



The Largest Recovery in New Jersey History... Investment Banker Gets \$25 Million in Unprecedented Settlement

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Astronomical Reward Ends Three-Year Struggle with Major Resort Hotel

In what is apparently the largest pay-out in the history of the New Jersey judicial system, a 42 year-old investment banker settled a personal injury case against a resort hotel for \$25 million on the second day of trial in Bergen County.

The recovery in *Daniel V. Schleifman & Maria Gonzalez v. P.C. Hotel Mgmt., Ltd.*, ended a three-year legal struggle that began when plaintiff Daniel Schleifman was paralyzed from the waist down in a March 21, 2000 boating accident in the Turk & Caicos Islands.

Mr. Schleifman and his wife, Maria Gonzalez, were passengers on the Parrot II, a boat owned and operated by the defendant, P.C. Hotel Mgmt. Ltd., a luxury resort. When the vessel inexplicably crashed into a rock outcropping, Mr. Schleifman was thrown into a ladder. He suffered a fractured vertebra, resulting in permanent paralysis below the waist.

Mr. Schleifman and his wife retained Blume Goldfaden and New York co-counsel, and the firms filed suit on behalf of plaintiffs against the hotel management company for negligent operation of the boat. Plaintiffs filed complaints in federal courts in New York and Florida based on diversity of citizenship jurisdiction, as well as a filing suit in New Jersey state court.

Plaintiffs scored an early important victory by blocking efforts to set the trial outside of the United States. In an attempt to have the matter heard in the Turks & Caicos, the hotel management company filed a motion to remove the matter pending in Florida to the islands. The defense argued that the Turks & Caicos was the proper venue because that is where the witnesses, physical evidence, and resort were located. However, plaintiffs' counsel recognized that removal would result in a significant reduction in the damages available to plaintiffs.



Plaintiffs' counsel successfully blocked defense efforts to change venue to Turks & Caicos by arguing that Mr. Schleifman would be at risk if he attempted to travel back to and stay at the island, which is approximately 570 miles away from the U.S. mainland shore in Florida. By keeping the case out of the Turks & Caicos court system, plaintiffs' counsel successfully avoided an estimated £179,000 damage cap on the pain and suffering award. The parties then negotiated and agreed to consolidate the three pending actions in New Jersey state court.

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An important theme in the case was the significant economic loss suffered by Mr. Schleifman, who worked for Credit Suisse First Boston. Mr. Schleifman had been drawing a salary of \$2 million annually prior to the accident. However, defense counsel argued that the shaky state of the economy following plaintiff's accident resulted in his significant reduced earnings unrelated to his injury. In fact, two years after the accident when Mr. Schleifman returned to work after the accident his earnings were \$500,000 per year. Plaintiff's counsel, however, retained an expert who calculated \$34 million as a realistic total for Mr. Schleifman's actual losses directly stemming from his injury.

"We cannot be absolutely certain that the \$25 million recovery for our client is the biggest in the state's history, but, based on a review of past verdicts in New Jersey, it's a very good assumption that it is," said Kenneth Berkowitz, a partner at Blume Goldfaden Berkowitz Donnelly Fried & Forte, P.C. who represented Mr. Schleifman.

States with Economic Damages Caps that Apply Generally to Personal Injury, Tort Actions

Arkansas	\$1 million or \$25,000/year multiplied by the life expectancy of the injured party, whichever is greater, where permanent severe injury is involved
Colorado	\$366,250 adjusted for inflation; the court may double this award if plaintiff presents clear and convincing evidence
Hawaii	\$375,000 limit on pain and suffering award
Idaho	\$250,000
Kansas	\$250,000
Maryland	\$620,000 or \$930,000 if joint and several liability

If you or anyone you know has experienced an injury, please feel free to speak with one of us. We will be happy to help you in any way we can.

Blume Goldfaden is always there to share our expertise with our extended family, friends, and clients.

States Where Damages Caps Have Been Declared Unconstitutional

Alabama	New Hampshire
Arizona	Oregon
Illinois	Washington
Kentucky	Wisconsin

States Without Damages Caps Without Constitutional Considerations

Arkansas	Nebraska
Connecticut	New Jersey
Delaware	New York
District of Columbia	North Carolina
Georgia	Pennsylvania
Indiana	Rhode Island
Iowa	South Carolina
Louisiana	Tennessee
Minnesota	Vermont

States with Damages Caps that do not Apply to General Negligence Actions

California	North Dakota
Florida	Ohio
Maine	Oklahoma
Massachusetts	South Dakota
Michigan	Texas
Mississippi	Utah
Missouri	Virginia
Montana	West Virginia
Nevada	Wisconsin
New Mexico	

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