$100,000 Award for an Accident Involving a Pedestrian

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Christopher L. Musmanno, Esq., Chair of the Personal Injury Department and Certified Civil Trial Attorney with the law firm of Einhorn, Barbarito, Frost & Botwinick, PC in Denville, NJ, announces a $100,000 settlement for an accident involving a pedestrian.

In March 2017 Plaintiff was walking across a highway for the purpose of reaching a residence. A vehicle which was traveling in the left westbound lane stopped to allow Plaintiff to cross the street. While she was proceeding from the left westbound lane into the right westbound lane, a vehicle owned and operated by the Defendant swerved around the vehicle stopped to allow the Plaintiff to cross, and struck Plaintiff at an excessive rate of speed without warning.

Plaintiff was taken via ambulance to the hospital complaining of headaches with loss of consciousness and severe pain to her abdomen. She demonstrated visible contusions and abrasions to her head and throughout her right upper and lower extremities. In response to these complaints, she underwent an immediate battery of diagnostic tests and was initially diagnosed with a traumatic brain injury. She was also diagnosed with internal trauma consisting of multiple Grade II/III liver lacerations and abdominal wall hernia, among other things. Given the severity of these injuries, she was admitted for further testing and monitoring until being discharged four days later. During this time Plaintiff was referred for subsequent diagnostic testing of her right lower extremity, consisting of x-ray tests to her right femur, right knee, and right tibula/fibula. These tests revealed a fracture through the right proximal fibula.

Plaintiff was discharged with an air cast walker boot and crutches under instruction to return to the emergency room if her condition failed to improve. Two days later, Plaintiff returned to the emergency room with complaints of worsening abdomen pain along with radiating right-sided chest pain. She underwent diagnostic testing comprised of a CT scan to her abdomen and an ultrasound. Her abdomen CT scan confirmed the evolving lacerations of the posterior lobe of her right liver. Her ultrasound, on

the other hand, was indeterminate and suggestive of a possible pregnancy for which Plaintiff was unaware.

Plaintiff presented to Planned Parenthood where she underwent another ultrasound, which confirmed that she was, in fact, pregnant at the time of the accident. It was recommended, however, that she terminate the pregnancy because due to potential complications from the trauma sustained by this accident and the radiation exposure following the multitude of successive diagnostic tests taken during her medical treatment. In view of these risks, she was initially administered the abortion pill to terminate her pregnancy. For unknown reasons the pill was not successful and she was thereafter required to undergo an intrauterine procedure to surgical remove the fetus. During the course of this procedure, her uterus was perforated causing excessive bleeding requiring the complete removal of her uterus. With regard to her fracture of her right proximal fibula, she underwent some physical therapy and saw an orthopedic specialist. No surgical intervention was recommended with respect to her right proximal fibula fracture.