



## Child Crushed by Automatic Gate Awarded \$10.5M for Injuries

**A**n Essex County judge on June 7 approved a \$10.5 million settlement on behalf of a child who was allegedly brain damaged due to oxygen loss when she was trapped in a motorized parking-lot gate.

According to the suit, *Chambers v. 440 Elizabeth Avenue Corp.*, Aniyah Chambers was playing outside her father's apartment at 440 Elizabeth Ave. in Newark on May 6, 2006, when the lateral moving gate trapped the 7-year-old and cut off her breathing for an unknown period of time.

Chambers' mental development stopped at that point and she suffers



**FAULTY MECHANISM ALLEGED:** Kenneth Berkowitz said the gate did not stop, as it was supposed to, when it encountered an obstacle.

from severe cognitive limitations, says plaintiff attorney **Kenneth Berkowitz**, of **Blume, Goldfaden, Berkowitz, Donnelly, Fried & Forte** in Chatham.

The suit, lodged by her mother, Theresa Jones, alleged that the gate did not stop when it encountered an obstruction and that security personnel should have seen the child on surveillance footage and intervened.

Named defendants were the building owner, 440 Elizabeth Avenue; manager Marzulli Realty; Christy Overhead Door, which maintained the gate and had installed a new motor; and Motivated Security Services.

Superior Court Judge **Dennis Carey** approved the settlement, by which Marzulli and 440 Elizabeth Avenue jointly pay \$5.5 million, Christy \$2 million and Motivated Security \$3 million.

**Stephen Hopkins**, of **Braff, Harris & Sukoneck** in Livingston, for Marzulli and 440 Elizabeth, confirms his clients' contribution. **Brian Steller** of **Connell Foley** in Roseland, for Motivated Security, declines comment. **Joseph Kelley** of **Zirulnik, Sherlock and DeMille** in East Hanover, for Christy, did not return a call.

— *By Charles Toutant*