**[Alexandra M. Lisowski v. New Jersey Transit; 2007 Mealey's Jury Verdicts & Settlements 3344](https://advance.lexis.com/api/document?collection=jury-verdicts-settlements&id=urn:contentItem:4PGY-3SS0-0223-Y01T-00000-00&context=)**

BER-L-13231-04

July 24, 2007

**Headline:** New Jersey Woman Seriously Injured When Her ***Car*** Collided With Train Awarded $1.5 Million By State Jury

**Result:** $1.5 million plaintiff verdict

**Injury:** Compression fracture at T-12 in lower back, fusion of five vertebrae with steel rod

**Court:** N.J. Super., Bergen Co.

**Judge:** Elijah Miller Jr.

**Plaintiff Profile**

Alexandra M. Lisowski

**Defendant Profile**

New Jersey Transit

**Plaintiff Counsel**

Barry A. Knopf, Cohn Lifland Pearlman Herrmann & Knopf, Saddle River, N.J

**Defendant Counsel**

Janine Long, assistant chief, deputy attorney general, Office of the New Jersey Attorney General, Trenton

**Case Summary**

**Claim:** Violation of the New Jersey Tort Claims Act

**Background:** Sources told Mealey Publications that on Jan. 21, 2004, Alexandra M. Lisowski of Passaic, N.J., was driving over a New Jersey Transit railroad crossing at Midland Avenue in Elmwood Park, N.J., when she heard a train approaching from the north. Realizing that she might not have enough time to cross, Lisowski backed up her ***car***, but instead of backing over the crossing like she came, Lisowski backed into a trench at the end of the tracks and the ***car*** got stuck, sources said. Sources said Lisowski exited the ***car*** just as it was hit by the train, which also clipped her.Lisowski suffered a compression fracture at T-12 in her lower back, sources said, and had surgery to fuse five vertebrae together with a steel rod. Sources said Lisowski, now 33, has physical restrictions on bending and twisting her body.Lisowski sued New Jersey Transit on Nov. 3, 2004, in the Bergen County, N.J., Superior Court.

**Other:** The Borough of Elmwood Park, N.J., was initially named in the complaint, sources said, but was dismissed before trial.Sources said the trial lasted six days and the jury deliberated two hours.New Jersey Transit was found to be 51 percent negligent because the train was going too fast and broke too late to avoid hitting Lisowski's ***car***, sources said. Lisowski was found 49 percent negligent because the jury said she should have waited for the ***cars*** in front of her to pass over the tracks before proceeding and because she would have backed up in a straight line, sources said. Sources said that as a result, the jury award was reduced to $765,000.Sources said New Jersey Transit made no offer of settlement before the trial and rejected a nonbinding arbitration award of $150,000.

**Defense:** Allegations denied; comparative negligence.

**Plaintiff Expert(s)**

Robert Hinsteiner, traffic expert, Long Island, N.Y., testified on the rail conditions the day of the ***accident*** Rajara Man M.D., neurosurgeon, Hackensack, N.J., Lisowski's treating physician, who performed the surgery on her

**Defendant Expert(s)**

Tom Kleijst, vice-president of New Jersey Transit, Trenton, N.J., former engineer who testified on the railroad standards

**Key Related Documents**

Complaint available.Document #99-070806-201C.

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