

suits & deals

\$6.85 Million Settlement Paid in Monmouth County Suit Over Fatal Accident

The family of a man who was killed when his car was struck by a tractor-trailer was paid a \$6.85 million settlement in their Monmouth County wrongful death suit, *Estate of Appio v. Isserovich*, on March 20.

Jason Appio, 45, was killed while driving on Route 440 in Woodbridge on Sept. 6, 2017. Appio's car was struck from behind by a tractor-trailer driven by Aleksandr Isserovich of Brooklyn and owned by Isserovich's employer, Highlight Motor Freight of Concord, Ontario, Canada.

At the accident scene, police noticed Isserovich appeared to have impaired judgement, drowsiness, fatigue, dizziness, unsteadiness and disorientation. A blood test after the accident showed Isserovich was positive for Xanax, Klonopin and Clonazepam, and Isserovich admitted to police that he only had a few hours of sleep on night before the crash, according to **Daryl Zaslow** of **Eichen Crutchlow Zaslow** in Edison, who represented Appio's family.

Appio was pronounced dead at the scene of the crash, and his autopsy revealed a transected aorta, a fractured thoracic spine, and blunt-force injuries to the head and neck, said Zaslow.

In May 2018, Isserovich, then 39, pleaded guilty to counts for vehicular homicide, assault by auto and driving under the influence of a controlled dangerous substance. He is serving a seven-year prison sentence, Zaslow said.

Appio, a field technician for Verizon with a wife and three children, was returning home from work at the time of the crash. Zaslow argued that Appio's compensable lost wages and services amounted to \$3.5 million.

Defense counsel for Isserovich and Highlight was prepared to stipulate liability, but argued that Appio experienced no conscious pain and suffering, and that claims of economic loss were grossly inflated, according to Zaslow.

The settlement was reached on Nov. 25, 2020, after mediation with Raymond Reddin, a former



DARYL ZASLOW

COURTESY OF DARYL ZASLOW

Superior Court judge with Hall Booth Smith in Saddle Brook.

On Jan. 29, Superior Court Judge Andrea Marshall approved a plan to allocate the \$4.67 million that remained after fees and costs were deducted from the settlement. Of that amount, \$3.11 million went to Appio's wife, Jennifer, and three trusts, each containing \$518,811, were created for the couple's children, now age 24, 21 and 17.

Colin Hackett of Lewis Brisbois Bisgaard & Smith in Newark, who represented Isserovich and Highlight Motor Freight, declined to comment on the case.

— **Charles Toutant**