

### FEATURED VERDICT

#### Motor Vehicle

Plaintiff claimed truck on road's shoulder caused accident

**Verdict \$3,000,000**

*Ortiz v. TJ Transportation LLC*

Middlesex County Superior Court

**Plaintiff Counsel** John R. Gorman; Lutz Shafranski Gorman & Mahoney; New Brunswick, N.J.; David R. Spevack; Spevack Law Office; Iselin, N.J.

**Defense Counsel** Joseph K. Cobuzio; Tompkins, McGuire, Wachenfeld & Barry, LLP; Newark, N.J.

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### CASES of NOTE

#### BURLINGTON COUNTY

#### MOTOR VEHICLE

Left Turn — Multiple Vehicle — Truck — Sideswipe

In left-turn attempt, truck cut-off car, lawsuit contended

**SETTLEMENT \$510,000**

**CASE** Joanne Mulhall v. William A. Garber, AB&B Leasing, and 45 Degree Logistics Inc. No. BUR-L-821-13

**COURT** Burlington County Superior Court

**DATE** 1/13/2015

#### PLAINTIFF

**ATTORNEY(S)** Brian T. Reagan, Reagan Law Offices LLC, Haddonfield, NJ

#### DEFENSE

**ATTORNEY(S)** Robert G. Feldman, Crawford & McElhatton Law, Audubon, NJ

June 2015

### HOTSHEET

Aggravating Injuries .....4

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**FACTS & ALLEGATIONS** On May 3, 2011, plaintiff Joanne Mulhall, 53, was driving in the left lane of Route 130 in Burlington. She claimed that a tractor-trailer, traveling in the center lane, made a left turn in front of her, causing the trailer to strike the front of her vehicle, resulting in injuries to her spine and left knee.

Mulhall sued the truck driver, William A. Garber, alleging he was negligent in the operation of a vehicle. She also sued his employer, 45 Degree Logistics Inc., alleging that the company was vicariously liable for the actions of its employee. (The leasing company that held title to the truck was an additional defendant, but achieved a dismissal by way of partial summary judgment early in the proceedings.)

There had been a previous arbitration award to Mulhall of \$550,000, which the defense had appealed.

Garber disputed Mulhall's version of the accident, and claimed that he was in the left lane when making a left turn and Mulhall rear-ended his truck.

The police officer who responded to the accident learned of the drivers' conflicting versions and went to a nearby store, where he determined that surveillance video cameras had captured the events leading up to the accident. The video corroborated Mulhall's assertion that the truck made an improper left turn from the center lane in front of her vehicle.

**INJURIES/DAMAGES** *arthroscopy; fusion, lumbar; herniated disc at L4-5; herniated disc at L5-S1; meniscectomy; meniscus, tear; physical therapy*

Mulhall was examined and released from a local hospital emergency room shortly after the accident. She followed up with an orthopedic surgeon, and MRIs revealed herniations at intervertebral discs L4-5 and L5-S1. The MRIs also revealed a torn meniscus of the left knee.

After physical therapy (exercise and heat applications) failed, surgery was recommended for the lower back injury and Mulhall underwent a lumbar fusion. She also had an arthroscopic meniscectomy (surgical removal of all or part of a torn meniscus) of the left knee and several weeks of physical therapy.

**RESULT** The case settled for \$510,000 following a settlement conference with Superior Court Judge Marc M. Baldwin.

**EDITOR'S NOTE** This report is based on information that was provided by plaintiff's counsel. Defense counsel declined to contribute.

-Jon Steiger