

New Jersey Law Journal

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Verizon Paying \$125 Million to Lawyer Paralyzed by Falling Utility Pole

Maria Moser Meister at the time of the 2017 accident was general counsel for finance firm Milberg Factors in New York, and previously had been an associate at Simpson Thacher & Bartlett.

By Suzette Parmley | May 05, 2020



Utility poles and wires/photo by Aaron Kohr/Shutterstock

In a personal injury case lodged on behalf of an attorney left brain damaged and paralyzed after a weathered utility pole fell and struck her in 2017, a New Jersey judge has approved a \$125 million settlement to be paid by Verizon.

Essex County Superior Court Judge Stephen Petrillo issued an order (<https://images.law.com/contrib/content/uploads/documents/399/43091/Order-entering-judgment-05-04-20.pdf>) Monday approving the settlement following a friendly hearing in the case of Maria Moser Meister, who was injured by the falling pole during her commute to work on Jan. 23, 2017, in Union City, as she waited for a transit bus.

At the same time, a fee dispute has erupted between the plaintiffs' current and former counsel.

Meister at the time of the accident was general counsel for finance firm Milberg Factors in New York, and previously had been an associate at Simpson Thacher & Bartlett.

"This is a very tragic circumstance, and nobody gets paid these kinds of numbers without having a catastrophic, life-changing injury. This has devastated her life and her husband and children, and she will never be put back together," said her lawyer, David Mazie of Mazie Slater Katz & Freeman in Roseland. "On a brighter note, she has made a remarkable recovery and is a real fighter to get to where she's at."

Mazie added, "By far this is the largest settlement in New Jersey history—the largest at this point was approximately \$47 million in [*Pellicer v. St. Barnabas Hospital*] in 2005," a case involving a brain-damaged infant.

Meister sued Verizon New Jersey Inc., claiming neglect of the pole that crushed her in 2017. She suffered catastrophic injuries in the incident, including both a spinal injury and a traumatic brain injury. Her injuries include multiple spinal vertebral fractures, rib fractures, and complete paraplegia from mid-chest down, with incontinence. She also has limited use of her left arm making her a tri-plegic; this is complicated by her severe brain injury. Meister also has severe vision problems from the trauma which make it very difficult to perform ordinary tasks such as reading, Mazie said.

Tom Crino and Robert Hanlon of Goldberg Segalla in West Windsor, representing Verizon, declined to comment.

Richard Young, a spokesman for Verizon, issued this statement on behalf of the company: "Words cannot adequately express the remorse, sympathy and compassion that we have for Maria Meister and her family. Maria, her husband and children have been constantly on our minds since this happened and will continue to be in the years to come. While no amount of compensation can make up for what was lost, we hope the resolution of this case helps bring some measure of comfort, and provides care for Maria and her family, now and in the future."

Peter Meister is also listed as a plaintiff, as the legal guardian for Maria Moser Meister.

Other paying defendants are PSE&G Services Corp. and Altice USA. In the order, Petrillo approved a settlement of \$250,000 from PSE&G and \$25,000 from Altice, although documents indicated that Verizon stipulated full responsibility for the pole, which contained no PSE&G or Altice equipment for decades before the accident.

Mazie Slater is to receive attorney fees of 20% on the net recovery in excess of \$3 million.

The order directs that the entire fee be held by Mazie Slater in escrow pending resolution of liens, notably an attorney fee lien asserted by the plaintiffs' prior counsel at Kirsch Gelband & Stone.

On the day of the accident, the 43-year-old wooden utility pole snapped at its base, crushing Meister's head and body. The pole was co-owned by Verizon under an agreement with PSE&G and held equipment and wires from Verizon and PSE&G, according to court documents.

In 1999, PSE&G made the determination that the pole should be replaced, installing a new pole nearby and transferring all of its wires and equipment to the new pole. In February 1999, two weeks after Verizon received PSE&G's "transfer advice" from PSE&G to remove the pole, Verizon issued its own work order to transfer its equipment and remove the pole.

But Verizon never removed the pole, according to court documents, despite it being scheduled for removal at least nine times, the documents said.

The suit claimed that Verizon also failed to properly inspect it every 10 years, as required under New Jersey law, and stipulated by the New Jersey Board of Public Utilities and industry practice. The suit alleged that Verizon had not inspected the pole since 1989.

In addition to plaintiffs counsel, the \$125 million settlement includes payment to Judith Wahrenberger of Ruprecht Hart Weeks & Ricciardulli in Westfield as the court-appointed guardian ad litem for Meister, though the order doesn't set out an amount.

According to the documents, the plaintiffs and Verizon stipulated that Meister's past and future lost wage claims total nearly \$5.5 million, and her future medical costs, or life plan, were estimated at \$15.8 million.

"In litigating this case, Mazie Slater expended significant time and resources, with the great majority of the time on the file expended by me," Mazie wrote in a certification. Mazie said he was supported by David