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Traub Lieberman Partner Matthew Toto Wins Summary Judgment in Trucking Accident Matter

Related Attorneys: Matthew Toto

Traub Lieberman Partner Matthew Toto won summary judgment in a trucking accident case. On March 29, 2023, a box truck belonging to Traub Lieberman's client struck the rear of the co-defendants' car, which then struck the rear of the plaintiff's car on Route 3 East in Secaucus.

As a result of the accident, plaintiff alleged a right knee joint effusion, two cervical bulging discs, three lumbar bulging discs, one herniated disc in his cervical spine, and two herniated discs in his lumbar spine allegedly requiring three surgeries, (1) a cervical discectomy; (2) a lumbar discectomy; and (3) and lumbar rhizotomy.

The plaintiff's treating physicians authored nine expert reports. Each of the expert reports indicated that plaintiff "denies prior accidents and prior pain." As a result, both treating physicians opined that plaintiff's alleged injuries were causally related to the subject accident. However, discovery revealed that the plaintiff had had four prior accidents and several years of severe symptoms and extensive treatment to the same body parts and the exact same levels of the cervical and lumbar spine.

The Honorable Jane L. Weiner, J.S.C., held that the plaintiffs' experts offered net opinions which must be barred from trial because they relied upon facts that did not exist in the motion record. Therefore, summary judgment was granted in favor of Traub Lieberman's client.