

\$230,000 Settlement for Rear End Collision While Stopped

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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 \$230,000 settlement for a rear end collision that occurred while the plaintiff was stopped. The Plaintiff is 53 years of age. In May 2012, he was stopped in traffic while traveling in the left westbound lane on Route 46, near the intersection of Mt. Arlington Road in Roxbury, New Jersey. There were three (3) vehicles stopped ahead of him. The operator of the furthest vehicle to the front was stopped in order to assist in removing a turtle from the roadway. While he was stopped, he was struck in the rear and pushed into the vehicle in front of him. As a result of the accident, he sustained a herniated disc at L4-5 which was confirmed by MRI examination. His lower extremity EMG test was abnormal for bilateral L5 radiculopathy. After a series of injections failed to relieve his pain, he underwent posterior lumbar discectomy and laminectomy surgery at L4-5. A complication arose and a second back surgery was performed in November 2013. An additional postsurgical complication occurred at the surgical site which contained E. Coli bacteria and strong antibiotics were required subsequent to the second back surgery. As a result of the antibiotics, the plaintiff developed a colitis condition and other gastroenterological problems. The one problem in the case is that for many years, the plaintiff had been complaining to his primary care physician about back pain and had a pre-existing herniated disc at the level he claimed in the automobile accident. The defense contended with some merit that the plaintiff's back condition predated the accident for many years and was not caused by the accident itself. Despite this defense, the case was settled prior to trial for the amount of \$230,000.00.