

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

COURTSIDE

Winter 2018-2019

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From The Senior Partner...

As we begin the New Year, there are many exciting changes happening at our law firm. We have opened our 2nd Ocean County office, which is located at 848 Route 70, in Brick. We have also changed our firm name to Hobbie, Corrigan & DeCarlo, P.C. As always we would like 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. We wish you all a safe and healthy year ahead, and I extend our best wishes to you and your families a healthy, happy and peaceful New Year.

Norm Hobbie

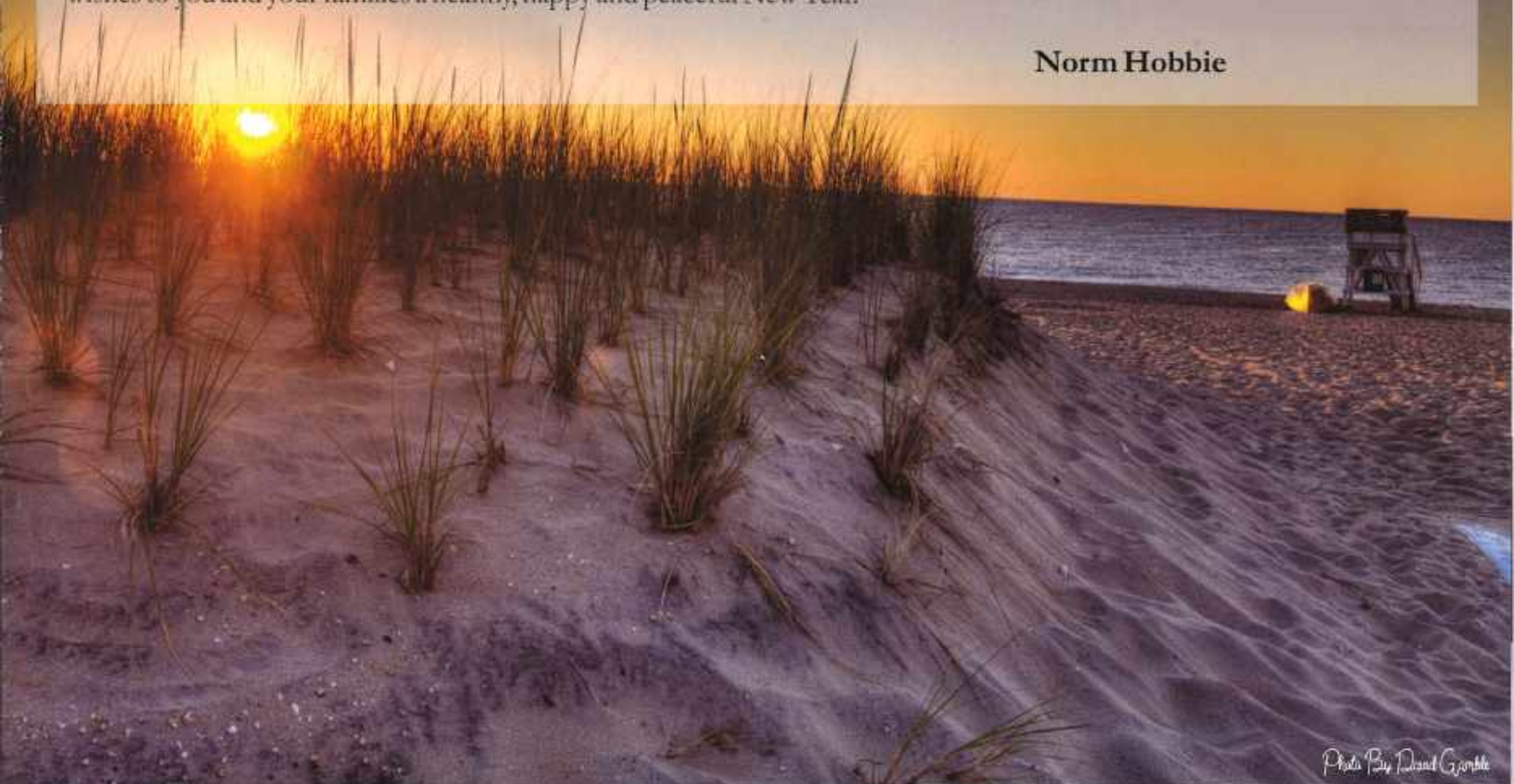


Photo: Big Beach Gamble

Published For Clients, Friends And Referring Attorneys Of The Firm

"Our practice is limited exclusively to Plaintiffs' Personal Injury, Wrongful Death, Toxic Torts, Workers' Comp and Municipal Court. Our Civil Certified Attorneys pay referral fees in accordance with New Jersey Law and the Rules of Professional Conduct."

732-380-1515

Norman M. Hobbie David P. Corrigan Jacqueline DeCarlo Michael R. Hobbie

Couple Injured In 4 Vehicle Crash Settles For \$1.5 Million

On October 16, 2015, C.M. was a passenger in the vehicle driven by her husband, D.M., that was traveling east on Belmar Boulevard at its intersection with Route 34 in Wall Township. At that time, a dump truck driven by the Defendant was traveling northbound on Route 34 and crashed into the rear of the vehicle in front of it, which was stopped at the red light. The impact propelled the dump truck and the vehicle in front of it into the intersection, where the dump truck crashed into the passenger side of the Plaintiffs' vehicle, causing it to spin out of control and strike a fourth vehicle which was also a dump truck. As a result of the crash, both C.M. and D.M. sustained orthopedic injuries.

D.M. sustained injuries to his back, neck and shoulder requiring pain management injections. C.M. sustained injuries to her spine and shoulder requiring her to undergo surgical intervention.

Norm sued the driver of the dump truck, and his employer, as well as the construction company that loaded the dump truck (arguing that the company had direct liability for failing to ensure the driver was properly licensed and for permitting the dump truck to leave the facility without its third axle down). The parties arbitrated the case with The Honorable Thomas E. O'Brien, P.J.Cv. (Ret.) where Norm obtained a \$1.5 Million settlement award.

Construction Worker Killed By Dump Truck Settles For \$1.1 Million

Norm represented The Estate of F.T., who was killed by a dump truck that backed over him at the construction site where he was working as a spotter. The case was vigorously defended on the issue of liability because F.T.'s role on the project (as the spotter) was to guide the driver of the dump truck while the truck was engaging in asphalt operations. In

addition to filing a Workers' Compensation claim against F.T.'s employer, Norm filed a third party claim against both the general contractor and the sub-contractor for the construction project. The third party case was successfully resolved by way of Mediation with The Honorable James P. Courtney, Jr., J.S.C. (Ret.) for \$1.1 Million.

Sanitation Worker Receives \$1 Million For Leg Crushing Injuries

On January 24, 2019, Norm negotiated an agreement with the Defendants to pay the initial sum of \$1 Million to L.B. as a partial settlement for injuries he sustained in a work-related motor vehicle crash. Norm will continue to prosecute the case (which is a third-party action that is separate from L.B.'s Workers' Compensation case), notwithstanding the initial payment made by the Defendants.

On October 2, 2018 Plaintiff L.B. was performing his duties as a sanitation worker on Route 88 in Point Pleasant at the rear of the garbage truck. At the same time, the operator of a commercial vehicle which had been traveling eastbound

on Route 88 approached the garbage truck (which was stopped with all of its flashing strobe lights and spot lights). The driver took his eyes off the roadway (in an act of distracted driving) and crashed into the rear of the garbage truck pinning L.B.'s body between both vehicles. As a result, L.B. sustained, among other things, crush injuries to his left leg, which resulted in a partial below the knee amputation.

After engaging in discovery, the parties will attempt to fully resolve the case by way of Mediation, scheduled for April.

Minor Involved In Bus Crash Settles Personal Injury Claim For \$2.45 Million

On February 4, 2019, minor Plaintiff D.P. settled his personal injury claim for \$2.45 Million.

On October 18, 2016, D.P., an 8 year old student (with two bilateral cochlear implants to assist his loss of hearing) and his sister, A.P. (a 10 year old student), were two (2) of approximately forty (40) passengers on a school bus being driven to school on a bus owned by the Board of Education. At that time, bus driver J.S., who was in the course of her employment with the School Board when driving the students to school, executed a left hand turn into the school's driveway, causing the school bus to collide with another vehicle, operated by Defendant A.T.

As a result of the collision, D.P. sustained several injuries, including, a closed head injury resulting in hearing loss, headaches and a failure of his right cochlear implant, requiring it to be replaced. Approximately one year later,

D.P.'s left cochlear implant also failed. In 2018, Plaintiff D.P. was required to undergo two additional surgeries. Norm also asserted a claim for emotional distress (*Portee v. Jaffee*) on behalf of A.P., who witnessed the injuries sustained by her younger brother.

Shortly after his deposition testimony, Defendant A.T., the driver of the car, surrendered his total insurance policy of \$100,000.00. Norm then attempted to resolve the claims against the School Board and bus driver during Mediation with Honorable Thomas E. O'Brien, P.J.Cv. (Ret.). After two formal mediation sessions, Norm continued to negotiate directly with the insurance carrier. The case resolved on February 4, 2019. The total settlement proceeds were allocated between the minor Plaintiffs and all Defendants by Judge O'Brien as follows: \$2,450,000.00 as to D.P. and \$250,000.00 as to A.P.

\$1.5 Million Awarded To Victim Injured In Right-Hand Turn Case

On February 11, 2015, Plaintiff, S.M. was traveling westbound in the right lane on West County Line Road in Lakewood when the Defendant K.A., who was operating a commercial vehicle, executed an improper right turn (from the left lane) directly across her path of travel causing the subject crash. As a result of the crash, Plaintiff S.M.

sustained orthopedic injuries to her neck and low back, including multiple herniations, which required her to undergo spinal surgery. The parties mediated the case with The Honorable C. Judson Hamlin, J.S.C. (Ret.). Norm negotiated a \$1.5 Million settlement.

Crash Victim Rear Ended By Oil Truck Receives \$1,075,000.00

Norm represented N.C. who was the operator of a motor vehicle that was stopped in the right lane of Route 9 North near the intersection with Old Mill Road in Old Bridge, New Jersey, on March 30, 2016. Plaintiff N.C. was rear-ended by a commercial oil tanker propelling his vehicle through the intersection. As a result of the subject crash, N.C. sustained a concussion, as well as injuries to his left shoulder and left elbow, which required him to undergo surgical repair. The Honorable Thomas E. O'Brien, P.J.Cv. (Ret.) served as Mediator and assisted in successfully negotiating a resolution on October 23, 2018 wherein Norm obtained a \$1.075 Million settlement.



New Jersey Supreme Court Throws Out 20,667 Driving While Intoxicated (DWI) Results

Recently, Michael Hobbie won a landmark decision before the New Jersey Supreme Court (*State v. Cassidy*) in which the New Jersey Supreme Court threw out 20,667 DWI Alcotest readings based on the misconduct of a police officer who failed to calibrate the DWI Alcotest machines in accordance with the required protocol. During a one (1) month trial before a Special Master appointed by the New Jersey Supreme Court, Michael successfully proved that the failure of the police officer to adhere to the established protocol for calibrating the DWI Alcotest machines undermined the scientific reliability of any breath samples taken on the improperly calibrated DWI Alcotest machines. In ruling in our firm's client's favor, the New Jersey Supreme

Court affirmed the Special Master's ruling and ruled that breath test results produced by Alcotest machines not properly calibrated are inadmissible at trial.

As a result of the Supreme Court's decision, 20,667 people who were tested on improperly calibrated machines will now have an opportunity to challenge any prior or current convictions based on a faulty reading. Affected individuals should have already received notice from the State. If you received notice from the State or believe you are an affected individual, please contact the office of Hobbie, Corrigan & DeCarlo, P.C. located in Eatontown, New Jersey at (732) 380-1515; and we will explain your rights and options.

Photo By David Gorbis

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Results will vary depending on the facts and circumstances of each individual case.
Names of clients have been abbreviated in order to protect their privacy.