

Motor Vehicle

Passenger claimed driver was racing when he veered off road

SETTLEMENT \$392,315.00

CASE TYPE Passenger, Motor Vehicle - Single Vehicle

CASE Asli Hazer v. Ryan Weeks, Robert H. Weeks and Michael Struchio, No.ESX-L-60-01

VENUE Essex County Superior Court, NJ

JUDGE Mahon Fast

DATE: 10-17-2003

PLAINTIFF ATTORNEY(S)

Attorney: Harrison J. Gordon; Gordon & Gordon; West Orange, NJ, for Asli Hazer

DEFENSE ATTORNEY(S)

Jonathan Bubrow; Passman, Dougherty & Zirulnik; East Hanover, NJ, for Michael Struchio  
Michael Mourtzanakis; Law Offices of Eugene P. Tazetto; Parsippany, NJ, for Ryan Weeks, Robert H. Weeks

FACTS & ALLEGATIONS

At midnight on July 9, 1999, plaintiff Asli Hazer, 17, was the back-seat passenger in a Chevy Malibu driven by Ryan Weeks on Eagle Rock Avenue in Roseland. Weeks made a left turn onto Eisenhower Parkway. The car traversed some distance on Eisenhower before veering off the road and crashing into a utility pole. The major impact was to the right rear of the car, the location where Hazer was seated. There were no seatbelts in the backseat of the car and the impact with the pole was so severe that Hazer was thrown through the rear window.

Hazer claimed that weeks was racing with Michael Struchio at the time of the accident. He sued weeks; his father, Robert, the owner of the car; and Struchio, for negligence.

Weeks' attorney claimed that only Struchio was racing at the time of the accident.

Struchio denied that he was racing.

#### INJURIES/DAMAGES

Hazer sustained a traumatic brain injury which required cognitive remediation. She also sustained lacerations to her nose which required stitches. She received treatment at Morristown Hospital emergency room and St. Joseph's Hospital, and required cognitive remediation at Kessler Institute for Rehabilitation. She claimed \$32,862 in medicals, which was paid by her PIP no-fault carrier.

She is currently working as a waitress and bartender at a restaurant. She claimed damages for pain and suffering.

The defendants alleged that Hazer's injuries had healed and that resultant side effects of them were not as serious as alleged. They claimed that although Hazer had some slight scarring, she appeared fine.

#### RESULT

The parties settled for \$392,315. Struchio will pay \$99,000 out of its \$100,000 policy limits. The weeks will pay \$293,315 (their policy limits), including \$218,315 in cash up front, and \$75,000 for the cost of annuity. (Of the annuity, guaranteed lump sum payments are payable as follows: \$20,000 on June 13, 2007; \$25,000 on June 13, 2012; \$35,000 on June 13, 2017; and \$53,223 on June 13, 2022, for a total of \$351,538.)

#### DEMAND

As to Sturchio: policy limits of \$1200,000; as to weeks: policy limits of \$293,315.39

#### OFFER

From Sturchio: \$99,000; from weeks: \$293,315.39 (policy limits)

#### INSURER(S)

Selective Insurance Co for Sturchio  
First Trenton Insurance Co. for the weeks

#### PLAINTIFF EXPERT(S)

Edmond Provder; Vocational Rehabilitation; New York, NY  
called by: Harrison Gordon  
Matityahu Marcus Ph.D.; Economic Analysis; Scotch Plains, NJ called by: Harrison Gordon  
Dr. David Mahalick Ph.D.; Neuropsychology; Springfield, NJ called by: Harrison Gordon

DEFENSE EXPERT(S)

David Greifinger; Orthopedics; Belville, NJ

EDITOR'S NOTE

Counsel for Struchio did not respond to a faxed draft of this report and a phone call.

Alison Love