

General, Commercial & Environmental Litigation Department

By Arnold Lakind

This is one of several articles which we will publish in coming issues describing departments at Szaferman Lakind. Today's article is a short description of our General, Commercial and Environmental Litigation Department.

Thirteen attorneys work in litigation. Assisted by several paralegals, these attorneys represent our clients in all phases of dispute resolution ranging from negotiation, mediation and arbitration up through trial and appeal. Many of our attorneys have been litigating cases for nearly 40 years, which gives us a broad range of experience with a wide variety of controversies.

The Breadth of Our Experience

Two of our attorneys have worked as judges. One is a retired Presiding Judge of the Superior Court, Appellate Division, a second is the retired Mercer County Assignment Judge. Two attorneys have served as a judicial clerks in the Supreme Court of New Jersey; three have been judicial clerks in the Superior Court of New Jersey. Among us are five attorneys who served as Deputy Attorneys General, two members of the United States Army Judge Advocate General's Corps and four Assistant County Prosecutors.

Our attorneys have appeared in courts at every level. One has argued six cases in the Supreme Court of the United States. Others have appeared in the Third Circuit Court of Appeals, several United States District Courts, the Supreme Court of New Jersey and, of course, the Law

Division and Chancery Division of the Superior Court.

The Quality of Our Education

Two of us were educated at Harvard Law School, one at Columbia Law School. A fourth attorney served on the Rutgers Law Review.

The Significance of Our Cases

We are proud of the large number of significant and interesting cases which we have handled. The New Jersey Supreme Court and the New Jersey Superior Court reporters contain opinions of broad interest. In the last 50 years the courts have reported approximately 45,000 opinions. The retired judges in our department have authored more than 3500 judicial decisions; nearly 600 have been reported. The thirteen attorneys in our litigation department have over 150 judicial decisions reported in the New Jersey Supreme Court and Superior Court reporters. Today, there are 80,000 licensed lawyers in New Jersey. Less than half of these lawyers will have handled a single case which warrants inclusion in the judicial reporters; our lawyers average 15 reported cases each.

To learn more about this practice area or our Personal Injury/Workers Compensation attorneys visit our website.



Arnold Lakind



Craig Hubert

Brain Injury Victim Resolves Case for \$1.05 Million

A Hunterdon County client has agreed to settle his case for \$1.05 million, according to Craig Hubert, who represents David Mummey.

Mr. Mummey suffered severe, permanent head injuries as a result of an accident in June 2007. He was hired to unload a large piece of heavy equipment, a pavement sealer, from a tractor trailer to the ground. While doing so, he lost control of the equipment, which started to fall off the trailer, ejecting Mr. Mummey. He landed head-first upon a gravel driveway, causing brain injuries and cognitive losses.

According to Craig, the lawsuit was primarily based upon the manufacturer's failure to warn, and adequately warn, his client as to the safe operation of the pavement sealer. "The manufacturer, Neal Industries, a Georgia corporation, had inadequate warnings on the machine and delivered the

owner's manual separately from the product, violating its duty to warn the end user," Craig said. "Since we filed suit, the manufacturer has added warnings and relocated warning labels so that they are visible to operators. This case resulted in a safer product for future end users. Our client takes great satisfaction in the fact that his misfortune will result in a safer workplace for many men and women throughout the United States."

Information obtained during the discovery process led Craig to Atlanta, Georgia to conduct sworn statements of the product manufacturer's employees, including the design engineer. Craig subsequently found that the manufacturing plant's retired manager was living in a remote area of Alabama. In order to obtain testimony critical to the case, Craig again traveled south, this time to depose the ex-plant manager in rural Alabama. Craig noted, "The testimony greatly strengthened the plaintiff's position, resulting in a million dollar plus settlement."