

\$225,000 Settlement for Automobile Accident

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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, Denville, NJ, announces a \$225,000.00 settlement for injury from an automobile accident.

The plaintiff is fifty (50) years of age. On Monday, January 13, 2014, she made a left turn in front of the Defendant's vehicle on Route 46 West, into the ShopRite entrance in Dover, New Jersey. Generally, left turn cases are very difficult to prove and are seldom taken by a Plaintiff's attorney because if a Plaintiff is found more than fifty percent (50%) at fault for the happening of the accident, under New Jersey Law, the Plaintiff is not entitled to a personal injury recovery. Generally, if a person makes a left turn in front of another vehicle, they are most likely to be found more than fifty percent (50%) at fault. In this case, however, I felt that there were extenuating circumstances.

First, the Defendant had lost his license prior to this accident for speeding at 124mph on Route 80 in Rockaway, New Jersey. He lost his license for three (3) months and upon recovering his license, his mother bought him a new sports vehicle under her name allowing him to use it with her permission. With this information, a separate count in the Complaint naming the defendant's mother as a direct Defendant was included for negligently entrusting her son to drive her vehicle knowing of his dangerous propensity to speed. Further, although there were no witnesses listed on the police report, through diligent investigation, I was able to locate an eye witness who observed in his rear view mirror the Defendant traveling through the intersection as the light was changing at 70 mph. The speed limit was 40mph on Route 46 at the location of the accident. The force of the impact was so great that it propelled the Plaintiff's vehicle backward and eastbound down Route 46 approximately ninety (90) feet. The Plaintiff sustained the following injuries as a result of the accident:

- Open reduction and internal fixation of the bimalleolar ankle fractures of increased difficulty with implantation of a Synthes locking lateral fibula plate and multiple 2.7mm locking screws as well as 3.5 mm cortical screws laterally and medially in order to remediate the following left ankle injuries: (1) comminuted transverse fracture of the medial malleolus at the level of the medial tibiotalar interval with lateral displacement of the distal fracture by approximately 3mm; (2) intra-articular fracture

fragments present within the medial clear space; (3) comminuted obliquely oriented fracture of the lateral malleolus, extending above the lateral tibiotalar interval; (5) lateral subluxation of the talus; (6) subcutaneous edema adjacent to the medial and lateral malleoli; and (7) bone island within the posterior talus; (8) right L2 and L3 transverse process fracture;

- Left L5 transverse process fracture;
- Right sacral fracture exiting through the neural foramina with displaced fracture fragments;
- Non-displaced right superior pubic ramus fracture; and
- Possible right L1 transverse process fracture

Prior to trial, the Defendant's insurance company, Allstate Insurance Company, capitulated and settled the case for \$225,000.00. While the Plaintiff will bear some of the responsibility for the happening of the accident since she did, in fact make a left turn in front of another vehicle, the unique circumstance of the accident through diligent discovery and deposition testimony, proved that the Defendant was also at fault in excess of fifty percent (50%).