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NEWS

 **Crash With NJ Transit Bus Results in \$1.7 Million Settlement**

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 January 05, 2023 at 09:00 AM



Personal Injury



Colleen Murphy



A \$1.7 million settlement was reached in a Bergen County suit, *Pastor v. NJ Transit*, on July 5 for a man who sustained multiple cervical and thoracic fractures in a motor vehicle accident with a New Jersey Transit bus.

On Sept. 16, 2019, plaintiff Renato Pastor, then 21 years old, was traveling westbound on Route 3 in East Rutherford when he noticed he had a flat tire and pulled over to the side of the road. That portion of the highway was on a bridge and only had a partial shoulder. Pastor put on his hazard lights and sat in the driver's seat of his car. Erjon Rrosha was operating a New Jersey Transit bus, also driving westbound on Route 3, along the same path Pastor had taken, according to counsel for Pastor, **Adam Epstein of Mazie Slater Katz & Freeman** in Roseland.

As the bus approached Pastor's vehicle, Rrosha continued traveling at 40 miles per hour and never slowed down or took any evasive action to avoid colliding with Pastor, who was still seated in the driver's seat, Epstein said. Dashcam footage from the bus showed that Pastor's vehicle was visible to the bus for at least 10 seconds before the bus crashed into him traveling at 40 miles per hour, Epstein said.

After the crash, Pastor was transported to Hackensack University Medical Center, where his cervical and thoracic fractures were diagnosed. To correct the damage, he has undergone two surgeries and extensive therapy, according to Epstein.

"This accident never would have happened if the New Jersey Transit bus driver was paying the slightest bit of attention to his surroundings," Epstein said.

"Mr. Pastor is lucky to be alive, but others might not be so lucky," Epstein added. "New Jersey Transit needs to ensure that their drivers are properly qualified and trained before letting get on the road and putting the general public at risk."

The settlement was reached in a conference before Judge **Michael Beukas** of Bergen County Superior Court on July 5.

Counsel for New Jersey Transit, **Thomas C. Hart** and **Brion McGlenn** of **Ruprecht Hart Ricciardulli & Sherman** in Westfield, didn't respond to a request for comment.

— *Colleen Murphy*

## **No-Cause Verdict in Mercer**

***Montero v. Flowers***: A Mercer County jury, finding the plaintiff failed to prove the existence of a permanent injury, returned a defense verdict in a verbal threshold case on July 15.

According to counsel, on Oct. 25, 2016, plaintiff Noraima Montero, 45, was driving north on Quakerbridge Road, near its intersection with Nami Lane, in Hamilton. The rear of her sedan was struck by a trailing vehicle driven by Rickel Flowers. Montero sued Flowers and the owner of Flowers' vehicle, Heather Rockel-Flowers.

Montero was ultimately diagnosed with cervical radiculopathy. Montero treated with spinal manipulation, massage and exercise through March 2017. Following the treatment, two epidural injections were administered to her cervical spine. She received no further treatment thereafter.

The defense stipulated to liability, and the case proceeded to trial on the issue of whether Montero suffered a permanent neck injury. Montero's physiatrist and pain-management doctor testified the accident caused her to suffer a permanent injury to her cervical spine. Montero testified that she suffers from constant neck pain and intermittent radicular pain in her right dominant arm. This allegedly causes difficulty sleeping, driving, performing household duties and engaging in recreational activities. Montero sought damages for past and future pain and suffering. The defense's expert in orthopedic surgery testified that any injury that Montero sustained from the accident would have been a temporary cervical strain or sprain. She did not suffer a permanent injury, the expert concluded. According to the defense's expert in neurology, Montero's electromyography only showed pre-existing radiculopathy. The defense's expert in radiology opined that there were no changes in Montero's pre- and post-accident imaging studies to indicate that she sustained a traumatic injury.

Following a five-day trial before Mercer County Superior Court Judge **Brian J. McLaughlin**, the jury on July 15 determined that Montero's injuries were not permanent within the meaning of the verbal tort threshold.

The defense was represented by **Jeffrey J. Dunn** of **Weir Attorneys** in Ewing; the plaintiff, by **Christopher P. Weidman** of **Stark & Stark** in Lawrenceville.

*\*Editor's Comment: This report is based on information that was provided by defense counsel. Plaintiff's counsel did not respond to the reporter's phone calls.*

— *Aaron Jenkins (adapted from [VerdictSearch](#))*

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