

\$151,000 Settlement for Rear End Automobile Accident

Denville, NJ

Christopher L. Musmanno, personal injury attorney with the law firm of Einhorn, Barbarito, Frost & Botwinick, Denville, NJ, announces a \$151,000 settlement for an automobile accident. The plaintiff, a 43 year old school teacher, was stopped in traffic in Boonton when she was struck in the rear by another vehicle. The defendant claimed that he lost consciousness before the accident because of an undiagnosed medical condition and that he was not negligent. The defendant claims that this was an act of God and he had no way of knowing he was going to lose consciousness, presumably because of a heart attack. Depositions uncovered that the defendant had a significant prior history of medical issues including a history of a prior motor vehicle accident where he had a diabetic black-out because he did not take his medications. As a result of the accident, the plaintiff underwent arthroscopic surgery on her right shoulder for a partial rotator cuff tear. In addition, she herniated a disc in her neck which required microdiscectomy surgery without the insertion of any type of metal hardware. After her arbitration hearing and discovery was completed, but prior to trial, her case was settled for \$151,000.