



## The Voice

### And The Defense Wins

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[Matthew T. Pisano](#) of the **Pisano Law Firm** with offices in Philadelphia, Pennsylvania, and Mt. Laurel, New Jersey, recently obtained a no cause verdict in the matter of *Williams v. Fultz and Tuminos Towing, Inc.* pending in the Superior Court of New Jersey for Burlington County. The matter was tried to verdict over 13 days.

Plaintiffs alleged defendants were negligent in operation and maintenance of their heavy duty wrecker, which caused significant orthopedic and neurological injuries resulting in the plaintiff having to take early retirement from her teaching position. Plaintiff argued she had the right of way while making a left hand turn under a green arrow. Defendants disputed the right of way as both parties were governed by a solid green signal. Plaintiffs also argued defendant was operating at an excessive rate of speed and with faulty brakes that did not permit him to stop in time or slow efficiently, resulting in a Delta V reading of 45 miles per hour.

Plaintiff was airlifted from the scene and hospitalized for three weeks. She underwent three surgeries to include open reduction and internal fixation of the wrist, pelvic wiring, right hip replacement, and cosmetic repair of the right eye lid. She was transferred to in patient rehab for another three months and eventually underwent another two wrist surgeries to include a full fusion.

Despite significant economic damages, problematic physical evidence suggesting excessive speed, and arguments as to both defendants' driving and mechanical/brake adjustments acts and omissions, the defense was able to prevail on the question of negligence.

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