



\$650K in Middlesex Auto Case

Elliott v. Howland: A motorist who sustained shoulder and back injuries when his car was struck from behind by a truck settled his Middlesex County case on Feb. 14 for \$650,000.

According to counsel in the case, on April 23, 2015, plaintiff Raymond Elliott, 27, was merging from Ridge Road onto Route 130 in South Brunswick when a box truck rear-ended his sedan. Elliott sued the truck driver, Warren Howland, claiming negligence, and Penske Truck Leasing Co., which owned the box truck.

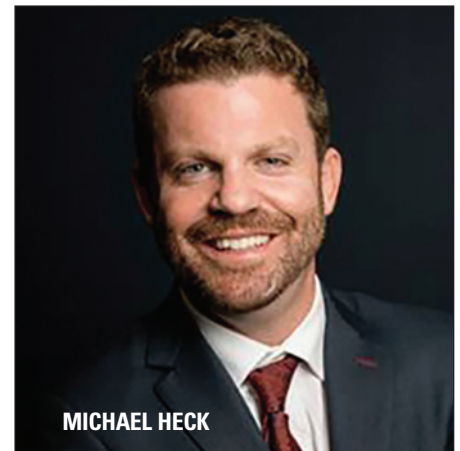
Elliott was ultimately diagnosed with a partial tear of the right supraspinatus tendon, of his dominant arm, a herniation at lumbar intervertebral disc L5-S1; and bulging in his cervical spine. For the next three years, Elliott treated with chiropractic care, consulted an orthopedic surgeon and a pain management doctor, and received a series of epidural injections in his lower back. He underwent an

arthroscopy to repair his rotator cuff tear and treated with physical therapy. Elliott alleged that he continues to experience pain and discomfort in his shoulder and lumbar spine, interfering with his performance of routine activities. Elliott sought to recover more than \$200,000 in medical costs, plus damages for past and future pain and suffering.

The defense contended that the injuries Elliott suffered as a result of the accident would have been strains and sprains to his shoulder, neck and back, all of which would have resolved within weeks of treatment. A defense expert determined that Elliott's treatment was excessive and unrelated to the accident.

The parties negotiated a pre-trial settlement. Penske, which was self-insured, agreed to pay \$650,000.

Elliott was represented by **Michael Heck** of **Epstein**



MICHAEL HECK

COURTESY OF MICHAEL HECK

Ostrove. Daniel “Donny” Epstein, lead trial counsel, led settlement negotiations for the plaintiff. Bradley Ferencz, a retired judge, mediated the matter to its conclusion after several sessions. Howland and Penske Truck Leasing Co. were represented by Carl Figueroa of Cottrell Solensky.

**Editor's Comment: This report is based on information that was provided by plaintiff's and defense counsel.*

— Aaron Jenkins, adapted from VerdictSearch reports