

NEW JERSEY

FEATURED VERDICT

SOMERSET COUNTY

MOTOR VEHICLE

Stop Sign — Broadside — Motorcycle — Intersection

Motorcyclist blamed driver for broadside and leg amputation

SETTLEMENT \$4,300,000

CASE Michael Plaszczymaka and Lilla Plaszczymaka v. Lei Fu
No. SOM-L-1382-15

COURT Somerset County Superior Court

JUDGE Kevin Shanahan

DATE 4/10/2017

PLAINTIFF

ATTORNEY(S) Hugh M. Turk, Sullivan, Papain, Block, McGrath & Cannavo, P.C., Hackensack, NJ

DEFENSE

ATTORNEY(S) Brian G. Steller, Connell Foley, LLP, Roseland, NJ

PLAINTIFF

EXPERT(S) Kristin K. Kucsma, M.A., economics, Livingston, NJ

Patricio Grob, D.O., orthopedic surgery, Whippany, NJ
Michael Moschella, CPO, prosthetics, East Orange, NJ
Edmond A. Provder, C.R.C., vocational rehabilitation, Lodi, NJ

S. Robert Rozbruch, M.D., orthopedic surgery, New York, NY
Daniel Shaw, M.D., psychiatry, Newton, MA



Kristin Kucsma
Chief Economist
Sobel Tindari Economics Group

DEFENSE

EXPERT(S) None reported

FACTS & ALLEGATIONS On Sept. 20, 2015, plaintiff Michael Plaszczymaka, 55, a heating, ventilation, and air-conditioning (HVAC) foreman, was riding a motorcycle north on Minebrook Road in Bernardsville. At the same time, a vehicle driven by Lei Fu was waiting at a stop sign, facing west on Whiteknack Road.

As Plaszczymaka entered the intersection with Whiteknack Road, Fu pulled forward in an attempt to make a left turn and struck the right side of Plaszczymaka's motorcycle. Plaszczymaka claimed injuries to his right leg and right shoulder and psychological trauma.

Plaszczymaka sued Fu, alleging he was negligent in the operation of a vehicle. Specifically, he alleged that Fu failed to yield to oncoming traffic before attempting a left turn.

Fu denied liability, arguing that Plaszczymaka was speeding, which caused the collision.

INJURIES/DAMAGES *acromioplasty; amputation, leg (below the knee); anxiety; decreased range of motion; depression; external fixation; fracture, fibula; fracture, tibia; infection; internal fixation; open reduction; osteomyelitis; phantom pain; rotator cuff, injury (tear); skin graft; supraspinatus muscle/tendon, tear*

Plaszczymaka was taken by ambulance to Morristown Medical Center, where he was hospitalized for approximately one month. He was subsequently transferred to an in-patient rehabilitation facility for 10 days.

Plaszczymaka was diagnosed with displaced fractures of the tibia and fibula of his right leg. While he was hospitalized, his treating physicians attempted to stabilize his lower leg with an external fixator. This was ineffective, and Plaszczymaka required a below-the-knee amputation with subsequent open reduction and internal fixation surgery of the remaining bones. He required further treatment, including numerous additional surgeries, skin grafts, and treatment of infection, such as osteomyelitis (bone infection).

Plaszczymaka was further diagnosed with a full-thickness tear of the supraspinatus tendon of the rotator cuff of his right (dominant) shoulder. He required an acromioplasty and resection of the distal clavicle.

Due to the collision and his injuries, Plaszczymaka claimed, he developed depression and anxiety which affect his ability to sleep.

Plaszczymaka complains of phantom leg pain. He also complains of discomfort, diminished range of motion, weakness, and pain in his right shoulder. He is unable to perform many activities of daily living, such as exercising or home-maintenance, and is unable to enjoy leisure activities, such as fishing or riding a motorcycle. Plaszczymaka lost his position as a HVAC foreman and has not worked since the incident.

Plaszczymaka's medical expenses, which were in total excess of \$1 million, were paid by his union health plan. His wife, Lilla Plaszczymaka, made a claim for loss of consortium.

RESULT The parties reached an agreement for a \$4.3 million pre-trial settlement. The settlement was paid from Fu's \$500,000 primary policy with New Jersey Manufacturers Insurance Co. and a \$5 million excess policy with Federal Insurance Co.

INSURER(S) New Jersey Manufacturers Insurance Co. for Lei Fu

Chubb Group of Insurance Cos. for Lei Fu

EDITOR'S NOTE This report is based on information that was provided by plaintiffs' and defense counsel.

–Max Robinson

