

# Verizon Paying \$125 Million to Lawyer Struck and Paralyzed by Falling Utility Pole

By Suzette Parmley

In a personal injury case lodged on behalf of an attorney left brain damaged and paralyzed after a weathered utility pole fell and struck her in 2017, a New Jersey judge has approved a \$125 million settlement to be paid by Verizon.

Essex County Superior Court Judge Stephen Petrillo issued an order Monday approving the settlement following a friendly hearing in the case of Maria Moser Meister, who was injured by the falling pole during her commute to work on Jan. 23, 2017, in Union City, as she waited for a transit bus.

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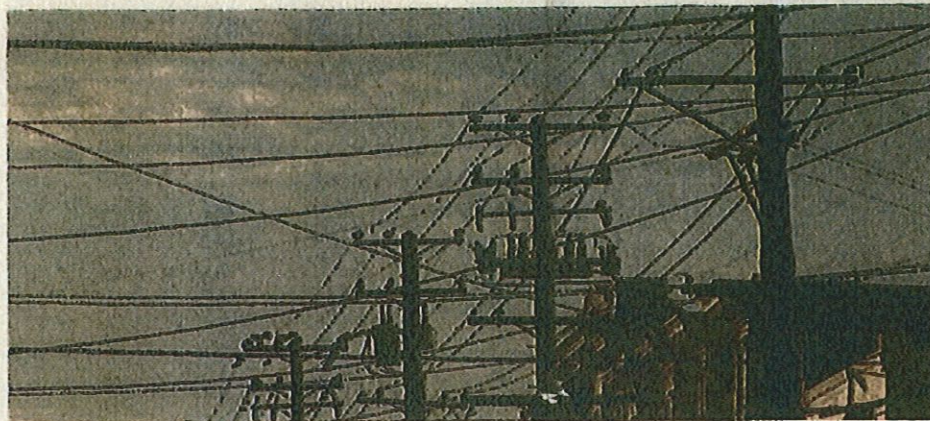


PHOTO BY AUDON KEMILSHUTTER/ISTOCK

At the same time, a fee dispute has erupted between the plaintiffs' current and former counsel.

Meister at the time of the accident was general counsel for finance firm Milberg Factors in New York, and previously had been an associate at Simpson Thacher & Bartlett.

"This is a very tragic circumstance, and nobody gets paid these kinds of numbers without having a catastrophic, life-changing injury. This has devastated her life and her husband and children, and she will never be put back together," said her lawyer, David Mazie of Mazie Slater Katz & Freeman in Roseland. "On a brighter note, she has made a remarkable recovery and is a real fighter to get to where she's at."

Mazie added, "By far this is the largest settlement in New Jersey history—the largest at this point was approximately \$47 million in *Pellicer v. St. Barnabas Hospital* in 2005," a case involving a brain-damaged infant.

Meister sued Verizon New Jersey Inc., claiming neglect of the pole that crushed her in 2017. She suffered catastrophic injuries in the incident, including both a spinal injury and a traumatic brain injury. Her injuries include multiple spinal vertebral fractures, rib fractures, and complete paraplegia from mid-chest down, with incontinence. She also has limited use of her left arm making her a tri-plegic; this is complicated by her severe brain injury. Meister also has severe vision problems from the trauma which make it very difficult to perform ordinary tasks such as reading, Mazie said.

Tom Crino and Robert Hanton of Goldberg Segalla in West Windsor, representing Verizon, declined to comment.

Richard Young, a spokesman for Verizon, issued this statement on behalf of the company: "Words cannot adequately express the remorse, sympathy and compassion that we have for Maria, Meister and her family. Maria, her husband and children have been constantly on our minds since this happened and will continue to be in the years to come. While no amount of compensation can make up for what was lost, we hope the resolution of this case helps bring some measure of comfort, and provides care for Maria and her family, now and in the future."

Peter Meister is also listed as a plaintiff, as the legal guardian for Maria Moser Meister.



DAVID MAZIE



GREGG ALAN STONE

COURTESY PHOTO

Other paying defendants are PSE&G Services Corp. and Allice USA. In the order, Petrillo approved a settlement of \$250,000 from PSE&G and \$25,000 from Allice, although documents indicated that Verizon stipulated full responsibility for the pole, which contained no PSE&G or Allice equipment for decades before the accident.

Mazie Slater is to receive attorney fees of 20% on the net recovery in excess of \$3 million.

The order directs that the entire fee be held by Mazie Slater in escrow pending resolution of liens, notably an attorney fee lien asserted by the plaintiffs' prior counsel at Kirsch Gelband & Stone.

On the day of the accident, the 43-year-old wooden utility pole snapped at its base, crushing Meister's head and body. The pole was co-owned by Verizon under an agreement with PSE&G and held equipment and wires from Verizon and PSE&G, according to court documents.

In 1999, PSE&G made the determination that the pole should be replaced, installing a new pole nearby and transferring all of its wires and equipment to the new pole. In February 1999, two weeks after Verizon received PSE&G's "transfer advice" from PSE&G to remove the pole, Verizon issued its own work order to transfer its equipment and remove the pole.

But Verizon never removed the pole, according to court documents, despite it being scheduled for removal at least nine times, the documents said.

The suit claimed that Verizon also failed to properly inspect it every 10 years, as required under New Jersey law, and stipulated by the New Jersey Board of Public Utilities and industry practice. The suit alleged that Verizon had not inspected the pole since 1989.

In addition to plaintiffs counsel, the \$125 million settlement includes payment to Judith Wahrenberger of Ruprecht Hart Weeks & Ricciardulli in Westfield as the court-appointed guardian ad litem for Meister, though the order doesn't set out an amount.

According to the documents, the plaintiffs and Verizon stipulated that Meister's past and future lost wage claims total nearly \$5.5 million, and her future medical costs, or life plan, were estimated at \$15.8 million.

"In litigating this case, Mazie Slater expended significant time and resources, with the great majority of the time on the file expended by me," Mazie wrote in a certification. Mazie said he was supported by David Freeman and David Estes, both partners, and Adam Epstein, an associate, at his firm. Mazie said they worked closely with some 18 experts in various fields to drive home the extent of Verizon's liability and Meister's injuries.

But a heated battle over who did the lion's share of the work has surfaced between Mazie and the original attorney on the case, Gregg Alan Stone of Kirsch Gelband in Newark claims Mazie is trying to freeze him out of the settlement completely after he spent the first three years of the case representing the plaintiffs.

Stone retained attorney Bruce Nagel of Nagel Rice in Roseland to represent him in his claim against Mazie.

"Greg Stone handled the entire case up to the point where there was nearly \$100 million on the table and Mazie came in and took the case and now is trying to take full credit for all of the work that Greg Stone performed on the case," Nagel said.

On Wednesday Nagel filed a complaint in Essex County Superior Court against Mazie, charging him with denying attorney fees to Stone, contributing to the dissolution of the working relationship between Stone and the Meisters, and withholding the fact that punitive damages were part of the case. Stone claims he had been negotiating a large settlement in the case when the Mazie firm took over.

"We filed a complaint which sets forth the fraud by David Mazie in certifying to the court that the case did not involve punitive damages, when in fact, that was one of the core issues that was negotiated from beginning to end, period," Nagel told the Law Journal. "Mazie did that in order to avoid tax being paid on the punitive damage allocation and that puts him in hot water."

When told of the complaint, Mazie responded: "He [Stone] abandoned the client ... and Mr. Stone insisted of having a third of any fees over \$3 million, and that started some conflict between him and the client. The punitive damages allegation is wholly false and frankly, I don't understand it. The court knew punitive damages were part of the case when it made its findings at the friendly hearing."

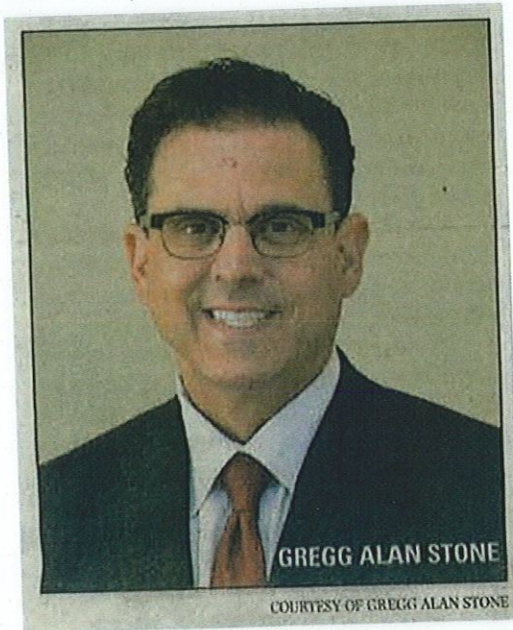
"We were never retained until Greg Stone filed his motion to be relieved as counsel," added Mazie. "Only after he filed his motion ... we were retained. As far as my firm having him removed from the case, that is a fantasy created by Mr. Nagel who inserts himself whenever he can in our cases due to jealousy and his own insecurities."

Mazie and Nagel are former law partners. ■



## Student Injured in Gym Class Fall Gets \$8 Million Verdict in Essex County

In *Dickens v. Irvington Board of Education*, an Essex County jury awarded \$8 million on Sept. 18 in the case of a middle school student whose left arm was seriously injured when she



GREGG ALAN STONE

COURTESY OF GREGG ALAN STONE

tripped during gym class. But the jury's apportionment of 25 percent comparative liability to the plaintiff brought her recovery to \$6 million.

Destinee Dickens, who was then an eighth grade student at Union Avenue Middle School in Irvington, was injured on Oct. 4, 2011, when her gym class was being led along a paved pathway behind the school to an athletic field. A wire cable ran across the pathway, suspended between posts on either side, purportedly to prevent vehicles from going onto the athletic fields, said Dickens' attorney, **Gregg Alan Stone**. Some students walked around the wire barrier, and others jumped over it, Stone said. The wire was about 18 inches off the ground at its lowest point, and Destinee tried to jump over it, but her right shoe got caught, Stone said.

She fractured her left arm and elbow, requiring three operations, and she has developed a neurological problem causing numbness and tingling, Stone said. Now 19, she has developed arthritis in her elbow and is unable to fully extend her left arm. A doctor testified at trial that the condition of her arm would get progressively worse, according to Stone.

The location where the wire cable was located is owned by the Township of Irvington but is under the control of the Irvington Board of Education, Stone said. Dickens' suit named the township as a defendant, but it was dismissed on summary judgment.

Her suit also named **Derek Strong**, the gym teacher, as a defendant. Strong testified that he complained to other teachers and the assistant principal that the wire posed a hazard, and said he was told the school had to weigh the safety of students against the potential for vehicles to drive on athletic fields, according to Stone, of **Kirsch**,

**Gelband and Stone** in Newark, who was assisted by **Ronald Morgan**.

After a five-day trial before Superior Court Judge **Stephanie Mitterhoff**, the jury awarded \$8 million, found no liability on the part of Strong, and apportioned 75 percent of liability to the school district and 25 percent to Dickens, Stone said.

The school district's lawyer, **Ronald Hunt** of **Hunt, Hamlin & Ridley** in Newark, did not respond to a request for comment.

— By Charles Toutant

# Suits & Deals

## Bergen County Case Over Climbing Wall Injury Resolves for \$1.4 Million

A woman who suffered broken bones in a 30-foot fall at a climbing gym settled her Bergen County suit, *Lilos v. High Exposure*, for \$1.4 million. The final portion of the settlement was reached in early December 2020, and payment was received Jan. 7.

According to the suit, Brittany Lilos, now 30, of Highland Falls, New York, was injured while using a climbing obstacle called "Leap of Faith" at the High Exposure climbing gym in Northvale on Nov. 7, 2016. Climbers scale a 30-foot tower, then walk a 6-foot plank before jumping off the plank and grabbing hold of a suspended punching bag. After grabbing the punching bag, the climber lets go and slowly drops to the floor. Each participant wears a safety harness attached to a device called a mechanical auto-belay, which is meant to safely lower the climber.

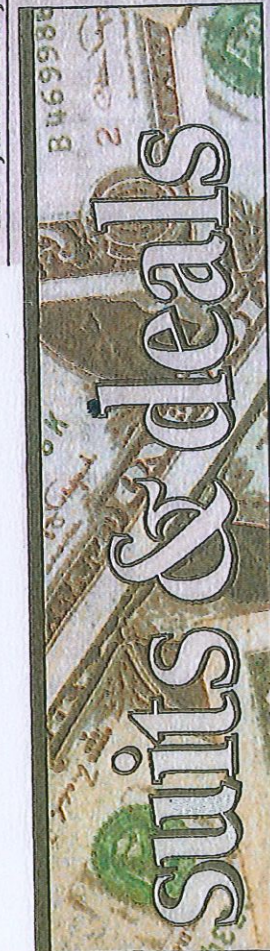
When Lilos used the Leap of Faith, the auto-belay detached from her safety harness when she grabbed the punching

bag, said her lawyer, Gregg Stone of Kirsch, Gelband & Stone in Newark. She fell to the ground, fracturing her lower back, pelvis, both wrists and both elbows.

Lilos didn't suffer spinal damage or hit her head, though her injury nevertheless left her with permanent functional limitations to her non-dominant left arm, which has reduced movement and ability, Stone said.

Lilos sued High Exposure along with Carabiner's Indoor Climbing of Bedford, Massachusetts, which designed and assembled the Leap of Faith obstacle, Stone said.

High Exposure defended itself based on a waiver of liability signed by Lilos, but the company agreed to settle for \$1 million after Stone asserted that it was grossly negligent due to its failure to provide redundant safety equipment and to ensure the auto-belay was properly connected. Stone said his assertion of a products liability claim against High Exposure, based on its owner's involvement in design of the Leap of



GREGG STONE

COURTESY OF GREGG STONE

Faith obstacle, also helped defeat the waiver.

High Exposure agreed to settle in February 2020 and made payment soon after that, said Stone.

Carabiner's Indoor Climbing contributed \$400,000 to the settlement. It settled in early December 2020 and made payment Jan. 7.

Stone represented Lilos along with Ronald Morgan of his firm.

High Exposure's insurance carrier was K&K Insurance. Its lawyer, Peter Mueller of Harwood Lloyd, didn't return a call about the case.

Carabiner had coverage from Atain Speciality Insurance. Its lawyer in the case was Kevin O'Donnell of Kaufman Dolowich Voluck in Hackensack, who said he is not authorized to discuss the case.

— Charles Toutant



## Newark Bus Crash Results in \$3.4 Million Settlement for Injured Passengers

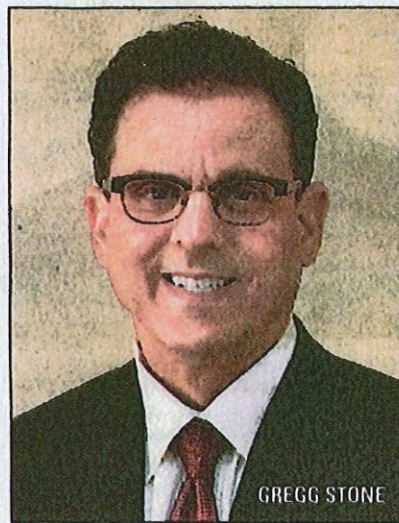
Two passengers injured in a broad-side crash between two New Jersey Transit buses received \$3.42 million to settle their Essex County suit, *Banks v. New Jersey Transit Corp.*, with the last installment paid July 30.

The suit stemmed from a collision on Aug. 19, 2016, at Broad Street and Raymond Boulevard in Newark. Plaintiffs Bambi Banks and Claude Zongo were riding in a bus that entered the intersection with a green light and was hit by a second bus, which was out of service and which ran a red light, said Gregg Alan Stone of Kirsch, Gelband & Stone in Newark, who represented the plaintiffs.

The out-of-service bus was driven by James Barthelus, who was declared dead at the scene, according to Stone. The bus that the plaintiffs were riding in was nearly torn in half by the impact, Stone said.

Banks, 58 at the time of the accident, suffered a fractured pelvis and multiple fractures of the cervical and thoracic spine. She underwent multiple surgical fusions in her neck and mid-back, and was in a rehabilitation center for roughly two months re-learning how to walk, Stone said. She was unable to return to her job as a factory worker, he said.

Zongo, 39 at the time of the crash, sustained multiple contusions, nerve damage and a foot drop because the metal frame of the bus seat shattered and sliced into his knee. He underwent surgery to repair his knee but did not miss any time on his job as a gas station attendant, said Stone.



COURTESY OF GREGG STONE

An autopsy of Barthelus, the bus driver, resulted in the conclusion that he died of blunt force trauma, according to Stone. Lawyers for New Jersey Transit and for Barthelus' estate claimed he suffered a heart attack that rendered him unable to control the bus, and asserted that his medical emergency was a defense from liability—known as a blackout defense. Stone claimed Barthelus remained in control of the bus. Superior Court Judge Keith Lynott ruled that the defendants could not assert the blackout defense, prompting the parties to settle in May 2021.

Banks was awarded \$3.022 million, and Zongo received \$395,000. Banks' award was paid July 30, after getting approval by the New Jersey Transit board. Zongo, whose award did not require board approval, was paid in June.

Stone represented the plaintiffs along with Ronald Morgan of his firm.

Barthelus' estate and New Jersey Transit were represented by Thomas Hart of Ruprecht, Hart, Ricciardulli & Sherman in Westfield. He did not respond to a call about the case. New Jersey Transit spokeswoman Nancy Snyder confirmed the amounts of the settlements.

— Charles Toutant



## EMT Injured in Ski Resort Fall Settles Morris County Case for \$1.75 Million

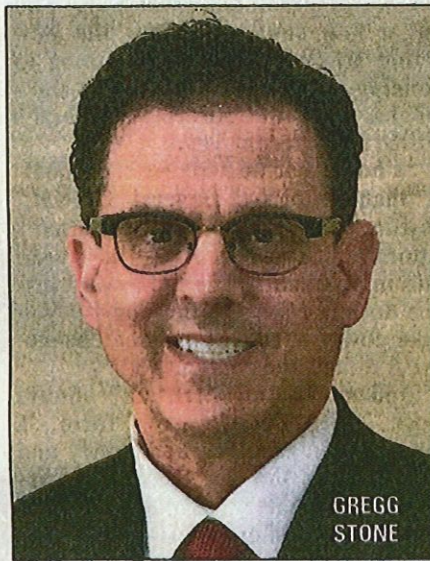
An emergency medical technician working at a ski resort who sustained back injuries in a fall on the job settled his Morris County suit, *Villecco v. Mountain Creek Resort Inc.*, for \$1.75 million on May 25, though the corporate defendant's bankruptcy caps the plaintiff's recovery at \$1.5 million.

On March 8, 2013, plaintiff Frank Villecco, then 28, was working as an EMT for Atlantic Health, which by contract provided emergency medical services to injured skiers at Mountain Creek Resort in Sparta. While helping bring an injured skier into a medical treatment room, he slipped on accumulated water in the room, landing on his tailbone, according to his lawyer, **Gregg Alan Stone of Kirsch Gelband & Stone** in Newark.

Villecco sustained a disc herniation to his lumbar spine, which was treated with pain management, a fusion surgery, and implantation of a spinal cord stimulator and pain medication to treat ongoing issues, Stone said. Villecco returned to work as an EMT but ultimately was forced to take a less physical job, though he didn't claim lost wages, Stone said.

The medical room was maintained by Mountain Creek, which was responsible for assuring the floor was clear of hazards, Stone said. The suit was filed in Morris County based on Villecco's residency at the time. It claimed that Mountain Creek failed to remove the water, to use mats, or to warn of the hazard, Stone said. He noted that the defense was positioned to dispute the link between Villecco's condition and the fall.

The case was delayed because of Mountain Creek's bankruptcy, according to Stone. The parties were through



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discovery and ready for trial when the bankruptcy proceedings concluded. The parties settled for \$1.75 million during mediation with **Kenneth Grispin**, a retired Superior Court judge with **Javerbaum Wurgaft Hicks Kahn Wikstrom & Sinins** in Springfield.

The bankruptcy case, in the U.S. Bankruptcy Court for the District of New Jersey, was closed in November 2020, according to electronic court documents on PACER.

Because there was a \$250,000 self-insured retention through Mountain Creek's insurance coverage, which was discharged in bankruptcy, that sum is uncollectable, Stone noted. Mountain Creek's primary carrier, Chubb Insurance Co., is to pay \$1 million, and its excess carrier, Starstone Specialty Insurance Co., is to pay \$500,000, he said.



## Woman Settles Sex Abuse Claims With School Board, Bus Company and Driver for \$1.25M in Morris Co.

In a Morris County suit, *Bishop v. Comperchio*, a Sparta woman will receive \$1.25 million as compensation for physical and emotional injuries she sustained when she was sexually molested by a school bus driver.

Plaintiff Kristen Bishop, now 21, of Sparta, agreed to the settlement with the defendants—Mount Arlington Board of Education, Byrum Bus Lines Inc., and its driver, Edward Comperchio—on Sept. 4, said her lead attorney, **Gregg Stone**.

The settlement was approved by Morris County Superior Court Judge **David Ironson**, shortly before the case was scheduled to go to trial, said Stone, of Newark's **Kirsch, Gelband & Stone**.

Comperchio is now 78 and lives in Hopatcong, Stone said.

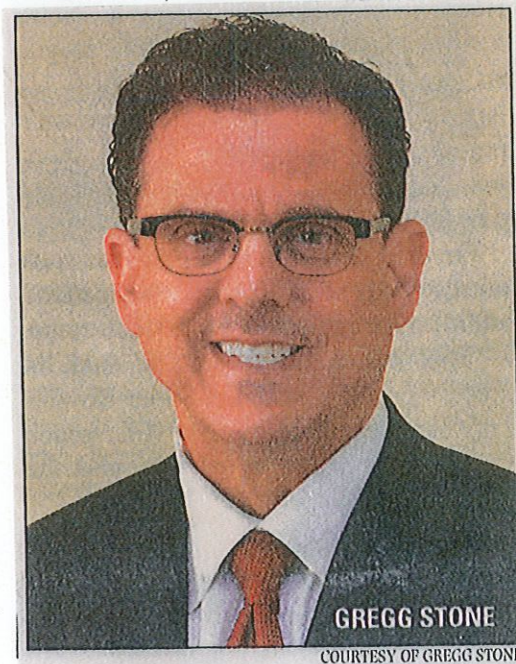
Comperchio, who was uninsured, agreed to pay \$1 million, said Stone, who was assisted by **Ronald Morgan** of the Kirsch Gelband firm and **Howard Myerowitz**, a solo in Harrison. The Great American Insurance Co., the carrier for the Mount Arlington School District, where Bishop was a student, agreed to pay \$250,000, Stone said.

Nationwide Insurance Co., the carrier for Comperchio's employer, Byrum, agreed to pay an additional amount that was subject to a confidentiality agreement, Stone said.

The lawsuit, filed when Bishop was 17, alleged Comperchio molested her on several occasions between 2006 and 2009, when she was in grades 3 through 6. The lawsuit alleged that Comperchio would arrive at her bus stop early and drive to a nearby parking lot, where he molested her before he would then pick up the other children on his route.

The lawsuit alleged that Byrum's buses were equipped with video surveillance cameras, but that Comperchio, in violation of school district regulations, did not activate the cameras before picking up Bishop, Stone said.

According to news reports, Comperchio eventually pleaded guilty to



a single charge of unlawful contact with a child and was sentenced to probation.

Great American retained **Patrick Clare** of **Clare & Scott** in Liberty Corner to represent the school district. He confirmed the amount of the settlement.

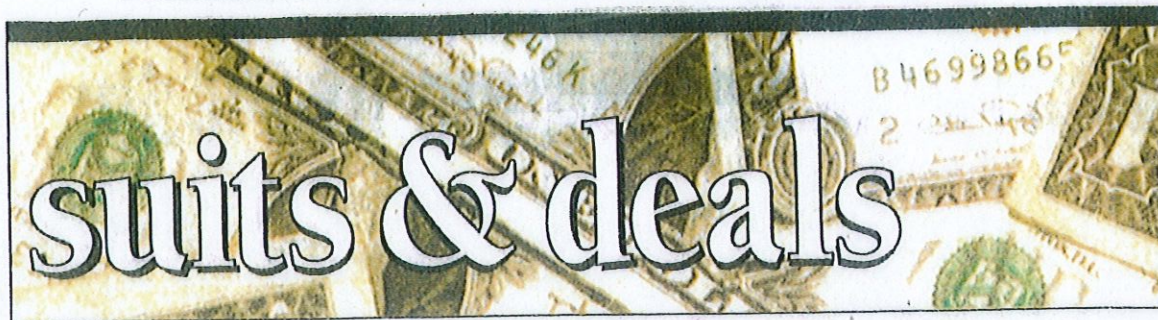
Nationwide retained **Michael Marone** of Morristown's **McElroy, Deutsch, Mulvaney & Carpenter** to represent Byrum.

Comperchio was represented by **Gerard Hanlon** of **Hanlon Dunn Robertson Schwartz** in Morristown.

Marone and Hanlon didn't return calls seeking comment.

Stone said his firm currently is conducting an audit of Comperchio's assets to determine what may be subject to seizure to secure the judgment against him.

— **Michael Booth**

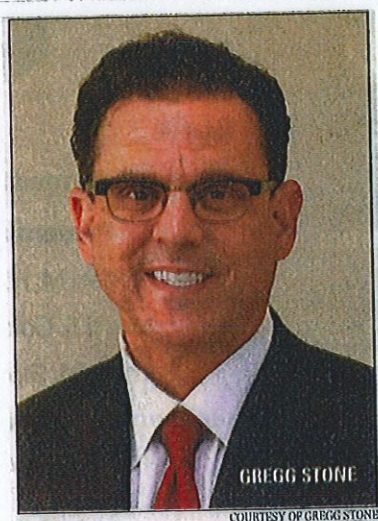


## Cop Nets \$1 Million After Hand Injury

*Keown v. Cristi Cleaning Service:*

A former police officer with the Port Authority of New York and New Jersey forced to retire when he permanently injured his hand in a slip-and-fall at an agency facility will receive \$1 million as compensation.

Plaintiff Stephen Keown, 43, of



Jackson, agreed to the settlement with Samsung Fire and Marine Insurance Co., the carrier for defendant Cristi Cleaning Service of Hackensack, on March 12, the day trial was scheduled to begin in Essex County Superior Court, said Keown's attorney, **Gregg Stone**.

Keown was injured on Oct. 15, 2014, while in the kitchen at the authority's New Jersey Marine Terminal headquarters in Elizabeth. Cristi Cleaning had mopped the floor minutes before but failed to place yellow caution signs at the door, said

Stone, of Newark's **Kirsch, Gelband & Stone**.

Keown sustained a crush injury to his right trigger finger when his hand became wedged between the concrete floor and his holster, the suit claimed. Because of the injury, Keown had to retire from the job, which he had held for nearly 13 years, on a disability pension, Stone said.

Keown had been a New York City police officer for about two months before the 9/11 terrorist attacks. He claimed that experience inspired him to join the Port Authority Police, which had lost 37 officers in the attack, Stone said.

Samsung Marine and Fire retained **William Mead Jr.** of **Litchfield Cavo** in Cherry Hill. He confirmed the amount of the settlement.

The settlement will be offset by a workers' compensation lien of \$75,000, Stone said.

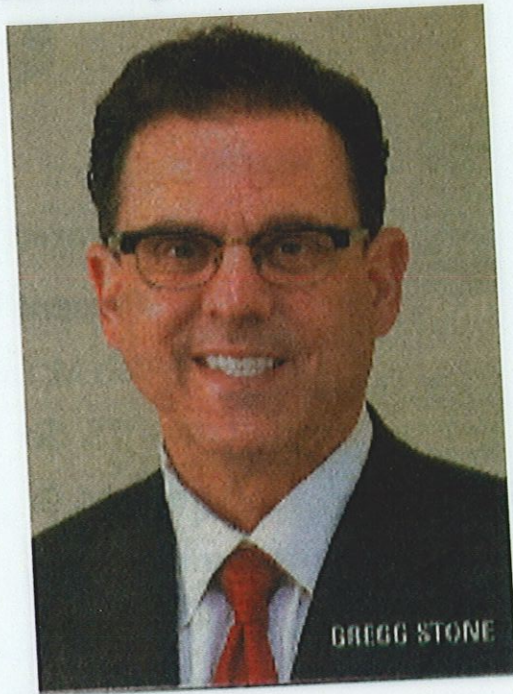
Civil Division Assignment Judge **Dennis Carey III** helped facilitate the settlement, Stone said.

— **Michael Booth**



## \$1.95M For Parking Lot Fall

**Gutierrez v. Menpe Corp.:** A Paterson man is to receive \$1.95 million as compensation for injuries sustained when he



slipped and fell on untreated ice on his employer's parking lot.

Plaintiff Odwin Gutierrez, now 45, of Paterson, agreed to the settlement with the insurance carrier for defendant Menpe Corp. on Feb. 24, said Gutierrez's attorney, Gregg Stone.

Stone declined to identify the Menpe's carrier or Gutierrez's employer, which was not a party to the case. The attorneys

representing Menpe, David Semple and Philip Priore of McCormick & Priore in Princeton, did not return calls seeking comment.

Gutierrez fell on Dec. 18, 2013, at the Perth Amboy facility, while he was in the process of inspecting his company-owned vehicle. Gutierrez's employer leased the property from Menpe, said Stone, of Newark's Kirsch, Gelband & Stone.

The lawsuit, filed in Middlesex County Superior Court, claimed Menpe failed to properly maintain the parking lot, Stone said.

Gutierrez, Stone said, sustained lower back injuries and had to undergo lower lumbar surgeries with fusion, and six lumbar epidural injections.

The settlement will be offset by worker's compensation lien of \$436,000, Stone said.

Ronald Morgan, of Stone's firm, also represented Gutierrez.

— Michael Bo



NEWARK

## Bus crash victims to seek \$115M

### 'Catastrophic' injuries spur suit against NJ Transit

Craig McCarthy For The Star-Ledger

Severed nerves that may leave a foot useless. Broken pelvis, back and neck. Deep cuts to a passenger's face, chest and leg that will mark him for life.

All of the riders who survived the fatal NJ Transit bus crash in Newark more than three months ago — who have filed a claim for their "catastrophic" injuries — charge the crash has left them permanently disabled.

Law firms representing 14 passengers or their families have filed public notices of plans to seek more than \$115 million in damages. All the hospitalized riders who filed notice to sue in the weeks after that Aug. 19 morning claim their injuries will leave them permanently disabled.

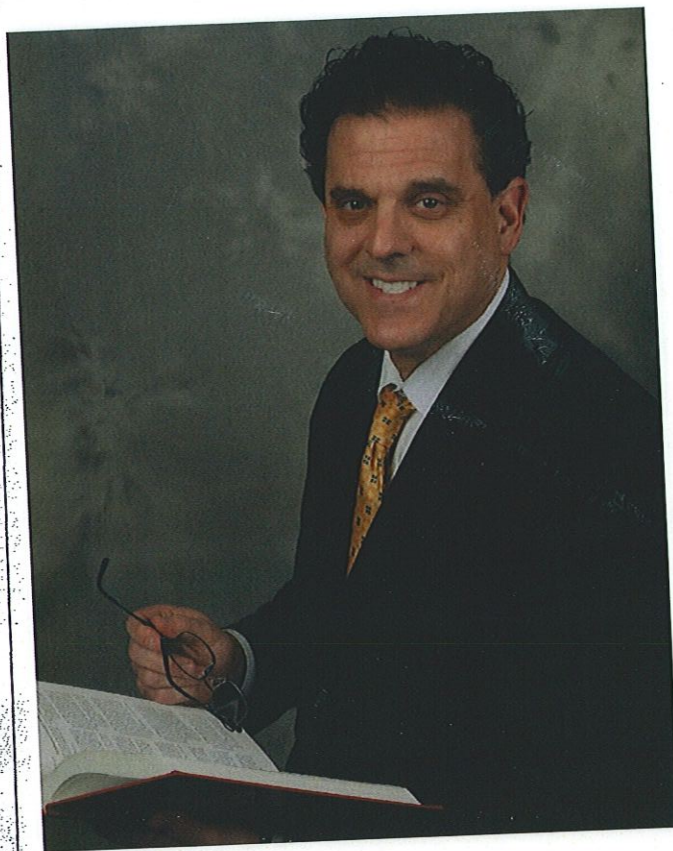
"Every single aspect of her life has changed as a result of the crash," Bryan Roberts, an attorney representing Michelle Hill, told NJ Advance Media. "Every day is a struggle."

Roberts, who wouldn't detail his client's injuries without her permission, has filed a notice of claim with plans to seek up to \$35 million in damages, marking the largest potential single suit that NJ Transit faces following the wreck.

The damages listed on the notice take into account Hill's cost of care for the rest of her life, according to Roberts, who hopes for "fair and reasonable compensation" for his client.

"We're just trying to get some sort of semblance of life back (for them) after losing simple things we all take for granted, like walking," said one of the attorneys, Gregg Stone, who has filed notice for two of the

SEE LAWSUIT, A14



## LAWSUIT

FROM A13

injured passengers.

Two other passengers, Kimley Edmonds and Khalillah Raybon, each submitted notices to sue for \$21.5 million in damages and future loss of pay. Their lawyer, who also represents a third passenger, Raye Futerfas, did not return calls for comment.

Two people were killed in the August accident. Surveillance video shows the driver of an empty No. 59 bus running a red light at the intersection of Raymond Boulevard and Broad Street, broadsiding a No. 13 bus just after 6 a.m.

Joseph Barthelus, a 70-year-old driver who had worked for NJ Transit for decades, was pronounced dead at the scene.

A 49-year-old city woman,

Jesy Garcia, who was on the commuter bus, died later that day.

Garcia's family has submitted paperwork notifying NJ Transit they intend to file a lawsuit naming the agency, New Jersey, Barthelus and the other bus driver, James Roberts. The family plans to seek \$5 million in damages, according to the notice.

Bambie Banks, who was sitting a few seats behind the driver on the opposite side of where the bus was struck, was in the intensive care unit for a month after breaking her pelvis, back and neck, all of which had to be surgically repaired with medical plates and screws.

"She had to learn how to walk again," Stone said.

"She saw the bus coming and said, 'Oh, Jesus,'" he said. "The next thing she remembered was looking up through the bus and seeing

the clear sky."

Passenger Claude Zongo, also represented by Stone, severed the nerves in his right leg leaving his foot unable to roll heel to toe.

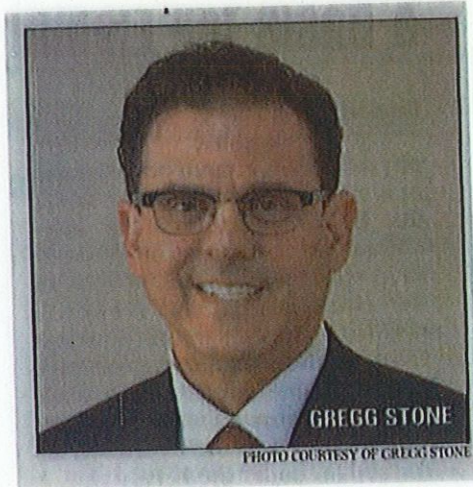
He may never be able to walk correctly again, according to the lawyer.

"A seat was wrapped around his leg," Stone said. His face and chest were "severely" slashed, Stone said. "Unfortunately, he has the marks to show it."

Lawyers for the other eight passengers either did not return calls for this article or declined to comment on the notices of claim, required by the state to be submitted within 90 days before filing a lawsuit against a public agency in New Jersey.

The crash remains under investigation, Essex County Chief Assistant Prosecutor Thomas Fennelly said.

# suits & deals



## \$1M for Injuries in Multi-Vehicle Crash

**Hexamer v. Minish:** A man claiming he sustained debilitating neck injuries in a chain-reaction collision initiated by a tractor-trailer settled his Monmouth County suit for \$1 million on July 12.

In July 2013, Brian Hexamer was stopped on New Jersey Route 70 in Wall, near Riverview Drive, and was the second car back from a red light, said his attorney, Gregg Alan Stone of Kirsch, Gelband & Stone in Newark.

The truck, approaching the light from behind Hexamer, was driven by Jeffrey Minish of Santee Modular Homes Inc., who later claimed a vehicle stopped short in front of him and caused him to swerve, Stone said.

When Minish swerved, he rear-ended a car that was three cars behind Hexamer, which caused a series of collisions. Hexamer's vehicle was struck from behind. In all, the truck and five cars were involved, according to Stone.

Hexamer allegedly sustained a herniation at the cervical level and experienced neck pain radiating into his arms. After unsuccessful epidurals, he underwent a two-level fusion procedure with bone grafts and implantation of hardware, and the injury has affected his ability to work, Stone said.

Hexamer, currently 46, claimed he'd had no prior issues with his neck.

The defense contended that Hexamer's vehicle sustained only a slight impact, according to Stone.

Aside from the claims against Minish and Santee, Hexamer lodged an uninsured-motorist claim against his own carrier, 21st Century Insurance.

The parties settled two weeks before a scheduled trial date. Progressive Insurance agreed to pay \$975,411 on behalf of Minish and Santee, Santee agreed to pay \$22,089 of its own funds, and 21st Century agreed to pay \$2,500, according to Stone.

Jessica Adams of Callegher, Mensching & Carro in Mount Laurel, for 21st Century, confirmed her client's payment amount.

Marc Deltch of Kent & McBride in Middletown, for Minish and Santee, didn't return a call seeking comment.

— By David Gialanella



## State Worker's Slip-and-Fall Suit Settles For \$1.97 Million in Essex

**A** government worker injured in a fall on the job won a \$1.97 million jury verdict in his Essex County case, *Ramroop v. Community Access Unlimited Inc.*

In December 2008, Gadjraj Ramroop, a social worker for the state Division of Youth and Family Services (DYFS), was walking in the parking lot of the DYFS office building on West Grand Street in Elizabeth. As he stepped over a mound of snow left by a plow, he slipped on a patch of ice and fell onto his back, according to his attorney, **Gregg Alan Stone of Kirsch Gelband & Stone** in Newark.

Ramroop claimed the property owner, Community Access Unlimited Inc., failed to adequately clear snow and ice from the lot as required by the lease agreement, Stone said.

Ramroop, now 66, sustained a lower back injury that required a one-level fusion at the lumbar level, numerous epidural injections and other procedures, Stone said.

Community Access denied negligence, claimed Ramroop's back condition was preexisting, and asserted comparative negligence by Ramroop, Stone said.

Following a seven-day trial before Essex County Superior Court Judge **Garry Furnari**, the jury apportioned 92 percent liability to Community Access and 8 percent liability to Ramroop, and awarded \$1.97 million. The total recovery was \$1.81 million after Furnari molded the verdict based on the jury's finding of comparative negligence, Stone said.

Community Access was insured by Philadelphia Indemnity Insurance Co. Its counsel, Manasquan solo **John Welch**, didn't return a call.

— *By David Gialanella*

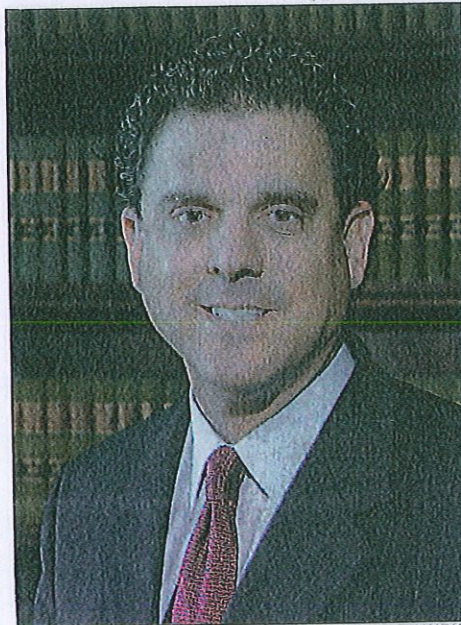


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