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\$10 Million Settlement Reached for Passenger in New Jersey Transit Bus Mishap

The bus driver said at his deposition that he was pulling away while the plaintiff was still partly in the luggage compartment, and that she should not have had access to that compartment because he was required to keep it locked, according to the plaintiff's lawyer.

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Personal Injury



Charles Toutant

What You Need to Know

- New Jersey Transit agrees to \$10 million settlement of suit by woman whose right leg had to amputated after bus accident.
- Plaintiff was pulled under bus and crushed after opening luggage compartment to retrieve her bag.
- Bus driver admitted he did not follow an agency policy requiring him to keep luggage compartments locked.

A woman whose right leg was amputated after an accident with a New Jersey Transit bus has agreed to a \$10 million settlement of her Essex County, New Jersey, personal injury suit.

Xuefang Zhong had just disembarked from the bus in the Port Authority Bus Terminal in New York after riding from New Jersey on Oct. 30, 2019, when she opened the door to the luggage compartment under the bus and reached in to retrieve her bag, according to plaintiff's lawyer David Mazie, of Mazie Slater Katz & Freeman in Roseland. The door to the luggage compartment was still open and Zhong was partly inside the compartment when bus driver Eric Bischoff drove away from the bus stop, running over and crushing Zhong, Mazie said. Bischoff kept driving until he was flagged down by a witness, Mazie said.

Zhong underwent amputation of her right leg below the knee after the accident, Mazie said. She also sustained numerous spinal fractures, an accumulation of blood that compressed the spinal cord, and multiple fractures to the right arm, leg and foot. She also suffered degloving of the right arm and leg and permanent scarring, Mazie said. Zhong was treated at Bellevue Hospital in New York, where she underwent 12 operations in the weeks following the accident, he said. After an initial, two-month hospital stay, she was moved to a rehabilitation center but had to return to the hospital multiple times, Mazie said. While in rehab, she was fitted with a prosthetic right leg.

At the time of the accident, Zhong was 72, lived in Queens, New York, and worked 68 hours per week as a home health aide, according to Mazie. She and her husband, Wangcheng Lu, sued Bischoff and New Jersey Transit. Summary judgment was entered for Zhong and her husband on the question of Bischoff's negligence and New Jersey Transit's vicarious liability, Mazie said. But the defendants also claimed Zhong was comparatively negligent on the theory that she failed to inform the bus driver that she placed her luggage in the storage compartment and never asked for assistance in retrieving it, according to Mazie.

Bischoff said at his deposition that he was pulling away while Zhang was still partly in the luggage compartment, and that she should not have had access to that compartment because he was required to keep it locked, according to Mazie.

Mazie said in an interview that he was concerned that a jury might find Zhang 50% comparatively negligent for using the luggage compartment without notifying the driver, since a finding of 50% liability would result in no award to the plaintiff. But Mazie argued that Bischoff alone was negligent because he admitted in his deposition that he left the luggage compartment unlocked so that passengers, such as Zhang, could use it.

The settlement was reached on March 16 in mediation with Maurice Gallipoli, a former Hudson County Superior Court judge. But the settlement was not binding until the plaintiffs received court approval for the fee application of one-third of the net recovery over \$3 million. Essex County Assignment Judge Sheila Venable approved that fee, which comes to roughly \$2.3 million, on July 29.

Mazie represented the plaintiffs along with Adam Epstein, also of Mazie Slater.

Brion McGlenn of Ruprecht, Hart, Ricciardulli & Sherman in Westfield represented Bischoff and New Jersey Transit. He did not respond to a phone message about the case. New Jersey Transit's public information office also did not respond to a phone message about the case.

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