



\$800K in Union County Auto Case

Guerra v. Gajewski: A motorist who sustained spinal and knee injuries when her minivan was struck from behind by a truck settled her Union County case for \$800,000 on Jan. 28, 2021.

According to counsel for the plaintiff, on Dec. 27, 2017, plaintiff Carmen Guerra, 55, a housekeeper, was stopped in traffic on Route 1&9 North in Linden when a box truck rear-ended her minivan. Guerra sued the truck driver, Jared Gajewski, and Gajewski's employer, Acetylene Supply Co.

Guerra was ultimately diagnosed with herniations at cervical intervertebral discs C5-6 and C6-7, a nondisplaced fracture of the left knee and a tear of the left medial meniscus. Through summer 2018, Guerra treated with chiropractic care and pain medication, and that July underwent an arthroscopy on the left knee, followed by a course of physical therapy. She continued to undergo

treatment for her neck and later underwent a discogram. It was recommended that she undergo an anterior cervical discectomy with fusion, but she declined.

The defense stipulated to liability. Guerra claimed permanent injuries of her neck and left knee.

Guerra alleged that her ongoing neck pain and restricted range of motion affect her ability to clean houses and have forced her to hire help. She sought approximately \$149,000 in medical costs, plus damages for past and future pain and suffering. The defense agreed that the plaintiff suffered a fracture; however, the defense expert disputed that she suffered a medial meniscus tear. The defense also contended that Guerra's herniations were the normal condition of degenerative disc disease of a person Guerra's age.

The parties negotiated a pretrial settlement. Acetylene Supply's insurer, Chubb Group of Insurance



COURTESY OF DAN T. MATRAFAJLO

Cos., agreed to pay \$800,000 from a policy that provided \$1 million of coverage.

Guerra was represented by **Dan T. Matrafajlo of Beninato & Matrafajlo** in Elizabeth. The defendants were represented by Joseph F. Skinner of Kirmser, Lamastra, Cunningham & Skinner in Whitehouse Station.

**Editor's Comment: This report is based on information that was provided by plaintiff's counsel. Defense counsel did not respond to the reporter's phone calls.*

— Aaron Jenkins (adapted from VerdictSearch)