

Personal Injury Settlement Published In New Jersey Law Journal, "\$745K in Morris Dram Shop Case."

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By Charles Toutant

Mergott v. Michaels: A woman who suffered a traumatic brain injury in a motorcycle crash has accepted \$745,000 to settle her Morris County dram shop suit.

Dakota Mergott, 27, was riding on a motorcycle operated by Craig Michaels on Aug. 1, 2018, when Michaels lost control, ran off the road and struck a guardrail on Berkshire Valley Road in Jefferson Township. Michaels was issued citations for operating while intoxicated, reckless operation and failing to maintain a lane of travel, according to Mergott's lawyer, [Christopher Musmanno](#) of [Einhorn, Barbarito, Frost & Botwinick](#) in Denville

Mergott was ejected from the motorcycle and was thrown 30 feet into a rock wall. As a result of the brain injury she sustained, Mergott suffered severe cognitive and linguistic deficits and amnesia. She also sustained a lacerated liver, multiple fractured vertebrae, herniated discs, fractured ribs and a lacerated scalp, Musmanno said.

Before the accident, Michaels visited Jimmy Geez North Bar in Oak Ridge, where he was served alcoholic beverages despite being visibly intoxicated, according to Musmanno.

Mergott was hospitalized for 15 days after the accident, then spent another 15 days in a rehabilitation facility. She is left with an abnormal gait as a result of her injuries and is at risk to develop premature osteoarthritis of the hip, which will necessitate reconstructive procedures at a young age, one of her doctors said in an expert report. Another medical expert said Mergott needs daily supervision because of her cognitive and physical defects, and requires aggressive treatment of her cognitive deficits and psychological distress.

Mergott sued Michaels and Jimmy Geez. In December 2018, Michaels agreed to pay \$245,000 from his \$250,000 policy with Liberty Mutual. Payment was received later that same month.

In December 2019, Jimmy Geez agreed to pay \$500,000 from its \$1 million policy with Admiral insurance Group. Payment was made that same month.

Linton Turner Jr. of Turner, O'Mara, Donnelly & Petrycki in Cherry Hill, representing Jimmy Geez, declined to comment on the settlement.

Raymond Kramkowski of Viscomi & Lyons in Morristown, who represented Michaels, didn't respond to a request for comment.