# [***Harold E. Smith v. Alan L. Whitaker, Jr., et al; 1996 Mealey's Jury Verdicts & Settlements 165***](https://advance.lexis.com/api/document?collection=jury-verdicts-settlements&id=urn:contentItem:4SB9-JYM0-0223-Y1BB-00000-00&context=)

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July 25, 1996

**Headline:** Auto ***Accident*** Victim s Estate Awarded $40,178 In Compensatory Damages, $3,939 In Funeral Expenses, $1.25 Million In Punitives

**Result:** $1,294,117 plaintiff verdict ($40,178 in compensatory damages and $3,939 for the net funeral and burial expenses under the Wrongful Death Act, punitive damages of $1,250,000 under the Survivor s Act)

**Injury:** Death

**Court:** N.J. Super., Law Div., Cumberland Co.

**Plaintiff Profile**

Harold E. Smith, executor of the estate of Helen Robbins

**Defendant Profile**

Alan L. Whitaker Jr. and Coastal Oil of New York Inc

**Case Summary**

**Claim:** Violations of the New Jersey Wrongful Death Act and the New Jersey Survivor s Act

**Background:** On Jan. 4, 1990, Helen Robbins was driving her 1979 Lincoln Town ***Car*** while Alan L. Whitaker Jr., an employee of Coastal Oil of New York Inc., was driving a 36,000-pound Coastal Oil truck. Due to maladjusted rear brakes, Whitaker was unable to stop the truck. The truck crossed an intersection, struck Robbins auto and overtopped it. Robbins died in the ***accident***.Harold E. Smith, the executor of Robbins s estate, filed an action in the Cumberland County, N.J., Superior Court, Law Division, under New Jersey s Wrongful Death Act and New Jersey s Survivor s Act against Whitaker and Coastal.

**Other:** Coastal challenged the punitive damage verdict on appeal. The state Superior Court Appellate Division affirmed the trial court s entry of judgment.

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