

WINTER'S HAZARDS: BE PREPARED

As we enter the winter season, we should take a moment to reflect upon proper preparation for winter's particular hazards. Exposure to cold temperatures can cause serious or life threatening problems, such as hypothermia. Snow and ice can make travel on the roadways and sidewalks particularly treacherous for even the most prudent individuals. One important way to plan for winter emergencies is to stock up on supplies you may need in both your home and your car.

In addition to the exercise of due care and caution while traveling in snow and ice, there are several items that you should consider storing in your car's trunk and glove compartment. Make sure

you have a windshield scraper and brush to remove ice and snow, jumper cables, a bag of sand or cat litter (for extra traction), a can of compressed air with sealant (for emergency tire repair), and a collapsible snow shovel. You should also have blankets and extra clothing to keep dry and warm, a first aid kit, high calorie canned or dry food, brightly colored clothes, and a cell phone (with a charger) to make calls in an emergency. To make the home front safe, check the batteries in your smoke alarms and carbon monoxide detectors and don't forget snow shovels and rock salt. Always use extra care while utilizing alternate heat sources like space heaters, wood burning stoves and fireplaces.

Intentional Conduct Nullifies The Workers' Compensation Bar

Under certain circumstances, an injured worker's remedy does not lie exclusively in the Workers' Compensation insurance scheme. In the landmark New Jersey Supreme Court opinion of Millison v. E.I. du Pont de Nemours & Co., our Supreme Court held that employers may be sued at common law for "intentional wrongs" and that conduct undertaken with knowledge to a substantial certainty that harm will occur is the appropriate standard in defining an "intentional wrong."

The employee can establish an "intent to injure" not only by evidence of the employer's actual intent to injure, but also by circumstances where the employer knows an

injury is substantial or a virtual certainty.

We have successfully pursued "intentional wrong cases" for our clients under the developing body of New Jersey case law which recognizes the unfairness of depriving an employee of his or her common law remedies if their employer's conduct rises to that degree of egregiousness which would cause a "reasonable person" to conclude that it was practically certain, substantially certain, or virtually certain that one of their workers would sustain harm.

If you are injured on the job, we can advise you as to whether the circumstances associated with your injury would warrant this type of claim.

A NOTICE TO OUR READERS

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.

HOBBI E, CORRIGAN & BERTUCIO, P.C.
ATTORNEYS AT LAW

COURTSIDE

Winter 2011/12

As we approach the end of 2011, and the beginning of 2012, there are many exciting changes happening at our law firm. Our Toms River office is up and running. Once again the Holiday season is upon us. As 2011, draws to a close, we want to take the time to count our blessings and offer messages of thanks and good will to our friends, family and our valued clients.

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 2012.

-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."

732-380-1515

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

VERDICTS AND SIGNIFICANT SETTLEMENTS

\$20.5 Million Award in Live-Wire Case

On November 4, 2011, a Monmouth County Jury awarded \$20.5 Million in damages to a Tinton Falls resident who lost his arm and leg after he was electrocuted by a live primary power line that was lying across his driveway on a dark night in February of 2007. Norm Hobbie represented W.H. who was awarded \$18.5 Million¹ after the jury deliberated more than five hours before returning a unanimous verdict that found JCP&L 40% responsible and North Side Engine Company (a fire company in Tinton Falls) 60% responsible for the incident. This sum of money was awarded to compensate W.H. for his pain & suffering, disfigurement, deformity, loss of enjoyment of life and economic loss.

After the verdict, Norm reiterated to the press that although the sum of money awarded by the jury was significant, the injuries sustained by W.H. were life-altering and catastrophic, and no amount of money can replace what was taken from him.

The Chief and the Assistant Chief of the North Side Fire Company both

responded to the scene in response to a 911 call involving a sparking wire in a tree branch in front of the home two houses away from W.H.'s house. Although the Chief saw the primary power line fall to the ground across W.H.'s driveway, he and the Assistant Chief left the scene 30 minutes prior to W.H.'s electrocution and returned to the firehouse.

Significantly, Norman was able to establish that the fire department's conduct, in leaving the scene of the downed wire, was wanton & willful, which is a much higher standard of conduct than simple negligence. The jury also found that W.H. did not bear any responsibility for the happening of his electrocution. JCP&L resolved its component of the case and their liability after two weeks of trial for a confidential amount. The jury was told of the confidential settlement, but still came back with the award.

It is likely that Norm's verdict will be the highest jury verdict in a personal injury case in New Jersey for the upcoming court year.

¹The jury also awarded, W.H.'s wife, who witnessed her husband's electrocution, \$2 Million.

\$10 Million Verdict Awarded to Motorist Injured by Police Car

Norm Hobbie obtained the highest jury verdict in a personal injury case in the state during the 2010-2011 Superior Court year. A Middlesex County jury awarded \$8.5 Million to a man injured when his parked vehicle was struck by a police car, and an additional \$1.5 Million to his wife. Norm represented J.D., an engineering inspector, then 50 years old, who was parked on the side of the road, when a Highland Park police officer accidentally hit her gas pedal, propelling her car backward across the street into his car.

J.D. underwent a three level fusion procedure on his cervical spine. Although he was able to return to work four months after the surgery, Norm explained to the jury that J.D. continued to experience permanent and debilitating residuals from his injuries, including unremitting headaches, sleep interference, limited motion and problems swallowing (a side effect of the surgery). J.D. also has a pending worker's compensation claim related to the crash.

\$3.35 Million Settlement for Construction Road Worker Who Was Killed by Motorist

Norm Hobbie represented the Estate of S.S., an employee of Stavola Contracting, who was making roadway repairs on the New Jersey Turnpike in October of 2008, when a motorist who fell asleep at the wheel breached the construction site closing, striking S.S. head-on.

Norman claimed that the work-site was without a truck-mounted attenuator - a bulky

apparatus specifically designed to block vehicles from straying into a construction zone - and was in violation of safety regulations.

The lawsuit named Stavola, the project engineer, the New Jersey Turnpike Authority, and the driver who struck S.S. All four defendants paid into the settlement although the amounts paid are confidential.

HC&B IS IN OCEAN COUNTY

Our Satellite Office is now open in Toms River (Right in front of Community Medical Center)

**77 Route 37 West
Toms River, New Jersey 08755**

Update from our last issue...

In June of 2011, the New Jersey Supreme Court reversed the opinion issued by the Appeals Court overturning G.C.'s murder conviction. The '05 murder conviction has been reinstated.

Remember....

If you have sustained an injury as a result of a third party while on the job, you may also have a viable third party claim in addition to your workers' compensation claim. Be prepared to discuss this claim during your consultation.

RESULTS WILL VARY DEPENDING
ON THE FACTS AND CIRCUMSTANCES
OF EACH INDIVIDUAL CASE

Injured. Accused. Its Not a Game...A Certified Trial Attorney Could Make a Difference.

NAMES OF CLIENTS HAVE
BEEN ABBREVIATED IN ORDER
TO PROTECT THEIR PRIVACY