

VERDICTSEARCH NEW JERSEY

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ALM



CASES of NOTE

VERDICT of the MONTH

Products Liability

**Teen's bowel
disease due to acne
medication use: pltf**

\$10,578,500

*Kendall v. Hoffmann-LaRoche,
Inc.*

Atlantic Co., NJ, Super. Ct.

Plaintiff's Lead Attorney Michael D.
Hook, Hook & Bolton, P.C., Pensacola, Fla.

Defense Lead Attorney Lee Davis
Thames, Butler, Snow, O'Mara, Stevens &
Cannada, PLLC, Jackson, Miss.

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HotSHEET
DROWNING

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ATLANTIC

MOTOR VEHICLE**Underinsured Motorist — Rear-ender — Red Light****Plaintiff's injuries weren't permanent, serious: defense****VERDICT** Defense

CASE Anita May and Gary May v. Eric Richardson and State Farm Mutual Automobile Insurance Co., No. ATL-L-17325-06

COURT JUDGE Atlantic County Superior Court, NJ Joseph E. Kane

DATE 10/15/2008

PLAINTIFF ATTORNEY(S) Joel M. Chipkin, Goldenberg, Mackler, Sayegh & Mintz, P.C., Atlantic City, NJ

DEFENSE ATTORNEY(S) Michael David, Law Offices of Anthony P. Castellani, Marlton, NJ (Eric Richardson) Mark G. Esposito, David R. Wright & Associates, Mount Laurel, NJ (State Farm Mutual Automobile Insurance Co.)

FACTS & ALLEGATIONS On March 30, 2006, plaintiff Anita May, 55, a casino purchasing clerk, was stopped at a light on Albany Avenue at its intersection with Winchester Avenue, in Atlantic City, when she was rear-ended by a car driven by Eric Richardson.

Claiming injuries, May and her husband, Gary May, sued the underinsured Richardson, who stipulated liability, as well as her own insurance company, State Farm Mutual Automobile Insurance Co.

INJURIES/DAMAGES *bulging disc, lumbar; herniated disc, thoracic; physical therapy*

May claimed that the accident caused her to sustain several bulging lumbar discs and a herniated thoracic disc. She did not seek emergency medical treatment but later visited her general practitioner with complaints of back pain. She underwent a course of physical therapy and at the time of trial was still performing home therapy and considering future surgery.

May missed no work and made no lost wage claim, and her husband Gary dropped his own loss of consortium claim before trial.

The defense argued that May's injuries didn't meet the verbal threshold for a serious permanent injury, and the defense's expert opined that her injuries were all degenerative and preexisting in nature.

RESULT The jury rendered a verdict for the defense, finding the plaintiff had not sustained a permanent significant injury.

INSURER(S) Government Employees Insurance Co. Eric Richardson

PLAINTIFF EXPERT(S) Richard Mingione, M.D., family medicine, Atlantic City, NJ (did not testify)

DEFENSE EXPERT(S) John A. Cristini, M.D., orthopedic surgery, Linwood, NJ (did not testify)

EDITOR'S NOTE This report was written based on information provided by plaintiffs' counsel. Defense counsel did not respond to the reporter's phone calls.

—Samantha Schulz

VERDICT of the MONTH**PRODUCTS LIABILITY****Failure to Warn****Teen's bowel disease due to acne medication use: plaintiff****VERDICT** \$10,578,500

CASE Kamie S. Kendall v. Hoffmann-La Roche, Inc. and Roche Laboratories, Inc., No. ATL-L-8213-05-MT

COURT JUDGE Atlantic County Superior Court, NJ Carol E. Higbee

DATE 4/22/2008

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