark, NJ. Attorney for defendant: John V. Mallon of Chasan Lamparello Mallon & Cappuzzo, PC in Secaucus, NJ.**

## Sideswipe Collision

## \$41,000 ARBITRATION AWARD

**Motor vehicle negligence – Sideswipe collision – Plaintiff passenger injured when defendant’s vehicle drifts into left lane and strikes host vehicle – Lumbar disc bulges at L4-5 and L5-S1 – Left knee patellar arthrosis – Baker’s cyst.**

### Essex County, NJ

**In this motor vehicle negligence action, the plaintiff passenger was injured when the defendant’s vehicle drifted into the left lane and struck the host vehicle. The defendant generally denied all allegations of negligence.**

On February 23, 2023, the plaintiff was a restrained front-seat passenger in the host vehicle, which was traveling westbound on Bridge Street in Newark, New Jersey. At this time, the host vehicle was traveling in the left lane. At the same time, the defendant’s vehicle was also traveling westbound on Bridge Street, in the right lane and in the same vicinity as the host vehicle. At the time of the incident, the defendant’s vehicle drifted into the left lane and struck the host vehicle, causing the plaintiff passenger to become injured.

The plaintiff maintained that the defendant was negligent in failing to remain in the correct lane of travel and failing to remain adequately attentive. Consequently, the plaintiff sustained injuries, including lumbar disc bulges at L4-5 and L5-S1, left knee patellar arthrosis, and a baker’s cyst.

The arbitrator in this case found the defendants 100% liable for the accident and reported a net award for the plaintiff passenger in the amount of \$41,000. Following arbitration, the parties entered into a settlement, and the case was dismissed on April 8, 2025.

### REFERENCE

Joan Hiciano vs. Kevin Chinery. Docket no. ESXL003341-23; Judge Richard T. Sules, 04-08-25.

**Attorney for plaintiff: Lourdes M. Rodriguez of Lourdes M. Rodriguez in Newark, NJ. Attorney for defendant: Joseph F. Skinner of Kirmser, Lamastra, Cunningham & Skinner in Whitehouse Station, NJ.**

## PREMISES LIABILITY

### Fall Down

#### ■ \$125,000 ARBITRATION AWARD

**Premises liability – Fall down – Plaintiff slips and falls on wet floor at defendant restaurant – Failure to remove rainwater from floor on premises – C4-5 disc herniation with myositis – Disc bulges from L1-L4 – Disc herniation at L4-5 and L5-S1 – Right knee synovitis.**

#### Middlesex County, NJ

**In this premises liability action, the plaintiff slipped and fell on a wet floor at the defendant restaurant, causing him to become injured. The defendants generally denied all allegations of negligence.**

On March 24, 2021, the plaintiff was a lawful visitor and business invitee at the defendant restaurant, located on the premises of 2143 Woodbridge Avenue in Edison, New Jersey. At this time, the plaintiff had walked into the restaurant on a rainy day, and the floor just inside the entrance was wet. On this day, the restaurant did not have any mats, carpeting, or any other measures placed to absorb rainwater on the floor. The plaintiff then slipped on the wet floor and fell.

The plaintiff maintained that the defendants were negligent in failing to remove rainwater from the floor on the premises, failing to provide safe passage on

the premises, and failing to place mats or other measures to absorb rainwater on the floor. Consequently, the plaintiff sustained injuries, including C4-5 disc herniation with myositis, disc bulges from L1-L4, disc herniations at L4-5 and L5-S1, and right knee synovitis. The arbitrator in this case found the defendants 100% liable for the accident, and reported an award for the plaintiff in the amount of \$125,000. Following arbitration, the plaintiff's counsel motioned for confirmation of the arbitration award, which was to be decided upon on September 27, 2024. However, the parties entered into a settlement on September 13, 2024. A stipulation of dismissal was submitted on November 5, 2024.

#### REFERENCE

Haydee Ruiz Saucedo vs. Uncle Ralphs Restaurant. Docket no. MIDL004524-22; Judge Gary K. Wolinetz, 09-16-24.

**Attorney for plaintiff: Luis L. Haquia of Davis, Saperstein & Salomon, PC in Teaneck, NJ. Attorney for defendant: Daniel T. Lewbart of Gerolamo McNulty Divis & Lewbart, PC in Haddon Heights, NJ.**

#### ■ \$24,141 ARBITRATION AWARD

**Premises liability – Fall down – Plaintiff trips and falls over defective condition on ramp at defendant boat dock – Failure to repair defective condition in timely manner – Cervical and lumbar disc herniations – 3 fractured ribs.**

#### Union County, NJ

**On November 5, 2021, the plaintiff was lawfully traversing in the area of the defendant marina, located on the premises of 5 South Front Street in Elizabeth, New Jersey. At this time, the plaintiff was walking down a concrete ramp toward his own boat. While the plaintiff was walking on the ramp, he encountered an area that was broken, uneven, or otherwise in disrepair. The plaintiff was aware of the conditions of the ramp, but nonetheless tripped over the defective area and fell, causing him to become injured. The defendants denied all allegations of negligence.**

The plaintiff maintained that the defendants were negligent in failing to repair the defective area of the ramp in a timely manner, failing to provide safe pas-

sage on the premises, and failing to warn of a tripping hazard on the premises. Consequently, the plaintiff sustained injuries, including cervical and lumbar herniations, as well as 3 fractured ribs.

The arbitrator in this case found the defendants 60% liable for the accident and the plaintiff 40% liable. The arbitrator reported an award for the plaintiff in the amount of \$24,141. Following arbitration, the plaintiff's counsel requested a trial de novo, which was scheduled to begin on October 7, 2024. However, the matter was amicably adjusted between the parties on September 27, 2024, and the case was dismissed the same day.

#### REFERENCE

Rosendo Gamboa vs. Elizabeth Boat Basin, LLC. Docket no. UNNL003783-22; Judge Daniel R. Lindemann, 09-27-24.

**Attorney for plaintiff: Jonathan S. Druckman of Druckman & Hernandez, PC in Elizabeth, NJ. Attorney for defendant: Robert I. Pettoni of Law Office of Gerald F. Strachan in Woodbridge, NJ.**

## JUDGMENT FOR DEFENDANT

**Premises liability – Fall down – Plaintiff trips and falls over hole in parking lot at defendant restaurant – Failure to fill hole or otherwise repair tripping hazard – Fracture of right distal radius – Surgery required.**

### Cape May County, NJ

**In this premises liability action, the plaintiff sustained injuries when she tripped and fell over a hole in the parking lot at the defendant restaurant. The defendants generally denied negligence.**

On July 12, 2022, the plaintiff was a lawful visitor and business invitee at the defendant restaurant, located on the premises of 301 Bayshore Road in Villas, New Jersey. At this time, the plaintiff was leaving the restaurant and was walking in the parking lot adjacent to the building. While walking in the parking lot, the plaintiff encountered a hole in the ground, causing her to trip and fall. The plaintiff maintained that the defendants were negligent in failing to fill the hole or otherwise repair a tripping hazard, failing to warn of a tripping hazard on the premises and failing to provide safe passage on the premises.

Consequently, the plaintiff sustained injuries, including a fracture of the right distal radius, which required the plaintiff to undergo an open reduction surgical pro-

cedure with the placement of pins. The defendants generally denied all allegations of negligence, maintaining that the plaintiff was not on the premises of the restaurant at the time of her fall. The defendants maintained that the plaintiff's fall took place 54 inches from the property line.

The arbitrator in this case found the defendants 50% liable for the accident and the plaintiff 50% liable, reporting a net award for the plaintiff in the amount of \$60,000.

Following arbitration, the defendants' counsel requested a trial de novo and motioned for summary judgment. Oral argument was granted and summary judgment was granted in favor of the defendants by the Honorable James H. Pickering, Jr. The trial was cancelled.

### REFERENCE

Carol Robinson vs. Castaway Cafe NJ. Docket no. CPML000322-23; Judge James H. Pickering, Jr. 04-29-25.

**Attorney for plaintiff: Michael T. van der Veen of van der Veen, Hartshorn and Levin in Philadelphia, PA. Attorney for defendant: Robert T. Gunning of Morrison Mahoney, LLP in Parsippany, NJ.**

## Hazardous Premises

### \$48,000 ARBITRATION AWARD

**Premises liability – Hazardous premises – Plaintiff trips and falls over uneven floor and then falls into bookshelf at defendant restaurant – Failure to provide safe passage on premises – Disc herniations at C3-4 and C5-6 – Disc bulges from C2-7 – Nondisplaced fracture of right distal radius – Right shoulder partial tendon tear.**

### Essex County, NJ

**In this premises liability action, the plaintiff sustained injury when she tripped and fell over uneven flooring and then fell into a bookcase at the defendant restaurant. The defendants generally denied all allegations of negligence.**

On August 14, 2021, the plaintiff was a lawful visitor and business invitee at the defendant restaurant, located on the premises of 631 ½ Valley Road in Montclair, New Jersey. At this time, the plaintiff was traversing inside the restaurant when she encountered an uneven area of the floor by the exit. The plaintiff then tripped over the uneven floor and fell, striking a bookshelf.

The plaintiff maintained that the defendants were negligent in failing to repair uneven flooring 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 disc herniations at C3-4 and C5-6, disc bulges from C2-7, a nondisplaced fracture of the right distal radius, and right shoulder partial tendon tear.

The arbitrator in this case found the defendants 60% liable for the accident and the plaintiff 40% liable. The arbitrator reported a net award for the plaintiff in the amount of \$48,000. Following arbitration, the defendants motioned for summary judgment, but the motion was denied. The parties then entered into a settlement on March 28, 2025.

### REFERENCE

Sherry Pruzansky vs. Marcel Bakery & Kitchen. Docket no. ESXL001705-23; Judge Avion M. Benjamin, 06-06-25.

**Attorney for plaintiff: Brian Horan of Fusco & Macaluso, LLC in Passaic, NJ. Attorney for defendant: Lisa R. Marshall, Esq. of Law Office of Frank A. Viscom in Scranton, PA.**

## Negligent Maintenance

### \$72,000 ARBITRATION AWARD

**Premises liability – Negligent maintenance – Plaintiff slips and falls on spilled applesauce at defendant grocery store – Failure to clean floors – Right tibial fracture with depression of lateral tibial plateau – Right knee joint effusion and Baker’s cyst.**

#### Passaic County, NJ

**In this premises liability action, the plaintiff slipped and fell on spilled applesauce at the defendant grocery store, causing her to become injured. The defendants generally denied all allegations of negligence.**

On August 10, 2020, the plaintiff was a lawful visitor and business invitee at the defendant grocery store, located on the premises of 1185 Broad Street in Clifton, New Jersey. At this time, the plaintiff was shopping inside the grocery store and was traversing the aisles. At the time of the incident, the plaintiff was traversing an aisle where a container of applesauce had spilled. The plaintiff then slipped on the applesauce on the floor and fell.

The plaintiff maintained that the defendants were negligent in failing to clean the floors inside the store, failing to prevent or repair a slipping hazard, and fail-

ing to place wet floor signs or otherwise warn of a slipping hazard. Consequently, the plaintiff sustained injuries, including a right tibial fracture with depression of the lateral tibial plateau, as well as right knee joint effusion and Baker’s cyst. The plaintiff’s injuries were treated conservatively, with pain management and physical therapy.

The arbitrator in this case found the defendants 80% liable for the accident and the plaintiff 20% liable. The arbitrator reported a net award for the plaintiff in the amount of \$72,000. Following arbitration, the defendants’ counsel requested a trial de novo, which was scheduled to begin on October 7, 2024. However, on August 5, 2024, the parties entered into a settlement conference and arrived at a settlement.

#### REFERENCE

Linda Farawell vs. Stop & Shop. Docket no. PASL001881-22; Judge Scott J. Bennion, 09-10-24.

**Attorney for plaintiff: Ronald A. Dario of Dario, Albert, Metz, Eyerman, Canda, Concannon, Ortiz & Krouse in Hackensack, NJ. Attorney for defendant: Colleen M. Ready of Margolis Edelstein in Mount Laurel, NJ.**

## RIDESHARE SERVICE NEGLIGENCE

### \$60,000 ARBITRATION AWARD

**Rideshare service negligence – Motor vehicle negligence – Plaintiff injured when rideshare service driver stops suddenly, causing plaintiff to strike back of passenger seat – Failure to stop vehicle in safe manner – Herniated disc at C6-7 – Right shoulder partial tear of supraspinatus tendon.**

#### Bergen County, NJ

**In this negligence action, the plaintiff was injured when the defendant rideshare driver stopped suddenly, causing the plaintiff to strike the back of the passenger seat. The defendant generally denied all allegations of negligence.**

On December 3, 2021, the plaintiff was a restrained, backseat passenger in the defendant’s vehicle, which the defendant was operating in the scope of his employment as a rideshare service driver. At this time, the vehicle was entering the parking lot at 269 Martin Luther King Blvd in Newark, New Jersey. As the vehicle was entering the lot, the defendant applied the brakes suddenly, causing the vehicle to come to stop short. As the vehicle stopped short, the plaintiff’s body was thrown forward, causing her to strike the back of the passenger seat.

The plaintiff maintained that the defendant was negligent in failing to stop the vehicle in a safe and proper manner, failing to warn of an abrupt stop, and failing to keep the vehicle under proper and adequate control. Consequently, the plaintiff sustained injuries, including a herniated disc at C6-7, as well as a right shoulder partial tear of the supraspinatus tendon. A doctor for the defendant disputed causation and permanency.

The arbitrator in this case found the defendant 100% liable for the accident and reported an award for the plaintiff in the amount of \$60,000. Following arbitration, the parties entered into a settlement. A stipulation of dismissal was submitted on April 11, 2025.

#### REFERENCE

Keldijia Stukes vs. Daniel Eatman. Docket no. ESXL004527-22; Judge Joshua D. Sanders, 04-11-25.

**Attorney for plaintiff: Jared G. Marthaler of Parker & Maloney in Stirling, NJ. Attorney for defendant: Frank A. Viscomi of Law Office of Frank A. Viscomi in Scranton, 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

#### **\$66,000,000 VERDICT – MEDICAL MALPRACTICE – SURGEON NEGLIGENCE – LARGEST WRONGFUL DEATH VERDICT IN ILLINOIS HISTORY – LIPOSUCTION AND TUMMY TUCK SURGERY COMPLICATIONS RESULT IN DEATH OF 39-YEAR-OLD MOTHER OF 4.**

##### **Cook County, IL**

This medical malpractice/wrongful action was filed March 17, 2021 by the plaintiff, husband against the defendant, 63rd Laser Skin Clinic, et al., for injuries sustained from liposuction and tummy tuck surgery complications resulting in death. The defendant contended that the complications that led to the plaintiff's wife's cardiac arrest and eventual death could have not been foreseen as they were unexpected.

The plaintiff alleged that in November 2019, Idalia Corcoles, visited the defendant's clinic on the city's southwest side; and further alleged Dr. Ayoub Sayeg, a Michigan-based surgeon traveled to Chicago to perform surgeries, conducted the surgery. The plaintiff alleged that during the procedure it became apparent that Idalia was losing blood and her vital signs became unstable and that despite her blood pressure continuously dropping, Dr. Sayeg proceeded to perform surgery on another patient despite Idalia's dis-

stress signals. The plaintiff alleged the defendants failed to diagnose and treat the bleeding for hours, which led to massive organ failure resulting in death.

The jury reached a verdict after 3 hours of deliberation and a 1-week trial. Gross verdict: \$66,000,000. Awards: \$32,000,000 to the plaintiff's family for grief, sorrow and mental suffering; \$15,000,000 for loss of love, care, guidance, and companionship and \$19,000,000 to the estate for pain and suffering and emotional distress for final hours of life.

##### **REFERENCE**

Alejandro Cervantes vs. 63rd Laser Skin Clinic, et al. Case no. 2021-L-00294; Judge John H. Ehrlich, 12-20-24.

**Attorneys for plaintiff: Bradley M. Cosgrove and Craig J. Squillace of Clifford Law Offices, P.C. in Chicago, IL. Attorneys for defendant: Stacey Cischke and Andrew Everest of Johnson & Bell in Chicago, IL.**

#### **\$11,000,000 VERDICT – MEDICAL MALPRACTICE – OTOLARYNGOLOGIST NEGLIGENCE – 66-YEAR-OLD UNDERGOES SURGERY ON ESOPHAGUS TO TREAT ZENKER'S DIVERTICULUM – CALLS REGARDING POST-SURGERY SYMPTOMS GO UNDOCUMENTED BY MEDICAL PERSONNEL – PLAINTIFF IN EXTREME PAIN GOES TO EMERGENCY ROOM SEEKING RELIEF – DELAY IN DIAGNOSING PERFORATED ESOPHAGUS CAUSES BACTERIAL INFECTION TO ENTER CERVICAL SPINE – OSTEOMYELITIS REQUIRING DISC EXCISION AND FUSION AT C6-C7 – NASOGASTRIC TUBE; HIGH LEVEL OF PAIN AND SUFFERING.**

##### **Camden County, NJ**

This medical malpractice action was filed by the plaintiff, a 66-year-old teaching assistant, against the defendant, Aftab, et al. for injuries sustained during the post-operative treatment of her perforated esophagus. The defendant denied all allegations of negligence and maintained that the standard of care was met.

The plaintiff alleged that in May 2016, the plaintiff underwent surgery to repair her Zenker's diverticulum and the otolaryngologist, Saba Aftab, of Advocare, LLC, performed the surgery. The plaintiff alleged 2

days after the surgery, the plaintiff began experiencing pain in her neck, trapezius area, right shoulder and right arm and the plaintiff's husband contacted the defendants and conveyed the plaintiff's symptoms to defendant's office personnel.

The plaintiff, experiencing extreme pain, went to an urgent care facility and a emergency room and eventually to an orthopedic group where the plaintiff was diagnosed with a microperforation to her esophagus. The plaintiff alleged the diagnosis was that this had caused a bacterial infection to enter her cervi-

cal spine. The plaintiff pled injuries of being fed through a nasogastric tube, high level of pain and suffering.

Gross verdict: \$11,000,000. Awards: \$10,000,000 in compensatory damages for pain and suffering; \$1,000,000 for loss of consortium. The jury found the defendant medical practice negligent, but found the surgeon was not negligent.

**\$10,000,000 VERDICT – MEDICAL MALPRACTICE – NURSING HOME NEGLIGENCE – WRONGFUL DEATH – PLAINTIFF’S 81-YEAR-OLD DECEDENT FALLS AT FIRST ASSISTED LIVING FACILITY SUFFERING CHRONIC SUBDURAL HEMATOMA, THEN FALLS AT SECOND ASSISTED LIVING FACILITY SUFFERING SECOND HEMATOMA WHEREUPON TRANSFER TO HOSPITAL DELAYED AND OPPORTUNITY TO PERFORM SURGERY LOST – PLAINTIFF ULTIMATELY SUCCUMBS TO INJURIES AND DIES ONE MONTH LATER.**

**Westchester County, NY**

In this medical malpractice case, the plaintiff asserted that the defendants, 2 assisted living facilities and their staffs, failed in their duty to provide the plaintiff’s decedent, his 81-year-old mother, with proper care causing his mother’s untimely death after a fall. The plaintiff brought suit against the care facilities together with their ownership, the facility’s medical director, and 2 internal medicine specialists who treated the decedent. The defendants denied negligence with each party claiming that one of the others was responsible for the decedent’s care.

The plaintiff specifically asserted that the defendants breached their duty to the residents of their facility, including to the plaintiff’s decedent, to provide professional services in accordance with good and accepted standards of care. As a result of the defendants’ negligence, the decedent fell and struck her head on June 3, 2012, sustaining an acute on chronic subdural hematoma. The plaintiff asserted that the decedent’s condition worsened and deteriorated and she was deprived of the opportunity for sur-

**REFERENCE**

Eggleston vs. Aftab et al. Docket no. 24-SM-CV-02741; Judge Michael J. Kassel, 09-10-24.

**Attorney for plaintiff: Michael J. Glassman of MJ Glassman & Associates, LLC in Voorhees, NJ.**

gical intervention due to the defendants’ negligence which ultimately resulted in her death approximately one month after her fall.

The jury rendered a verdict in favor of the plaintiff and against the defendant physicians, medical director, and the first assisted living facility and apportioned fault as follows: 5% against the defendant medical director; 5% against the defendant medical director as a physician; 5% against the first internal medicine physician; 10% against the second internal medicine physician; and 65% against the first defendant care facility.

**REFERENCE**

Estate of Williams vs. Golden, et al. Index no. 50354/2018; Judge Robert S. Ondrovic, 09-13-24.

**Attorney for plaintiff: Joseph Miklos of Silberstein, Awad & Miklos, P.C. in Garden City, NY. Attorney for defendant first assisted care facility: Danielle T. Bruno of Bartlett, LLP in Central Islip, NY. Attorney for defendant second assisted care facility: Dena Operman of Fullerton Beck, LLP in White Plains, NY.**

**MOTOR VEHICLE NEGLIGENCE**

**\$12,788,845 VERDICT – MOTOR VEHICLE NEGLIGENCE – INTERSECTION COLLISION – DEFENDANT DRIVER PULLS OUT FROM STOP SIGN INTO PATH OF PLAINTIFF CAUSING PLAINTIFF TO STRIKE DEFENDANT’S VEHICLE – LUMBAR DISC INJURIES – SURGERY – RADICULOPATHY – LOSS OF MOBILITY – PERMANENT PAIN – PTSD.**

**Harris County, TX**

The plaintiff in this vehicular negligence action was lawfully proceeding through an intersection when the defendant attempted a turn at the same intersection pulling out directly in front of the plaintiff, without sufficiently stopping, causing the plaintiff to strike the defendant. The plaintiff sustained back, neck, right shoulder, and left wrist injuries. He required surgical interventions for his lumbar disc injuries. He suffers severe exacerbation of PTSD which he had since returning from his service in Iraq. The defendants denied all allegations of negligence and injury and maintained the actions of the plaintiff

contributed to the accident and his injuries were preexisting and or not causally related to the accident.

The plaintiff maintained the defendant driver was negligent in failing to yield the right-of-way, failing to keep a proper lookout, driving while distracted, traveling at an unreasonable rate of speed, and consciously choosing to disregard a stop sign and flashing red light in order to follow a coworker to a jobsite during adverse weather conditions. In addition, the plaintiff maintained the defendant company was liable under the Respondeat Superior Doctrine and failed to properly hire, train and supervise the defendant driver.

The jury found the defendant driver 60% liable and the defendant company 40% liable. The jury awarded the plaintiff compensatory damages totaling \$6,954,362 and exemplary damages totaling \$8,500,000. The exemplary damages were reduced to \$5,834,483 for a total verdict of \$12,788,845. A final judgment adding prejudgment interest to the award brought the total to \$13,221,114.00.

#### REFERENCE

Christopher John Ayling vs. Martin Merced Reynosa Cuevas and North Houston Pole Line, L.P. Case no. 202248322; Judge Tamika Craft-Demming, 01-31-25.

**Attorney for plaintiff: Neil Solomon of Zinda Law Group, PLLC in Austin, TX. Attorney for defendant: R. Paige Farrimond of Fee Smith Sharp & Vitullo in Houston, TX.**

### **\$2,500,000 VERDICT – MOTOR VEHICLE NEGLIGENCE – AUTO/MOTORCYCLE COLLISION – WRONGFUL DEATH – DECEASED RIDING MOTORCYCLE APPROACHING INTERSECTION WHEN DEFENDANT, APPROACHING SAME INTERSECTION, SUDDENLY ATTEMPTS TO MAKE LEFT HAND TURN DIRECTLY IN FRONT OF MOTORCYCLE – DECEASED THROWN FROM MOTORCYCLE AND SUSTAINED BLUNT FORCE TRAUMA WITH SEVERE INJURIES RESULTING IN DEATH.**

#### **Tolland County, CT**

**This motor vehicle action and negligence action was filed October 1, 2021 by the plaintiff, Thomas Reynold, Sr. Administrator of the Estate of Gordon T. Reynolds, against the defendant, Eric R. Millette, for injuries resulting in death. The defendant denied allegations of negligence and carelessness and argued the plaintiff's own contributory negligence was the proximate cause of the accident. T**

he plaintiff alleged that on September 15, 2019, the deceased, Gordon T. Reynold, was riding his motorcycle eastbound on Rout 66 approaching the Town of Columbia; and further alleged the defendant, a resident of the Town of Columbia, operating a vehicle was traveling westbound on Route 66 approaching same intersection at the same time. The plaintiff alleged as the deceased neared the intersection,

the defendant turned left onto Pine Street directly in front of the deceased's motorcycle causing a violent collision. The plaintiff further alleged the defendant was driving reckless under the influence of benzodiazepines.

Gross verdict: \$2,500,000. Awards: \$446,131.58 in economic damages; \$2,052,868.42 in non-economic damages.

#### REFERENCE

Thomas Reynolds, Sr. Administrator of the Estate of Gordon T. Reynolds vs. Eric R. Millette. Case no. TTD-CV21-6023487-S; Judge Jennifer Macierowski, 02-07-25.

**Attorney for plaintiff: Anthony Alan Sheffy of Sheffy, DeNigris, Grey & Bedard, LLP in Southington, CT. Attorney for defendant: Patrick M. Mullins of Mullins & Trescot in New Haven, CT.**

## **PREMISES LIABILITY**

### **\$20,125,000 VERDICT – PREMISES LIABILITY – NEGLIGENT SECURITY – WRONGFUL DEATH IN LOWES' PARKING LOT – ROGUE SECURITY GUARD UNLEASHED SPRAY OF BULLETS KILLING PLAINTIFF'S HUSBAND – SECURITY GUARD SHOOTER SERVING LIFE SENTENCE FOR SECOND-DEGREE MURDER OVER INCIDENT.**

#### **Multnomah County, OR**

**This premises liability/wrongful death action was filed October 19, 2021, by the plaintiff wife and P.R. of the estate of the deceased, against the defendants, TMT Development Co., LLC, D. Park Corporation, Jeffrey James, Matthew Cady, TJ Latherometal for injuries resulting in the shooting death in Lowe's parking lot. The defendant argued the plaintiffs were trespassers ignoring requests to leave the premises.**

The plaintiff alleged claims against the property management firm and their contracted private security company. The plaintiff alleged the defendants did not ensure its employees were certified armed security professionals and the shooter lacked the neces-

sary certification violating OAR 259-060-0120 and fostered a reckless work environment that ignored de-escalation training.

Gross verdict: \$21,250,000. Awards: \$20,000,000 in compensatory damages; \$1,250,000 in punitive damages.

#### REFERENCE

Kari Nelson, The Estate of Freddy Nelson, Jr. vs. TMT Development Co., LLC, D. Park Corporation. Case no. 21CV40742; Judge Leslie G. Bottomly, 09-23-24.

**Attorneys for plaintiff: Thomas D'Amore and Ben Turner of D'Amore Law Group in Portland, OR. Attorneys for defendant: Sharon Collier and Nandor Krause of Freeman Mathis & Gary, LLP in Portland, OR.**

**\$1,400,000 VERDICT – PREMISES LIABILITY – FALL DOWN – PLAINTIFF TRIPS AND FALLS ON DEPRESSION/CRACK IN PEDESTRIAN CROSSWALK IN DEFENDANT’S PARKING LOT – FOOT FRACTURE – MENISCUS TEARS – WRIST FRACTURE – SURGERY – NECK AND BACK INJURIES – INJECTIONS.**

**Philadelphia County, PA**

The plaintiff in this premises liability action tripped and fell on a defective condition on the defendant medical establishment parking lot. The plaintiff presented to the E.R. with injuries to her right foot, bilateral ankles, bilateral knees and bilateral wrists. She was eventually diagnosed with a closed non-displaced fracture of the right cuboid bone and a non-displaced fracture of the fifth metatarsal bone, along with bilateral meniscus tears and neck and back injuries. She was given a custom boot and instructed to remain non-weight bearing for the next 6 weeks. She underwent surgery and pain injections. The defendant denied all allegations of negligence and injury.

The plaintiff maintained the defendant was negligent in failing to properly and adequately maintain said parking lot surfaces, cross walks, walkways, and other

asphalt surfaces in a reasonably safe condition, in failing to properly inspect the premises, causing or creating a hazardous and dangerous condition and failing to warn of the dangerous condition. The plaintiff maintained She suffered post-traumatic anxiety and shock.

The jury found the defendant 100% negligent and found their negligence was a factual cause of harm to the plaintiff. The jury did not find any comparative negligence against the plaintiff. The jury awarded the plaintiff damages in the amount of \$1,400,000.

**REFERENCE**

Robyn Arters-Vietro vs. Riddle Memorial Hospital. Case no. 230500094; Judge Vincent L. Johnson, 01-24-25.

**Attorney for plaintiff: David S. Bigelow of McCann, Dillon, Jaffe & Lamb, LLC in Philadelphia, PA.**

## **ADDITIONAL VERDICTS OF PARTICULAR INTEREST**

### **Aviation Negligence**

**\$116,067,076 VERDICT INCLUDING \$3,226,000 IN PUNITIVE DAMAGES – AVIATION NEGLIGENCE – WRONGFUL DEATH – 26-YEAR-OLD ATTENDS “DOORS OFF” AERIAL PHOTOGRAPHY TOUR OVER NEW YORK IN HELICOPTER NEGLIGENTLY CINCHED INTO HEAVY-DUTY HARNESS ATTACHED TO HELICOPTER FLOOR – DEADLY CRASH.**

**New York County, NY**

This wrongful death action was filed by the parents of the deceased, a passenger on the defendant’s helicopter. The helicopter crashed, causing their son’s death, Trevor. The defendant denied all allegations of negligence and contended the plaintiff’s complaint failed to state a valid claim for relief.

The plaintiff alleged on March 11, 2018, their son was aboard the 2013 Eurocopter As350 B2 helicopter which was conducting a scheduled 30-minute “doors-off” aerial photography tour over New York City and the helicopter experienced a loss of altitude and descended rapidly into the East River off Manhattan. The plaintiff alleged the helicopter crashed into the water, rolled onto its side, and quickly sank and Trevor and other passengers were negligently cinched into heavy-duty harnesses attached to the helicopter floor. The plaintiff alleged these harnesses secured

from the back by a metal carabiner, were a deadly trap as passengers could not reach the release mechanism on their own, resulting in Trevor’s drowning. The pilot freed himself and was rescued by a tugboat after the crash.

The jury reached a verdict of \$116,067,076 consisting of \$112,941,076 in compensatory damages and \$3,226,000 in punitive damages.

**REFERENCE**

Jerry Cadigan, et al. vs. Liberty Helicopters, Inc., a New York Corporation, et al. Index no. 152286/2018; Judge James Edward D’Auguste, 09-19-24.

**Attorneys for plaintiff: Andrew Charles Robb, Gary Rob and Anita Robb of Robb & Robb, LLC in Kansas City, MO.**

## Employer Liability

**\$12,000,000 VERDICT – EMPLOYER LIABILITY – NEGLIGENT MAINTENANCE – WORKPLACE INJURY – PLAINTIFF OPERATED LANGSTON DIE CUTTER, MACHINE USED TO PROCESS CORRUGATED CARDBOARD – CLEARING JAM, PLAINTIFF’S RIGHT HAND PULLED INTO ROLLERS AMPUTATING CERTAIN FINGERS AND FRACTURING THUMB – SEVERE DAMAGE TO LIGAMENTS AND TENDONS.**

### New Haven County, CT

This workplace liability action was filed by the male plaintiff against the defendants, Sun 12121Automation Group, Sun Source 1, LLC and Sun Automation, Inc., who were responsible for assessing and servicing the Langston Die Cutter, for injuries sustained to his hand on January 30, 2017. The defendant’s denied liability for the plaintiff’s injuries and in Special Defenses argued the plaintiff’s own negligence caused or contributed to his injuries.

The plaintiff pled catastrophic injuries including 4 amputated fingers, a fractured thumb, severe ligament and tendon damage, 15 surgeries with lasting implications and chronic pain and dysfunction triggering anxiety and depression. The defendant’s argued the plaintiff failed to follow workplace safety procedures,

including proper shutdown protocols and further claimed the plaintiff was distracted while operating the machine.

Gross verdict: \$12,000,000. Awards: \$1,570,741 in economic damages; \$10,429,259 in non-economic damages. The jury assigned 85.71% liability to the defendant and 14.29% liability to the plaintiff.

### REFERENCE

Mark Garbitini vs. Sun Automation Group, Sun Source 1, LLC and Sun Automation, Inc. Case no. UWY-CV19-6046038-S; Judge W. Glen Pierson, 05-30-25.

**Attorney for plaintiff: Stephanie Z. Roberge of Kennedy, Johnson, Schwab & Roberge, P.C. in New Haven, CT.**

## Sexual Assault

**\$25,000,000 VERDICT – SEXUAL ASSAULT – 65-YEAR-OLD PLAINTIFF SEXUALLY ASSAULTED DURING STAY AT DEFENDANT HOSPITAL – NURSE TAPED BED PADS TO WINDOW AFTER PATIENT ADMISSION, INJECTED PLAINTIFF WITH MORPHINE AND SEXUALLY ASSAULTED HER MULTIPLE TIMES – BODILY INJURIES; PAIN AND SUFFERING; DISABILITY; SEVERE EMOTIONAL DISTRESS.**

### Citrus County, FL

This sexual assault action was filed March 4, 2022, by the plaintiff against the defendant, Citrus Memorial Hospital, Inc. for injuries sustained when she was sexually assaulted by the defendant’s nurse. The defendant denied all allegations of negligence and contended the plaintiff was comparatively negligent and that the plaintiff’s injuries were not proximately caused by their actions or reasonably foreseeable.

The plaintiff alleged that at 2:00 a.m., the defendant hospital learned of the sexual assaults and waited 6 hours to contact law enforcement to report the assaults and during this time, the hospital defendant (1) informed Bonilla of the accusations and instructed him to leave, (2) interviewed witnesses, (3) planted Bonilla’s false narrative, (4) allowed staff to verbally assault Jane Doe, (5) moved the plaintiff to another room and cleaned the crime scene.

Gross verdict: \$25,000,000 consisting of \$5,000,000 for past damages and \$20,000,000 for future damages. The jury found the defendant, in supervising its staff, failed to provide adequate security in Jane Doe’s nursing care and treatment.

### REFERENCE

Jane Doe vs. Citrus Memorial Hospital, Inc. Case no. 2022 CA 000134 A; Judge Carola Favey, 09-18-24.

**Attorney for plaintiff: Eric S. Rosen of Rosen Injury Law in Davie, FL. Attorney for defendant: Tia J. Jones of La Cava Jacobson Goodis in Tampa, FL.**