



Motorist Hit by Semitrailer Wins \$5M Settlement for Back Injuries



PHOTO BY CARMEN NATALE

DAVID MAZIE

A motorist who alleged permanent back injuries from a rear-end collision accepted \$5 million to settle his Passaic County suit, *Cito v. Yoder*.

In August 2011, Jonas Yoder was driving a semitrailer through Clifton when he fell asleep at the wheel and rear-ended a vehicle driven by Daniel Cito.

Yoder, was returning to Pennsylvania from a 12:30 a.m. delivery in Brooklyn. He was travelling at least 55 mph at impact, says Cito's attorney, **David Mazie** of **Mazie Slater Katz & Freeman** in Roseland.

Yoder admitted that, before leaving the poulterer's plant, he struck his head while inspecting his truck and lost consciousness. He felt lightheaded but continued driving anyway, Mazie says.

Cito, now 40, sustained two vertebrae fractures and multiple herniated discs, requiring surgery. He has ongoing pain, and is disabled and unable to work, Mazie says.

In October, Superior Court Judge **Anthony Graziano** granted Cito summary judgment against Watkins on liability, finding that Yoder, though a contractor, was Watkins' statutory employee.

On Jan. 15, Yoder agreed to pay \$5 million after mediation with retired Middlesex County Superior Court Judge **Mark Epstein**, of counsel with **Hoagland, Longo, Moran, Dunst & Doukas** in New Brunswick. Trial had been scheduled for Feb. 3, Mazie says.

The defendants' lawyer, **Marc Jones** of **Cipriani & Werner** in Marlton, did not return a call.

— By *David Gialanella*