

\$475,000.00 Settlement for New Jersey Transit Train Accident

Denville, NJ

McGuinness v. New Jersey Transit, Metro-North Commuter Railroad, et als., Docket No. HUD-L-1410-17. Plaintiff, Megan D. McGuinness, is presently twenty-six (26) years of age. At the time of this occurrence, she was single and twenty-four (24) years of age.

On Thursday, September 29, 2016 at approximately 7:23 a.m., Plaintiff, was a business invitee, while riding as a Metro-North ticketed passenger in the second train car aboard N.J. Transit Train 1614 heading to Hoboken Station in Hoboken, New Jersey from Pearl River, New York. Plaintiff was seated in the second car from the front in the third to last seat on the right near the emergency exit window seat. The interstate railroad system and train were owned, operated and maintained by Defendants, N.J. Transit and Metro-North Commuter Railroad. It was Plaintiff's intention, upon reaching the Hoboken Station, to board a path train to New York City to attend work at Pace University, where she was enrolled as a student and employed as a Marketing Manager. As the train eventually entered the Hoboken Station, it was traveling at two times the acceptable speed limit, approximately twenty (20) to thirty (30) mph. Plaintiff recalls hearing an announcement, "next stop, Hoboken" when the lights suddenly went out in the passenger car. The train failed to slow down, ultimately causing it to derail and crash through an interior wall of the train station. The roof of the train car was ripped off and the train came to rest completely tilted on its left side. The force of the impact was so great that extensive debris was scattered throughout the passenger car and Plaintiff was violently thrown in various directions resulting in severe, irreparable facial and psychological injuries. Plaintiff sustained a laceration to her right lower lip that completely ripped through the skin and muscle, leaving her lip hanging from her face while bleeding profusely. She was able to make her way to the emergency exit window, which she had to pop open. She negotiated her body through the window frame and dropped out of the passenger car to the ground from a height of fifteen (15) to twenty (20) feet. The ground was littered with debris, rubble and twisted metal from the crash. She walked a distance to the train platform, where she was assisted, coincidentally, by a family friend who was also riding on the train but was uninjured. The train platform was a horrific image with numerous train passengers injured and

suffering. The injured individuals received colored tags based upon severity of their injuries.

Injuries /Damages

Plaintiff, Megan D. McGuinness was immediately transported via ambulance to Hoboken University Medical Center where she complained of profuse bleeding from a severe, disfiguring facial laceration to her right lower lip along with diffuse pain to her lower jaw and headaches. Given her severe facial injuries, she was immediately indicated for a plastic surgical consultation. According to this evaluation, Plaintiff sustained an 8 cm full-thickness, irregular laceration to the right lower lip, extending from the cutaneous portion of the lower lip running medially and superiorly into the dry vermillion and wet mucosa involving not only skin and subcutaneous tissue but also the underlying orbicularis muscles with some areas of contusion and skin appearing nonviable. She was recommended for same-day plastic surgery. Based on that recommendation, she underwent surgery which consisted of complex repair to the right lower lip laceration, measuring 8 cm, with debridement of nonviable skin edges, performed in sequential fashion first addressing the orbicularis muscle repaired via 4-0 vicryl sutures to ensure proper alignment of the vermillion border and wet-dry junction of the lower lip; the superficial layers repaired using 5-0 monocryl sutures inverted in deep dermal fashion; the dry vermillion repaired using 5-0 fast absorbing gut sutures; the wet mucosal extension of the laceration repaired using 5-0 chromic suture in interrupted fashion; and the nonviable skin edges excised and re-approximated once hemostasis was assured. Her facial injuries required over one hundred (100) stitches to remediate for which she was left with unsightly scarring and a protrusion on her lip. She experienced additional trauma during the course of this surgery because it was performed while plaintiff was awake. Plaintiff attended post-surgical follow-up visits thereafter and during that time, she also presented to an orthopedist and a neurologist because she was suffering from headaches, bruises to her right hand as well as her left elbow and left foot. With regard to her orthopedic consultation, Ms. McGuinness was diagnosed with bruising to the posterior 1/3 of her lateral left foot, but there was no evidence of underlying structural pathology. The orthopedic specialist also noted that Ms. McGuinness was suffering from a nasal contusion and a right lower lip deformity. With regard to her neurological consultation, she explained to the doctor that she was experiencing numbness at the site of her right lower lip laceration along with increased lapses of memory following this accident. She also informed him that she was suffering from headaches with photophobia and sudden eyesight

losses for periods of upwards to fifteen (15) minutes. She emphasized that her headaches were occurring daily and that she was experiencing no relief from the medication, Rizatriptan, that she was prescribed at the hospital. She was diagnosed with the following injuries secondary to this accident: migraines with aura; cutaneous nerve injury at the laceration site; and concussion with post-traumatic headaches. She was prescribed meloxicam. Plaintiff consulted with a dermatologist with regard to her disfigured right lower lip, resulting in an uneven and crooked smile. The dermatologist recommended between four (4) to eight (8) sessions of cosmetic laser treatments to the surface area of the scar as well as cosmetic filler corrections of Juvederm to attempt to correct her present level of lip asymmetry. In November 2016 she presented for a second opinion with a plastic surgeon who confirmed, upon his physical examination, that Ms. McGuinness was suffering from severe facial scarring to her lower lip as well as a visible deformity in the form of a large bulge on the inside of her lower lip. During this time, she also presented to a psychologist because she had been suffering from severe psychological trauma and emotional distress in connection with this accident. She was diagnosed with psychological injuries, consisting of Post-Traumatic Stress Disorder. Over the course of almost one year, the scarring was managed conservatively with a combination of steroid ointments, avoidance of sun exposure, scar massage, and application of silicone sheeting. Despite these measures to optimize Plaintiff's scarring, her disfigurement was very visible. She was very self-conscious about the scar and in addition, she began to occasionally notice beverages dripping down her lower lip as well as diminished sensation surrounding her scar. As a result, Plaintiff necessitated surgical revision of her scar and on October 26, 2017 she ultimately underwent, scar revision which consisted of modified W-plasty reconstruction of scar of the lower lip; Scar revision of trapdoor deformity of the right upper chin.

Settlement

The case settled on April 10, 2018 for \$475,000.00, prior to the scheduling of a trial as to both Defendants. Defendants, New Jersey Transit and Metro-North Commuter Railroad are