

Personal Injury Settlement Published in New Jersey Law Journal, "\$817,500 in Morris Auto Case"

Christopher L. Musmanno, mentioned

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Bauer v. Davenport: A woman who sustained spinal injuries in an auto accident leading to surgery settled her Morris County suit on June 29, 2018, for \$817,500.

According to the attorneys involved in the case, on Aug. 10, 2016, Barbara Bauer, in her mid-70s, was driving south on Route 23 in Franklin. When she was near Rapole Street, her minivan was struck head-on by a sedan driven by Daniel Davenport, who had exited an AutoZone store's parking lot on Bauer's right and then turned left in order to access the northbound lane. Davenport, after turning left, lost control of his car, crossed the double-yellow lines and entered Bauer's lane, striking her minivan. She claimed multiple injuries. Bauer sued Davenport and his employer, AutoZone Northeast LLC, alleging that he was negligent.

Bauer was extricated from the minivan by hydraulic rescue tools and taken by ambulance to an emergency room. Diagnostic tests resulted in a diagnosis of a nasal fracture, a closed-head injury, cervical strain and a neck contusion. Bauer claimed that, during the ensuing months, she experienced intense pain but was unable to treat, since her attention was on her husband's cancer treatment. A later examination revealed a partial rotator cuff tears in both shoulders. In February 2017, Bauer was diagnosed with herniation at L5-S1 and cervical disc herniations at C2-3, C5-6 and C6-7, and with spinal canal stenosis. There was also a partial tear to her hip tendon and aggravation of arthritis in her left hip. Bauer ultimately underwent a multiple-level anterior cervical discectomy and fusion with hardware at C4-5, C5-6 and C6-7. She later had a total left hip replacement. Bauer's experts lined the neck and shoulder injuries to the accident, and said they were permanent, and said her left-hip arthritis was exacerbated by the accident, and is permanent in nature.

The suit sought to recover damages for past and future pain and suffering. Her husband sought damages for his claim for loss of consortium. Davenport and AutoZone did not stipulate or contest liability. The case settled before AutoZone's counsel offered a defense as to Bauer's alleged injuries and treatment.

The parties negotiated a pretrial settlement. AutoZone Northeast's insurer agreed to pay \$817,500, from a \$1 million policy.

The plaintiffs were represented by Christopher L. Musmanno of Einhorn, Barbarito, Frost & Botwinick. The defendants were represented by Charles T. McCook Jr. of Methfessel & Werbel in Edison and insured by Gallagher Bassett Services Inc.

*** Editor's Comment: This report is based on information that was provided by plaintiffs' and defense counsel.*