

New Jersey Law Journal

STATEWIDE LEGAL AUTHORITY SINCE 1878

VOL. CLXXXV – NO. 13 – INDEX 1105

SEPTEMBER 25, 2006

ALM

suits & deals

\$550,000 for Workplace Accident

Riveros v. Warren Distributing Co.: A truck driver injured in a forklift accident agreed on Sept. 11 to accept \$550,000 to settle his Bergen County suit.

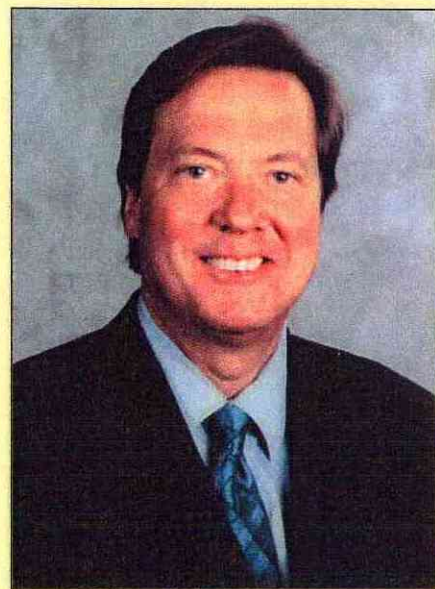
Pablo Riveros, a driver for H&M International Transport, was moving pallets in a trailer while beer was being unloaded from a truck at Hub City Distributors in Lawrenceville on June 21, 2002. As forklift operator Edward Klemmer, a Hub City employee, backed up in the trailer, he ran over Riveros' left foot and ankle.

Operating a forklift in the trailer with a person inside violated the company's safety procedures, and Klemmer failed to glance back as he backed up, says Riveros' lawyer, **John Voynick Jr.** of Cedar Grove's **Renda**

& Voynick.

Voynick says Riveros suffered a ruptured tendon, a fractured metatarsal bone and hemorrhaging and he underwent an open reduction and decompression of his left foot; drilling and placement of two metal pins with an external fixator; arthroscopy and debridement of his left ankle; and removal of the external fixator. Now 28, he walks with a limp and is in pain when he drives for more than a few hours. His left foot and ankle are larger than his right, according to Voynick.

Riveros sued Klemmer and Warren Distributing Co., which does business as Hub City. The defendants' two carriers will divide the liability; Lincoln General Insurance will pay \$412,500 and Utica Mutual Insurance



LEFT WITH A LIMP: John Voynick Jr. won a \$550,000 settlement for a worker whose foot was run over and fractured by a forklift.

\$137,500.

Lincoln General's lawyer, **Edward Fogarty Jr.**, of **Litchfield Cavo** in New York, and Utica Mutual's lawyer, **Robert Kretzer**, of **Lamb Kretzer Reinman & Roselle** in Jersey City, did not return calls for comment.

— *By Mary Pat Gallagher*