METHFESSEL & WERBEL
A Professional Corporation
The Leading Insurance and Claims Attorneys

CASE ALERT – THREE WEEKS, THREE DEFENSE VERDICTS

September and October have been busy but productive months thus far for M&W's trial attorneys. On the heels of partner Sarah Delahant's success via summary judgment on a death case with seven figure exposure, partners William Bloom, Paul Endler, and Eric Harrison each obtained defense verdicts from juries in Essex and Morris Counties.

Bill represented the driver of a tractor-trailer. Plaintiffs, the driver and passenger in a car, attempted to pass the tractor-trailer on the right as it was making a wide right turn from the middle lane of Route 1 and 9 North in Elizabeth. The car struck the tractor-trailer on the passenger side of the tractor while traveling 58 mph, per black box data. The accident also was captured on video from a nearby business.

The plaintiffs sustained substantial orthopedic injuries, collectively undergoing a total of five surgeries. The last demand before trial was a combined $1.3 million; the last offer was $150,000. The jury deliberated for 15 minutes before returning a verdict of no cause finding that the defendant was not negligent.

Paul represented the general contractor of a residential construction project, sued by the owner of the property after he fell more than six feet from makeshift scaffolding that the owner himself had constructed. The plaintiff suffered a fractured pelvis and a fractured wrist that required an open reduction-internal fixation surgery followed by carpal tunnel release surgery.

The insured had a $500,000 liability policy but the plaintiff's lowest pretrial demand never dipped below the $500,000 mark. In an effort to protect the insured, Paul proposed a $100,000/$500,000 "high/low" agreement whereby plaintiff would receive $100,000 even if the jury ruled for the defendant. Plaintiff refused.

At trial Paul's client admitted that he was the general contractor because he had obtained the construction permits and had hired all the various subcontractors. Yet Paul demonstrated that he had not assumed responsibility for the safety of the workers on the jobsite. The jury returned a unanimous verdict that the defendant was not negligent.

Meanwhile in Morris County, Eric defended a public school district against an age discrimination claim by a veteran teacher asserting that she was forced into retirement by being placed on a burdensome Corrective Action Plan. Over Eric's objection, plaintiff was permitted to present testimony from another retired older teacher who claimed that she too was placed on a CAP that she could not reasonably satisfy. That fellow employee's own age discrimination claim, in which she is represented by the same firm as the

plaintiff, is scheduled for trial in early 2026.

Prior to trial the plaintiff and the Board's insurer were willing to settle the claim for $150,000, but the Board refused consent to settle based on the filing of other lawsuits by the same law firm – two of which previously had been withdrawn in the face of the Board's refusal to consent to settlement.

At trial Eric presented testimony from plaintiff's evaluators to support her placement on a CAP and the reasonableness of the CAP. As to the fellow age discrimination claimant who testified in support of plaintiff's claim, Eric essentially tried a "case within a case" against her and highlighted her financial interest in the outcome of both cases. The jury unanimously held that plaintiff failed to demonstrate age discrimination.

Friends and clients interested in obtaining further information about these or similar claims are welcome to contact Sarah, Bill, Paul or Eric directly.