

\$150,000 Settlement For College Student Who Was Injured While Asleep Between Classes

Denville, NJ

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, Denville, NJ, announces a \$150,000 settlement for an accident that occurred while the plaintiff was napping in the back of her car. The plaintiff was a college student at Union County College in Cranford. In April 2012, she was asleep in her parked vehicle, with the engine off and windows closed in the parking lot, lying across the back seat, taking a nap in between classes. While she was asleep and laying across the back seat in her parked vehicle, she was struck in the rear by a vehicle of a co-student. The co-student struck her vehicle at a very low speed and the defense contended that the force of the impact was not sufficient to knock the plaintiff off her seat. The defense hired a biomechanical expert to support that position. The Plaintiff contended that it was not the force of the impact that knocked her off the seat, but the jarring of the vehicle coupled with the sounding of the alarm in the vehicle caused her to become startled and fall off the seat. As a result of falling off the back seat of her vehicle she injured her neck which required two level anterior cervical discectomy and fusion surgery. The defense produced records that the plaintiff had injured her neck in past and that this problem with her neck was not a new injury, but was a progressive injury that ultimately required the surgery. In other words, the defense challenged whether the accident proximately caused the plaintiff's injury. The case was fought with pitfalls on both liability and damages, but it was nevertheless resolved with the assistance of the Court prior to trial for the amount of \$150,000.00.