

\$152,000 Settlement for Automobile Accident

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 \$152,000.00 settlement for injury from an automobile accident.

The plaintiff is 48 years of age. She had a very complicated personal injury case arising out of an automobile accident that occurred on January 24, 2013. She was a passenger in a vehicle that was stopped at a red light when it was struck in the rear by another vehicle. The case became more complicated for several reasons. First, the vehicle that struck her was stolen and had no insurance. This required an uninsured motorist claim to be made not only to the automobile insurer of the plaintiff, but also the insurer of the host vehicle. Both carriers would defend and ultimately indemnify on a pro rata basis based on policy limits. The case was further complicated because the plaintiff had a limited PIP policy and she chose her health insurance to be primary. Her health insurer, however, had exclusions in its policy pertaining to automobile accidents so there was litigation between the PIP carrier and the health insurer as to whom should ultimately pay the medical bills of the defendant.

The defendant sustained disc herniation in her neck at C3-C4 and C6-C7, but her primary injury was to her lower back, which was a left lateral disc herniation at L5-S1 compressing the left S1 nerve root. After hospitalization, a long course of physical therapy and injections, she underwent two level lumbar microdiscectomy without hardware or other intrusive devices. After an arbitration hearing but prior to trial, her case was settled on a pro rata basis between AMICA Insurance Company and Liberty Mutual Insurance Company for the total amount of \$152,000.00.