



suits & deals

\$1M for Officer's Motorcycle Accident

Koelble v. Pasteur: An Irvington motorcycle policeman struck by a driver during a chase settled an injury suit on Jan. 16 for \$1.005 million.

John Koelble was pursuing a fleeing vehicle on Springfield Avenue with his siren and lights activated on Aug. 29, 2007, when a car traveling in the opposite direction tried to turn left in front of him. Koelble hit the car, driven by Rutherford Pasteur, an employee of St. Elrac Inc./Enterprise Rent-A-Car of St. Louis, who was moving it from one company location to another.

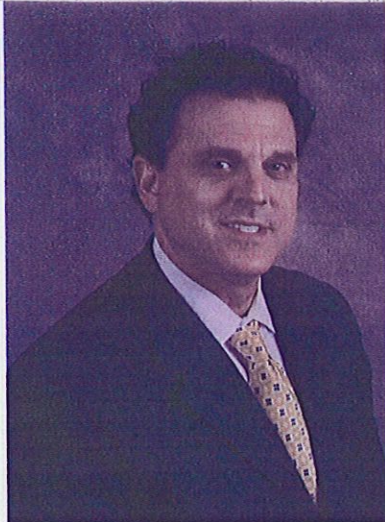


PHOTO BY CARMEN NATALE

INJURY DURING CHASE: Gregg Stone says his client, a policeman, was pursuing a fleeing car when a driver coming the other way tried to turn left in front of him, causing the collision.

Koelble was thrown from the motorcycle and landed in the street, says his lawyer, **Gregg Stone of Kirsch, Gelband & Stone** in Newark. He suffered herniated neck discs and fractured his right wrist, which required surgery. He also suffered nerve damage that diminished strength and feeling in his right shoulder, elbow and wrist, and is now unable to work.

St. Elrac's lawyer, **Bruce Magaw of Decker & Magaw** in Westfield, did not return a call. Stone says Koelble claimed Pasteur negligently ignored the oncoming motorcycle. The Essex County case settled after mediation.

— By David Gialanella

5-year-old boy's estate agrees to \$1.2 million case settlement

On Dec. 20, the estate of Rajeev Adams agreed to a cash settlement of \$1.2 million following a six-day trial in Essex County Superior Court before Judge Carol A. Ferentz. The 5-year-old boy, Rajeev Adams, died May 12, 1997, when he fell out of a six-story apartment window at Corinthian Towers, 67 S. Munn Ave. in East Orange.

The estate's lawyer, Gregg Alan Stone of the Newark law firm Kirsch, Gelband & Stone, argued that if the owners and management of the building installed child protection window guards as required by law, this accident would not have occurred.

The defendant owners Mod Rehab Housing Association, Essex Plaza Management and its owners, Sidney Engel and Lewis Herkind, claimed they could not install the guards because the city of East Orange would not issue permits. Stone argued that permits were not required pursuant to the law and regulation.

"These defendants dragged their feet for nearly three years, from the time they were first notified to install the

child protection window guards until the date of this tragic accident", Stone said.

"This 5-year-old boy died needlessly", the attorney said. "the accident was preventable. When the legislature enacted the child protection window guard laws, it was intended to prevent this very typo of accident."

The testimony at trial showed Adams suffered for four hours before he died.

This child protection window guard laws were passed in November 1995 and required owners and management of multi-family dwellings to install child protection window guards in apartments of tenants who have children 10 years of age or younger. The law also provides that tenants be provided written notice of their right to have child protection window guards installed at no charge.

"is is unfortunate that a child's life was lost over a \$10 guard," Stone said. "we hope this result sends a message to every landlord and management company in New Jersey that child protection window guards save lives."



\$1.22M for Death After Car Accident

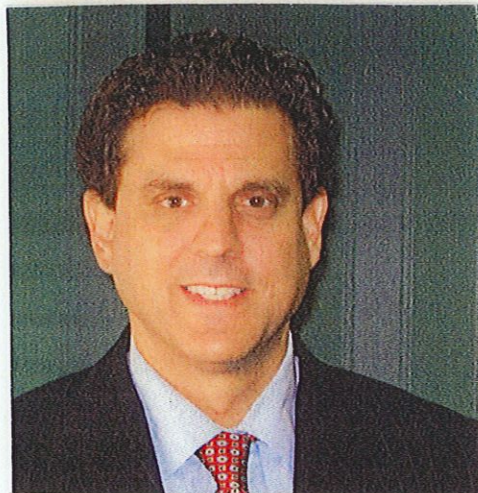
Maldonado v. Knight: The family of a Newark man agreed on Feb. 23 to accept \$1.225 million for injuries in a car accident the year before he died.

Hector Maldonado was driving his Toyota Tercel on Newark's Frelinghuysen Avenue on March 31, 2001, when he hit a box truck as it entered the road. The truck's driver failed to look for oncoming traffic before turning, says the estate's attorney, **Gregg Alan Stone**, of Newark's **Kirsch, Gelband & Stone**.

Maldonado, then 51, fractured his legs, jaw and his right eye orbit and had surgery on his right leg. The wound became infected, resulting in a below-the-knee amputation in September 2001. He was hospitalized or in a nursing home until he died on Sept. 19, 2002, from hepatitis C, cirrhosis of the liver and dehydration, says Stone.

The estate sued the truck driver, William Knight, and his employer, Automatic Electroplating Corp. of Newark, which owned the truck.

In a private nonbinding arbitration last December, former Superior Court Judge



Carol Ferentz, now with **Grieco Oates & DeFilippo** in West Orange, awarded the estate \$1.28 million, finding Maldonado 20 percent at fault. The parties then settled for \$1.225 million: \$848,591 to be paid by New Jersey Manufacturers (with the rest of the \$1 million primary coverage going for PIP costs) and \$376,409 by excess carrier Chubb Insurance.

Defense counsel **Samuel Lord** of Roseland's **Connell Foley** confirms the settlement.

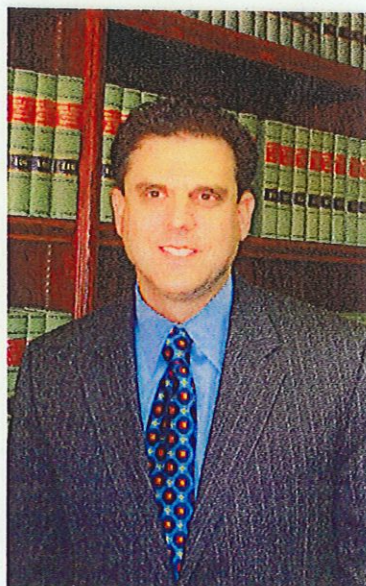
— *By Mary P. Gallagher*

THURSDAY, APRIL 26, 2007

LAW & ORDER

**Woman wins award
after go-cart accident**

EAST HANOVER: A Kearny woman won a \$357,500 jury award this week for injuries sustained in a



2000 accident in a go-cart ride at the Sports 'N' Games Funplex on Route 10, according to her attorney.

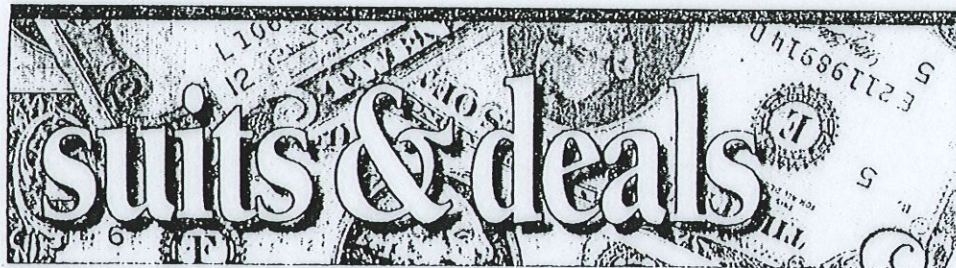
Myra Yepez, 40, received the award following a week-long trial in Superior Court in Essex County before Judge Hector DeSoto, attorney Alan Stone said yesterday.

Yepez was driving a go-cart, accompanied by her teenage son, on June 17, 2000, when she lost control. The cart struck the track side wall in a head-on collision, according to the attorney.

Yepez suffered severe internal injuries, requiring surgery to remove a two-foot portion of a perforated bowel, according to Stone.

Stone contended the go-cart attendants were not trained to determine the experience level of drivers — and Yepez was inexperienced. Also, he argued the woman's abdomen barely fit in the vehicle, a potential danger not recognized by attendants.

Owners of the complex could not be reached for comment last night



Unfusable Bone Break in Car Crash Yields \$1.025 Million Settlement

Araujo-Goncalves v. Estate of Takiff: A 33-year-old auto-accident victim who suffered a bone break that would not heal without multiple surgeries settled her suit on Nov. 2 for \$1.025 million.

Rita Araujo-Goncalves, of Edison, broke her left arm and tore knee ligaments when her car collided with another on May 15, 1998. Evelyn Takiff, 80, of Elizabeth, was making a left turn at the intersection of Locust Street and West Fifth Avenue in Roselle in her Toyota Camry when she pulled in front of Araujo-Goncalves' oncoming Toyota Corolla.

About a year later, Takiff died of causes unrelated to the crash.

Araujo-Goncalves, an assistant manager at a McDonald's restaurant, underwent five operations in the two years after the crash because the bone in her forearm would not fuse, says her lawyer, Gregg Alan Stone of Newark's Kirsch, Gelband & Stone. The bone finally fused after the fifth operation.

Araujo-Goncalves was left with

major scarring on her arm and leg, her left arm has limited mobility and she cannot lift heavy items, says Stone. She has pain in her arm and will require surgery to loosen the tendons in her elbow for greater mobility, he says. She also has a slight limp that is expected to improve, he adds.

Takiff had a \$500,000 automobile policy with Parkway Insurance of Bridgewater and a \$1 million umbrella policy with Fireman's Fund of Novato, Calif.

The settlement — for pain and suffering, loss of enjoyment of life and disability and impairment — was negotiated by Stone and Alfred Constants of Caron, Constants & Wilson in Rutherford, who represented Fireman's Fund. The attorney for Parkway was Steven Litvak of Litvak Accardi & Trifolius in Livingston. Constants did not return a telephone call seeking comment. Litvak says he is satisfied with the settlement, given the extent of the plaintiff's injuries.

—By Charles Toutant



suits & deals



\$400,000 for Fatality on Scooter

Estate of Andy Alexis Pino v. Ha Cheng Fa Enterprise Co. Ltd.: The family of a boy killed by a car while on his mini-scooter reached a \$400,000 settlement with the scooter's maker and the car's driver on Oct. 9.

The accident occurred in Elizabeth on Sept. 21, 2000, six days after Andy Pino's father gave him a nonmotorized South Beach Mini-Scooter for his sixth birthday. He was struck as he crossed a street and later died of brain injuries.

The plaintiffs' central claim was that the manufacturer failed to warn users that a helmet should be worn. The scooter's packaging lacked a warning on helmet use and promotional literature showed a boy doing airborne tricks wearing nothing on his head but a bandana.

The plaintiffs were prepared to bring an expert witness to testify that the boy could have survived had he been wearing protective headgear, says the Pino family's lawyer, **Gregg Alan Stone** of **Kirsch, Gelband & Stone** in Newark.

Stone says that the insurer for the car's driver, **New Jersey Cure** in Princeton, settled the matter for the full extent of the \$100,000 policy without using a lawyer.

The manufacturer, **Ha Cheng Fa Enterprises** of Taiwan, settled for \$300,000. "Our client denied liability for the incident but recognized that it would have been an emotionally difficult case to try," says its lawyer, partner **Michael Palma** of **Nowell, Amoroso, Klein & Bierman** in Hackensack. The liability carrier is **AIG Insurance** of New York.

Other parties named in the suit were later let out. **Hasmukh Patel**, doing business as **Seven-11** in Elizabeth, which sold the scooter, was represented by partner **Robert Kaplan** of **Westmont's Margolis Edelstein**. **Mountain View Marketing**, which marketed the scooter, was represented by **Neil Sambursky** of **Miranda & Sokoloff** in Mineola, N.Y. **Genel Management**, which operated **Shoppers World** of Elizabeth, which sold the scooter to **Seven-11**, was represented by **Donald Nichols** of **Goetz, Nichols, Hereforth & Conchar** in Livingston. **United Imports** of New York, which imported the scooter to **Shoppers World**, was represented by Livingston solo practitioner **Hanbin Wang**.

Kaplan, Sambursky and Nichols did not return calls by press time, and Wang could not be reached.

— **By Jim Edwards**



\$600,000 for Slip and Fall

Hoffman v. Allan Industries: An Essex County jury has awarded \$600,000 to a Union Beach, N.J., woman who was injured when she slipped and fell in the lobby of the office building where she works.

The jury awarded the damages to plaintiff Madeline Hoffman, now 63, on Aug. 4 after finding the contractor responsible for maintaining the lobby, Allan Industries Inc. of Rockaway, N.J., 100 percent negligent, Hoffman's lawyer, **Gregg Alan Stone**, said.

Hoffman was injured on Dec. 28, 2010, at about 9:10 a.m., several days after a storm had left two feet of snow. Hoffman, a supervising paralegal at a law firm in the building on Becker Farm Road in Roseland, N.J., slipped on wet flooring in the building's lobby, Stone, of Newark's **Kirsch, Gelband & Stone**, said.

Allan had cleared the parking lot of snow but had failed to place rubber mats and warning signs at the building's entranceway, said Stone. Hoffman sustained a broken fifth right metatarsal, which required surgery and internal fixation, Stone said.

Following the surgery, Hoffman developed deep venous thrombosis, which required her to self-inject anticoagulation medication into her stomach twice a day, Stone said. He added that Hoffman developed fear and anxiety

over developing a blood clot which would cause a fatal pulmonary embolism.

Before the jury began its deliberations, Superior Court Judge **Garry Furnari** entered a directed verdict clearing the other defendant, Mack-Cali Realty Corp., which manages the building, of any liability, Stone said.

Pennsylvania Manufacturers Ins. Co., which provided coverage for Allan Industries, retained **Timothy Burns**, of **Robinson Burns** in Bridgewater, N.J. The unidentified carrier for Mack-Cali retained **Alan Lebowitz**, of **Maloof, Lebowitz, Connahan & Oleske** in Chatham, N.J. Neither Burns nor Lebowitz returned telephone calls seeking comment.

— *By Michael Booth*

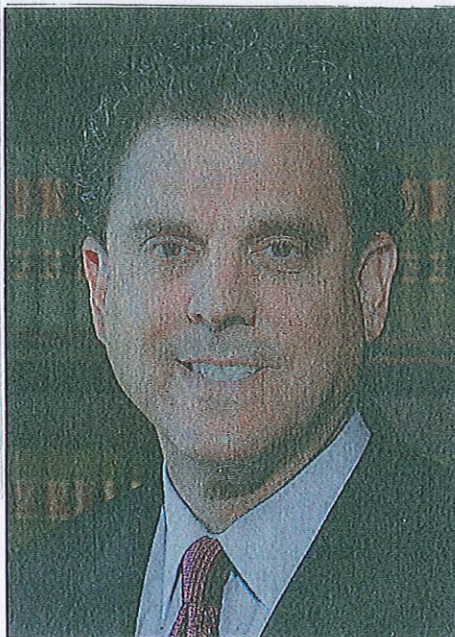


PHOTO BY CARMEN NATALE

GREGG ALAN STONE