



Suit Over Alcohol-Fueled Accident in Bergen Co. Settles for \$2.3 Million

Three teens injured in a drunken-driving accident settled their auto negligence and dram shop claims for a combined \$2.3 million on Sept. 21 in *Martini v. Vucci*.

According to the suit, Nicholas Vucci, 18, and Vadim Mikhaylov, 17, bought two bottles of 86-proof cinnamon schnapps from the Wine King in Fort Lee on July 3, 2007. Vucci used his older brother's expired driver's license as identification and Mikhaylov used his own driver's license, which showed he was underage.

Vucci, Mikhaylov and four friends



INJURED TEENS SETTLE DWI SUIT: Robert Linder says his client was hurt in a car accident after he and friends, including the driver, shared one bottle of 86-proof cinnamon schnapps and part of another.

— Alex Conlon, Matthew Francolino, Robert Martini and Lindsay Salomon — shared one bottle and part of the second bottle in the parking garage of the Cliffside Park apartment complex where Vucci lived, says one of Martini's lawyers, Englewood solo **Robert Linder**.

They then left in Vucci's SUV and picked up another passenger, Lauren Katz. Vucci was speeding down Anderson Avenue in Fort Lee well in excess of the 25 mph limit when he lost control. The SUV careened off the roadway, crashed through a wooden picket fence and turned on its side, says Linder.

Conlon, 15, was killed in the crash.

Martini suffered right knee ligament damage and several severe facial and jaw fractures requiring surgeries, and he is left with slight facial asymmetry, restricted movement of the jaw, scarring and minor residual pain, Linder says.

Salomon suffered a back laceration that led to a large scar requiring plastic surgery, and some residual anxiety for which she has received psychological treatment, says her lawyer, North Arlington solo **Anthony Riposta**.

Linder says expert opinion established that Vucci's blood-alcohol content at the time of the crash was .094, above both the legal limit of .01 for minors and .08 for those of age.

Martini, Mikhaylov and Salomon sued Vucci and Wine King, asserting negligence and dram-shop claims.

Vucci, insured by Travelers Insurance Co., and Wine King, insured by Great American Ins. Co., each agreed to pay half of the \$2.3 million settlement, consisting of \$1.895 million to Martini; \$397,500 to Salomon; and \$7,500 to Mikhaylov, according to Riposta.

Conlon's estate settled separately for an undisclosed amount. Francolino and Katz were not part of the litigation.

Mikhaylov's lawyer, Union solo **Andrew Wolfenson**, did not return a call. Neither did Vucci's counsel, **Michael Mourtzanakis** of **William Staehle's** Morristown firm, nor Wine King's counsel, **Patrick Clare** of **Hardin, Kundla, McKeon & Poletto** in Springfield.

Linder was assisted by **James Pocchia**, also of Englewood.

— *By David Gialanella*

\$1.5M in Medical Malpractice Case

Fuentes v. Bergen Ambulatory Surgery Center: An Edison woman accepted \$1.5 million on Sept. 23 to settle a malpractice claim for nerve damage allegedly caused by a botched epidural injection.

Ana Fuentes underwent the procedure on Sept. 1, 2006, to alleviate pain from a 2004 car crash. But the injection to her neck, at C7-T1, went too far, rupturing the thecal sac and hitting an artery attached to her spinal cord, which caused bleeding and nerve damage that has impaired her ability to walk and use her dominant right hand, says her lawyer, **Ronald Spevack** of the **Spevack Law Firm** in Iselin.

Fuentes, then 61, spent about a week at Hackensack University Medical Center, followed by six weeks of inpatient rehabilitation at JFK Medical Center in Edison, then months of outpatient therapy.

She now walks with a cane and must sometimes use a wheel chair and has lost the fine motor sense in her hand, making it difficult to do things like cook, button clothing and tie laces, Spevack says. She was unable to return to her factory job and her husband Ramon quit his job at the same place to care for her.

Her malpractice case against the doctor who performed the injection was ready for trial when Middlesex County Superior Court Judge **Phillip Paley** helped resolve it on Aug. 12. Spevack says he cannot identify the doctor under the terms of the settlement, but court and medical licensing records show the name to be Roman Kosiborod.

Defense attorney **Craig Combs**, of **Giblin & Combs** in Morristown, confirms the settlement but declines to confirm the doctor's identity.

Howard Sims of Spevack's firm also worked on the case.

— *By Mary Pat Gallagher*

\$1.42M for Medical Negligence

Trammel v. ARC of Middlesex County: A developmentally delayed man accept-



FOLLOW-UP ERROR ALLEGED: Michael Zerres says his client's caregivers didn't arrange for a CT head scan as ordered and he later was found to have suffered a subdural hematoma.

ed \$1.42 million on Sept. 13 to settle a suit claiming his caregivers failed to arrange a medical test ordered by his physician.

Frederick Trammell, now 58, lived in a group home operated by defendant ARC. He fell in the shower, hitting his head, and was taken to his primary care doctor, Rezak Rezai, on Feb. 12, 2005. Rezai ordered a CT head scan, but ARC personnel never followed through, according to the plaintiff's lawyer, **Michael Zerres** of **Blume, Goldfaden, Donnelly, Berkowitz, Donnelly, Fried & Forte** in Chatham.

Trammell was subsequently diagnosed with a subdural hematoma, requiring surgery. Due to his condition, he could not return to the group home and now must live in a nursing home under

close monitoring, Zerres says.

The settlement, reached after mediation with former Superior Court Judge **Neil Shuster**, was paid by ARC's carrier, Selective Insurance. Rezai, who was a third-party defendant, did not contribute to the settlement, Zerres says.

ARC's lawyer, **Beth Wright** of **Romando, Zirulnik, Sherlock & DeMille** in Mount Laurel, did not return a reporter's call.

— *By Charles Toutant*

\$750,000 for Automobile Injury

Garland v. Palmieri: A Freehold woman injured when another car crossed a double-yellow dividing line and struck her car head-on resolved her Monmouth County suit for \$750,000.

Plaintiff, **Karen Garland**, 44, and defendant **Michael Palmieri**, 35, of Manalapan, settled on Sept. 21, the day trial was scheduled in Superior Court Judge **David Bauman's** courtroom.

The accident occurred on April 3, 2009, on Kosloski Road in Freehold, with Garland traveling north and Palmieri south. Garland sustained multiple fractures to her left leg and arm and pubic bone, all of which required surgery, and she continues to suffer from residual pain, says her attorney, **Richard Stone** of Neptune's **Stone Mandia**.

State Farm Insurance Co., Palmieri's carrier, contributed \$100,000, his policy limit, toward the settlement. Palmieri, a bond trader, will personally contribute another \$650,000, Stone says.

State Farm retained **John Camassa**, of Manasquan's **Connell Connell Camassa & Yuro**, while Palmieri retained **Jay Sargent**, of Lyndhurst's **Scarinci Hollenbeck**. Neither returned a reporter's calls seeking comment.

— *By Michael Booth*

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