

Newark OKs \$5.8 million settlement in '04 accident

Two drowned as their car plunged into the Passaic

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The families of two women who drowned in 2004 when the car they were riding in veered off Raymond Boulevard in Newark and plunged into the Passaic River will share a \$5.8 million settlement.

The estates of Monique Hawkins and Nicole Floyd will receive three payments as part of a settlement approved by the Newark City Council yesterday. The two sides had agreed to enter into mediation, which was overseen by retired Superior Court Judge Douglas K. Wolfson.

Michael Gelin, the city's principal civil engineer, admitted in a February deposition the city knew the roadway was "challenging," had a speeding issue and that motorists might not see the one sign warning of a curve.

City officials also knew of multiple accidents at that location where cars did not go into the river because they struck an object.

Corporation Counsel Julien X. Neals said Gelin's testimony was one factor in his recommendation to settle.

"With every incident we have to look at how to do better," Neals said.

Carol Brown, Hawkins' mother, said she was happy the case was settled.

"It's a big relief," said Brown. "It's not bringing my daughter back but it's working out for her son." Hawkins had an 18-year-old son, Marcus, who will share in the settlement.

Hawkins, 39, Floyd, 34, and the driver, Gail Williams, 43, all of Newark, drowned after their Jeep Cherokee plunged off a 15-foot embankment and into the river at Raymond Boulevard and Freeman Street on Oct. 24, 2004. There were no

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guardrails or barriers along that stretch of road.

It is unclear if Williams' estate filed a claim against the city.

The three women were driving home from a party in Jersey City when the accident occurred. Floyd was on the phone when she suddenly began screaming.

"We are in the water! We are sinking!" a friend of Floyd recalled after the accident.

The Essex County Prosecutor's Office has ruled out drugs or a heart attack and said it may never know what caused the accident.

Gelin's deposition, however, shed light on the dangerous nature of the road and the city's failure to better warn motorists.

A sign notifying drivers of an upcoming curve in the road was located 1,200 feet before the accident location. Gelin said it was "foreseeable" that motorists could miss the warning sign.

The city also knew there was a problem with speeding in the area after a traffic study was conducted there in 1995. The police and department of engineering also concluded that guardrails were needed at the accident location.

"As horrible a tragedy as this is, there is no way to fathom how they didn't put up guardrails," said Adam Slater, who represents Floyd's estate, which will receive \$3.05 million.

Yet, nothing was done despite a memo from former police director Anthony Ambrose to former city engineer James Adams two months later.

Five months after the first accident, Ceneida Zapata, 52, of Newark lost control of her Dodge Dynasty, then struck and killed David Torre, 54, of East Orange, before toppling into the river at almost the same spot. Zapata also died and a lawsuit by her estate is still unresolved, said Slater, also a co-counsel on the Zapata suit.

After Zapata's death, the city installed temporary barriers and a traffic light. In May, three years after the first accident, the city began installing a permanent 3-foot-high steel-and-rubber guardrail at a cost of \$200,000. The project is slated to be completed this month.

Neil Reisman, a Morris Plains attorney for the estate of Hawkins, said the money will be used to help her son attend college. Hawkins' estate is receiving \$2.75 million.

"There is no amount of money that can ease the pain of my clients in losing a daughter and mother," Reisman said. "But my clients are grateful that the city has taken steps to ensure that no one suffers a similar fate."