# [***Jesenia Jimenez v. William Baglieri, et al; 1995 Mealey's Jury Verdicts & Settlements 151***](https://advance.lexis.com/api/document?collection=jury-verdicts-settlements&id=urn:contentItem:4SB9-JYM0-0223-Y196-00000-00&context=)

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Nov. 1, 1995

**Headline:** Pedestrian Injured By Hit-And-Run Driver Awarded $25,000 Against New Jersey Unsatisfied Claim And Judgment Fund Board

**Result:** $25,000 plaintiff verdict (against Unsatisfied Claim and Judgment Fund Board)

**Injury:** Chronic periodic episodes of muscle spasm

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

**Plaintiff Profile**

Jesenia Jimenez

**Defendant Profile**

William Baglieri; John Doe; ABC Corp.; Material Damage Adjustment Corp., as serving carrier for the Market Transition Facility; Samuel Fortunato, Commissioner of Insurance; Unsatisfied Claim and Judgment Fund Board

**Case Summary**

**Claim:** Personal injury

**Background:** Jesenia Jimenez, a pedestrian, was struck by a ***car***. The ***car*** stopped only momentarily, allowing Jimenez to catch a glimpse of the driver, but did not stop. Jimenez got up and walked to her bus stop, where she caught a bus and went to work. Because Jimenez was complaining of pain, her employer took her to the hospital, where emergency room physicians treated her with ice packs and analgesics and released her. She brought a personal injury action in the Essex County, N.J., Superior Court, Law Division, seeking to recover damages for her injuries. Jimenez named the Unsatisfied Claim and Judgment Fund as a defendant.

**Other:** After it was established that neither William Baglieri nor his ***car*** were involved in the ***accident***, summary judgment was granted in favor of Baglieri and Material Damage Adjustment Corp. The jury found that the unidentified hit-and-run driver was 100 percent negligent. The jury returned a verdict of $25,000 in favor of Jimenez. A judgment was entered against the Unsatisfied Claim and Judgment Fund for $15,000 and subsequently an amended judgment was entered, which also required the fund to pay personal injury protection benefits to Jimenez. The judgment requiring the fund to pay personal injury protection benefits was reversed and remanded for a new trial because Jimenez s claim was not subject to the verbal threshold for injuries caused from an unidentified driver. The New Jersey Supreme Court reversed and remanded the case, determining that Jimenez was required to meet a verbal threshold in regard to her noneconomic losses to be eligible for the claimed funds.

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