

# \$500,000 Settlement in Motor Vehicle Accident

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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 \$500,000 settlement for motor vehicle accident. On Wednesday, January 11, 2012 at approximately 9:56 a.m., the plaintiff, was fully stopped in traffic, while traveling in the right eastbound lane on Route 22 in Bethlehem City, Pennsylvania. At the same time, a vehicle owned and operated by the defendant was traveling directly behind the plaintiff and in his lane of travel at the aforementioned location. The defendant who was operating his vehicle while under the influence of alcohol, negligently failed to maintain proper observations, failed to maintain a reasonably safe distance and/or otherwise failed to take evasive action when he violently impacted the plaintiff's vehicle in the rear at an excessive rate of speed without warning. The force of the impact was so great that it propelled the plaintiff's fully stopped vehicle into the rear of a tractor-trailer that was equally stopped for the traffic directly ahead of him.

On or about November 18, 2013, the initial Complaint on behalf of Plaintiffs was filed in the Warren County Superior Court of New Jersey. The allegations therein asserted, among other things, negligence on the part of the defendant in the operation of his motor vehicle on the day of this accident as well as contractual claims for Uninsured Motorist Benefits in the amount of \$100,000 against the defendant, New Jersey Manufacturers Insurance Company, the personal automobile insurer of the plaintiff. Upon confirmation of excess insurance coverage provided by the defendant, Travelers, the First Amended Complaint on behalf of Plaintiffs was filed on March 11, 2014. The amended allegations contained therein supplemented the initial Complaint to include an additional contractual claim for Uninsured Motorist Benefits in the amount of \$1,000,000 against the defendant, Travelers, which insured the aforesaid commercial vehicle operated by the plaintiff at the time of this accident. Therefore, the total available coverage in this matter was \$1,100,000.

As a result of this accident, the plaintiff sustained the following injuries: posterior lower back surgery consisting of transforaminal lumbar interbody decompression and fusion at L4-5 with the use of spinal instrumentation, a biomechanical spacer and left superior iliac bone graft as well as bilateral hemilaminotomies for decompression at L4-5, including partial facetectomies and designated foraminotomies; and left ankle arthroscopic surgery with extensive debridement as well as antegrade drilling of the medial talar dome osteochondral defect.

At a mediation hearing, prior to trial, the case was settled for \$500,000.00.