

HOBBIE, CORRIGAN & BERTUCIO, P.C.  
ATTORNEYS AT LAW

# COURTSIDE

Winter 2013-2014

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## From The Senior Partner...

As we approach the end of 2013, and the beginning of 2014, it is hard to believe that more than a year has gone by since we weathered Superstorm Sandy. Although there is still much to be done, as a community, we showed the world the spirit of the Jersey Shore as we stood strong, resilient and determined to rebuild what was lost.

As the holiday season quickly approaches, we want to thank our clients, our colleagues, and our many friends for their support. It is your support that has allowed us to continue to grow and prosper. As our commitment to providing excellent legal representation continues, our objective remains to constantly exceed your expectations and hope that you award us the highest compliment: your recommendation of our firm to others in need.

We hope you find this issue of Courtside of interest and we wish you all a safe and healthy holiday season, and I extend our best wishes to you and your families a healthy, happy and peaceful New Year.

-Norm Hobbie

Published For Clients, Friends And Referring Attorneys Of The Firm

"Our practice is limited exclusively to Plaintiffs' Personal Injury and Criminal Defense Litigation, Workers' Compensation and Toxic Torts. Our Certified Attorneys pay referral fees in accordance with New Jersey Law and the Rules of Professional Conduct."

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Norman M. Hobbie   David P. Corrigan   Edward C. Bertucio   Michael R. Hobbie   Jacqueline DeCarlo



## Estate Of Motorist Killed In Crash Awarded \$4 Million

On October 1, 2012, A.K. a Mercer County resident, was stopped in traffic on Interstate 95 when his vehicle was suddenly, and without warning, violently struck in the rear by a tractor trailer truck being negligently and recklessly operated by a driver who admitted that he took his eyes off the road while traveling 60 miles per hour. Mr. K, a recent widower, having suffered severe and fatal injuries, was

pronounced dead at the scene of the crash. Norman Hobbie represented A.K's Estate in this case, which included compensatory and punitive damages claims against the Defendant. Norm resolved this tragic case prior to the one-year anniversary of the crash after participating in three mediation sessions.

## Estate Of Man Killed In Explosion Settles Claim For \$2.15 Million

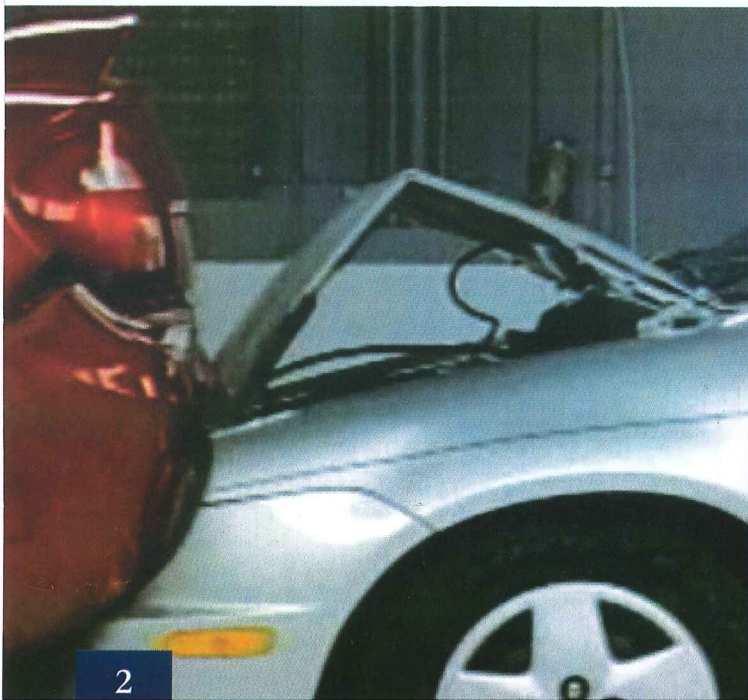
Norman Hobbie represented the Estate of R.P. in an explosion case that resulted in the death of a 49 year-old resident of South Amboy. On April 2, 2010, R.P.'s apartment exploded due to a gas leak emanating from his home's boiler. R.P. sustained serious physical injuries in the explosion, including third-degree burn wounds over 70% of his body. He succumbed to his injuries 36 days later. The prosecution of the case focused on the neighbor's report that she smelled a gas leak for nearly an hour prior to

the explosion. Norm argued that there existed a failure to conduct the appropriate investigation, which allowed an unsafe condition to continue.

The estate agreed to settle the claims against one Defendant for \$2 Million and against another Defendant for \$150,000. The identity of the Defendants is confidential. The case against the remaining Defendant is still pending in State Court.

## \$1.1M Arbitration Award To Motorist In Rear End Crash Case

Norman Hobbie represented G.S., who was awarded \$1.1 Million in a binding Arbitration proceeding. G.S., was rear-ended while stopped at a red light on Park Avenue where it intersects with Main Street in Freehold. G.S., a 53 year old resident of Freehold, sustained injuries to her neck, for which she underwent a series of injections, and eventually a cervical fusion surgery performed a year after the crash. The Defendants argued that the fusion was necessitated by a pre-existing back injury that was causally related to a prior high-impact collision that had occurred several years earlier. The defendant's medical expert submitted multiple reports in support of his opinion that G.S.'s symptoms and treatment were the result of her pre-existing back injury and not the subject crash.



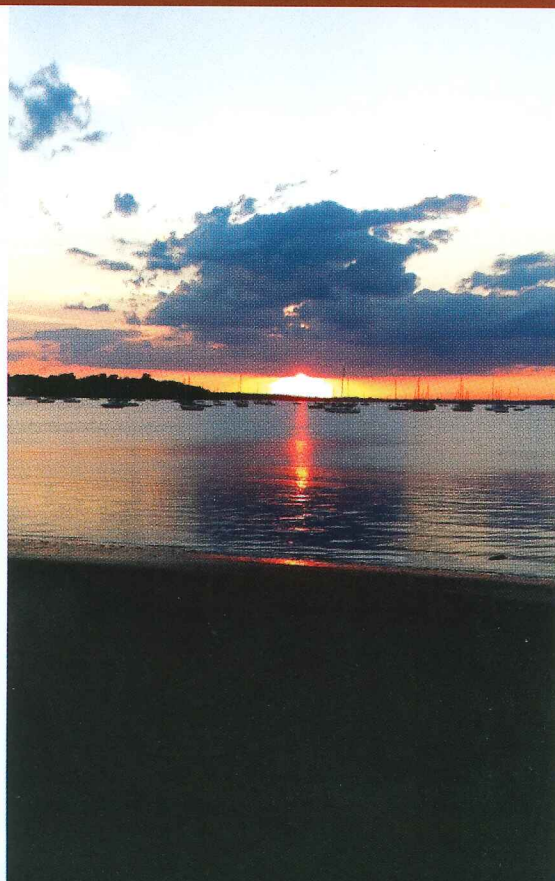


## **\$2.65 Million Settlement Allocated Among Five Families In Environmental Contamination Case**

Norman Hobbie represented five families in an Environmental Contamination case that settled for \$2.65 Million one week before trial. All five families alleged exposure to contamination emanating from a manufacturing plant that operated in Mercer County from 1866 – 1993. The plant was dismantled in the 1990's and all historic records related to the manufacturing processes had been destroyed, which resulted in significant evidential hurdles for the plaintiffs, who had the burden of proving they were exposed to toxic contaminants, which, in turn caused certain illnesses, and placed them at an increased risk for developing illnesses. The settlement proceeds were allocated among the individual plaintiffs by a retired Superior Court Judge.

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Norman served as Lead Trial Counsel with lawyers from two other firms. Our team has worked together previously, successfully litigating mass contamination cases against, numerous companies, including E.I. du Pont de Nemours & Co., Ciba-Geigy and Stepan Chemical.



## **Jury Awards \$550K In a “No-Pay” Bit Finger Case**

On September 17, 2012, a Middlesex County jury awarded R.M. \$550,000 in compensatory damages for injuries that she sustained as a result of a dog bite, which occurred on November 11, 2008. Specifically, R.M. sustained lacerations to her middle finger, requiring stitches and a tetanus injection to treat the possibility of infection. Although the wound eventually healed, and despite undergoing a course of physical therapy to break up residual scar tissue, R.M. was left with restricted motion in the middle finger.

Norm Hobbie argued that R.M., age 60, had sustained a permanent and disfiguring injury which entitled her to be compensated not only for the pain and suffering associated with the bite wound, but also for the restricted motion,

embarrassment and loss of enjoyment of life she experienced since the incident. The insurance company for the dog owner offered no more than \$7,500.00, to settle the case, which was rejected months before trial. At trial, the insurance company withdrew their offer, taking a no-pay position, and refused to negotiate in good faith to resolve the case.

The three-day trial proceeded before the Honorable Joseph Rea, and the jury returned a verdict awarding \$550,000 in compensatory damages after only 1½ hours of deliberations.

The defendant appealed the verdict. Right before the appeal was scheduled to be argued, the case settled in favor of R.M., with the defendant awarding her a confidential multiple six-figure amount.

## **Motorist Injured In Left Turn Case Settles For \$1.25 Million**

On June 9, 2010, T.C. was traveling on Broad Street in Shrewsbury when the Defendant driver suddenly and unexpectedly pulled out from a side street in front of her vehicle, causing the subject crash. The Defendant was attempting to make a left hand turn across three lanes of oncoming traffic when the crash occurred. She had a stop sign controlling her direction of travel. Norman Hobbie represented T.C., an Asbury Park resident, who sustained injuries to her neck, back and left knee as a result of the subject crash, resulting in her having to undergo, among other treatment, a cervical and lumbar fusion. The Defendant argued that T.C.'s orthopedic spinal injuries were pre-existing.





## CRIMINAL TRIAL NEWS

### **State v. Retired Police Chief - Acquittal at Trial**

This firm represented a Retired Police Chief R.H. in a case involving a multi-count Indictment that alleged crimes such as aggravated sexual assault, endangering the welfare of a child and numerous other charges. The trial spanned two months. R.H. vigorously defended his honor and pled not guilty. The jury acquitted him of all charges.

During the course of trial, Ted Bertucio was able to attack the credibility of the alleged victim by establishing that she provided false and inaccurate information.

The defense also uncovered other information that was vital in the cross-examination of the alleged victim and other State's witnesses that led to R.H.'s acquittal of all charges.

While presenting their case, the defense called a nationally renowned psychologist as an expert witness at trial, who testified as to various issues with regard to the alleged victim, which further established ulterior motives for bringing the allegations against R.H.

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Courtside is designed to provide general information on legal issues for our clients, colleagues and friends. Our newsletter is not intended to provide legal advice on specific subjects, but rather, to provide insight into legal developments and issues. You should always consult with legal counsel before taking any action on matters covered in Courtside.