

## **\$450,000 for Auto Negligence**

***Gaughan v. Caramiello***: A Mount Laurel woman was awarded \$450,000 by a Burlington County jury on February 8, 2000 for injuries suffered in a September 1995 automobile collision.

Melissa Gaughan, now 18, alleged that Amanda Caramiello of Marlton, then a high school senior driving with a learner's permit, ran a stop sign in Evesham and was broadsided by the car driven by Gaughan's mother.

Gaughan was in the front passenger seat and, although wearing a seat belt, was smashed into the windshield, cracking the glass, according to her attorney, Marlton solo practitioner, Louis Podel.

Gaughan originally sought to recover from a bulging disk in her neck and chondromalacia, damage to the cartilage under her kneecap. She claimed that her activities were curtailed and that she still feels pain in her knee and will likely develop arthritis in it later.

Gaughan amended her complaint to allege post-concussion syndrome after her school switched her to a slower track based on a drop in her grades.

The defendant's liability was resolved on a motion for summary judgment leaving damages as the sole issue in the five day trial.

Podel says his expert, neuropsychologist, David Massari, testified that the results of tests on Gaughan correlated with her diminished functioning. The expert compared Gaughan's condition with attention deficit disorder and, according to Podel, she was treated with Ritalin.

Podel said that although the defendant's expert found the plaintiff "normal" in mental capacity, he also found some areas of "weakness" which the defense sought to attribute to causes other than the accident.

Juror questioning of witnesses, recently introduced in New Jersey, adversely affected the proceedings, in Podel's view. He noted that the "somewhat argumentative" and "skeptical" tone of the jurors' questions affected his strategy.

Both parties presented live and videotaped expert testimony with the result that, in some instances, the jury would have been able to question only one side's witnesses. To prevent this imbalance, Judge Jan Schlesinger barred jurors from questioning expert witnesses, Podel said.

The jury deliberated for four to five hours before awarding the lump sum.

Podel said both sides had reached an agreement to settle the case for \$70,000 to \$80,000, but the carrier, State Farm Insurance Company, refused to approve it. The policy limit was \$100,000.

Defense attorney, Stanley Needell of Trenton's Needell, Siekerka & Castellani, said he as

shocked by the size of the verdict and will file a motion for a new trial.

Gaughan's mother, Doreen, who also was injured, brought a separate action that settled earlier.

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by Mary P. Gallagher