

\$160,000 Settlement in Motor Vehicle 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 \$275,000 settlement for motor vehicle accident. On Friday, May 25, 2012, at approximately 6:20 p.m., the plaintiff was traveling in a westerly direction on a residential street when at the same time an unoccupied landscaper truck and attached trailer was parked more than half way into the road. The trailer gate of the landscaping vehicle was down on the road obstructing the plaintiff's right of way. Due to the glare of sunlight, the plaintiff did not see the trailer gate and his vehicle hit the trailer gate and flipped over. The defense made the argument that despite the fact that the trailer was obstructing the roadway, the plaintiff, should have been able to see that trailer gate and avoid it, and his failure to observe the landscaping vehicle caused his injuries. After numerous depositions of the various landscaping personnel as well as hiring an investigator to take numerous photographs of the accident scene at the time of day and month that the accident occurred, it became very clear that there was no way the plaintiff could possibly have seen the landscaping vehicle. The accident occurred right after the plaintiff exited a tree covered area directly into the glare of the sunlight. The defendants have pleaded guilty in municipal court without reservation to obstructing traffic and admitted there fault at depositions.

As a result of the accident, the plaintiff sustained the following injuries: A disc herniation at C2-3, a displaced fracture of his sternum, right anterior fifth rib angulated fracture and rib fractures involving the left sixth, seventh and eighth ribs and a laceration on his left forearm requiring plastic surgical repair.

The case was settled prior to trial for \$160,000.