

\$1,100,000 RECOVERY – MOTOR VEHICLE NEGLIGENCE – DEFENDANT BOX TRUCK DRIVER NEGLIGENTLY STRIKES REAR OF PLAINTIFF'S TRAILBLAZER ON HIGHWAY CAUSING IT TO ROLL OVER – CLOSED HEAD TRAUMA – LUMBAR HERNIATION – NEUROPSYCHOLOGICAL DEFICITS – INABILITY OF U.S. PARK POLICE CANINE EXPLOSIVE DETECTION UNIT OFFICER TO WORK.

Monmouth County, NJ

The plaintiff U.S. Park Police officer, who was traveling on the New Jersey Turnpike in his Chevrolet Trailblazer patrol vehicle, maintained that the defendant box truck driver, approaching from behind, negligently contacted the rear corner of the plaintiff's vehicle while changing lanes. The plaintiff contended that as a result, he lost control and his vehicle flipped over. The plaintiff maintained that he sustained a severe closed head injury that left him with neuropsychological injuries and memory and concentration injuries that will permanently prevent him from working. The plaintiff has not worked since the happening of the incident. The defendant did not dispute the manner in which the accident occurred.

The plaintiff's neuropsychologist would have maintained that the memory and concentration deficits were confirmed by a battery of neuropsychological tests and were permanent in nature. The plaintiff also maintained that he greatly loved his work, had been very close to his dogs and was highly decorated. The plaintiff would have introduced evidence in the form of a card that resembled a baseball card and which had his picture on one side and his dog's photograph on the other side. The plaintiff would have also related that before becoming involved in working with dogs, he had been an accomplished horseman.

The plaintiff would have contended that the inability to work and continue an active lifestyle caused a very substantial psychological depression that was

permanent in nature. The plaintiff further maintained that the accident caused a lumbar herniation that was confirmed by MRI and that surgery has been recommended. The plaintiff would have maintained that he is afraid of the risks and has declined the surgery.

The defendant would have denied that the plaintiff suffered the claimed neuropsychological deficits. The defendant would have contended that any difficulties were caused by a PTSD that the defendant did not dispute was caused by the accident, but which the defendant would have maintained will resolve in time. The defendant also denied that the accident caused the claimed herniation.

The case settled prior to trial for \$1,100,000.

REFERENCE

Bodden vs. MKM Distribution Services, 02-24-10.

Attorney for plaintiff: James J. Addonizio of Rudnick Addonizio & Papa, P.C. in Hazlet, NJ.

COMMENTARY

The plaintiff would have argued that in addition to the economic loss associated with the work-related disability, the inability to remain active and continue working with animals caused a very significant and permanent psychological depression. In this regard, the plaintiff, who was a highly decorated officer assigned to the canine/explosive detection unit, would have effectively pointed to demonstrative evidence that included a card that resembled a baseball card that had both his and his dog's picture, as well as information on their careers. In this regard, it is felt that this evidence would have would have underscored both the importance of the work to him and the highly competent manner in which he performed.