

\$1,750,000 Verdict for Livery Vehicle Accident

Jury award of \$1,750,000.00 obtained by [Barry Eichen](#).

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Jersey City man awarded \$1.75 million in Route 1&9 crash on Christmas Eve 2008.

A Jersey City livery driver who was struck on an icy Route 1&9 in Newark and thrown off the elevated roadway on Christmas Eve 2008 was awarded \$1.75 million by a jury in a civil trial in Essex County, his attorney said.

Cesar Tuscano, 44, was thrown 30 to 50 feet in the accident that hospitalized him for more than three weeks. He suffered numerous fractures had a metal rod inserted into his leg and has undergone two knee surgeries.

The jury deliberated three to four hours after the week-long trial that ended Sept. 11.

According to court testimony, Tuscano, who worked for a Hoboken car service, was driving southbound on Route 1&9 in the early hours of Dec. 24, 2008 when he came upon an overturned Super Shuttle bus blocking the road. Tuscano got out of his vehicle to protect his passengers, but he was struck by another livery vehicle and vaulted over the bridge.

The jury found the driver of the car that struck Tuscano, owned by Hoboken First Class car service, was 70 percent responsible for Tuscano's injuries and the Super Shuttle driver 20 percent responsible. The jury found Tuscano himself 10 percent responsible.

At trial, Eichen, partner at Eichen, Crutchlow, Zaslow, LLP in Edison, argued that the shuttle bus driver was liable because had he controlled his vehicle, none of the subsequent events would have happened; and that the driver of the other livery vehicle was at fault for striking Tuscano.

"Cesar couldn't be happier. It's been almost four difficult years for him. There was a lot of uncertainty because it was going to a jury. ... He could have ended up with nothing."

Attorneys for Super Shuttle and Hoboken First Class made settlement offers that totaled \$80,000, which were not difficult to reject. "(Tuscano) would have settled for a fair number, but we were so far apart."

In personal injury cases in New Jersey, it's up to the jury to decide how much a victim is awarded, but "it's a gamble." He added that the jury award in this case was fair.

"It was an appropriate value for the case." Tuscano has been unable to work since the accident. "It's a substantial amount of money. It was a sound verdict by the jury."

By Ron Zeitlinger