

# Verdicts & Settlements

Contact Matt Yas at matt.yas@lawyersweekly.com

**EDITOR'S NOTE:** Bearing unusual circumstances, Lawyers Weekly publishes all verdict and settlement reports submitted to the newspaper by both plaintiffs' lawyers and defense counsel. The information published here is taken directly from the submitting lawyer's summary.

## Runaway tire strikes minivan passenger in the head \$6 million settlement

In April 2005, the plaintiff, a 67-year-old part-time dental office secretary, was traveling southbound with her son in a minivan on the New Jersey Turnpike when she was struck in the head by a wheel that had disengaged from a vehicle traveling in the opposite direction.

Five weeks earlier, the car from which the wheel separated had been serviced by the defendant, who installed four tires. The owner of the vehicle drove approximately 1,900 miles between the time of the installation and the time of the incident.

The plaintiff alleged that the installer had failed to properly "torque" the lug nuts and failed to check them before returning the car to its owner. The defendant claimed that the car had brake work performed after the tire installation and that the subsequent repair was the cause of the "wheel-off."

Following the incident, the plaintiff was treated at a New Jersey hospital for traumatic brain injury. After several weeks, she was transferred to a rehabilitation institute where she completed her convalescence. She ultimately returned home and remained under the care of her husband.

Suit was brought against the tire seller/wheel installer alleging negligence and breach of warranty claims. During discovery, the plaintiff produced documents that revealed prior similar incidents. Numerous out-of-state depositions

were taken with regard to installation practices and procedures of the defendant. In addition, plaintiff's counsel conducted investigations of other similar incidents and lawsuits to determine the nature and extent of problems associated with wheel disengagement.

The plaintiff's expert in material science and mechanical engineering was prepared to testify that the failure of the installer to appropriately torque the lug nuts onto the wheel rim caused a slow migration of the lug nuts and ultimately caused a disengagement of the wheel.

The plaintiff's reconstructionist was prepared to offer opinions with regard to the manner in which the tire disengaged from the car and ultimately traveled across several lanes of traffic, traversed a "Jersey" barrier and ultimately struck the front of the minivan in which the plaintiff was riding.

The plaintiff's medical experts were prepared to testify as to the plaintiff's disabilities and that such injuries were permanent and would affect her throughout the remainder of her life. The injuries were serious enough to prevent her from returning to work. She remains under the care of her husband.

**Type of action:** Negligence & tort

**Injuries alleged:** Permanent brain damage

**Name of case:** Withheld

**Court/case no.:** Withheld

**Tried before judge or jury:** N/A (mediated)

**Amount of settlement:** \$6 million

**Date:** January 2009

**Attorneys:** Douglas K. Sheff, Donald R. Grady Jr. and Stephen J. Chasson, Sheff Law Offices, Boston (for the plaintiff)

## Female corrections officer alleges bias Plaintiff took 2nd job while on stress leave

### Defense verdict

The plaintiff was hired as a correctional officer. She complained that she was discriminated against in the assignments she received based on her gender.

After she complained, she alleged that she was subjected to sexual harassment and a hostile work environment for a period of two

years, after which she went on stress leave.

The defendant contended that she was discharged because, while on stress leave, for which she sought to be paid, she commenced employment as a correctional officer with a different employer.

The plaintiff alleged that her discharge was pretextual.

**Type of action:** Employment

**Injuries alleged:** Lost wages, emotional distress damages

**Name of case:** Bahthazar v. Commonwealth

**Court/case no.:** Suffolk Superior Court, No. 04-00579

**Tried before judge or jury:** Jury

**Name of judge:** Bruce R. Henry

**Demand:** \$300,000

**Highest offer:** \$0

**Amount of verdict:** \$0 (defense verdict)

**Date:** March 27, 2009

**Attorney:** Charles M. Wyzanski, Attorney General's Office, Boston (for the defendant)