# [***Kenneth Klotz, Linda Novino, et. al v. Alvin Combs, Rita Combs; 2007 Mealey's Jury Verdicts & Settlements 3400***](https://advance.lexis.com/api/document?collection=jury-verdicts-settlements&id=urn:contentItem:4PHK-5FW0-0223-Y04N-00000-00&context=)

05-03586

Aug. 6, 2007

**Headline:** New Jersey Federal Judge Delivers Defense Verdict In Auto ***Accident*** Case

**Result:** Defense verdict

**Injury:** For Novino - cervical disc herniation at C5-6, requiring an anterior discetomy and fusion, cervical strain and sprain; right C6 radiculopathy, right shoulder strain and sprain with rotator cuff tendonitis; thoracic strain and sprain with rotator cuff tendonitis; thoracic strain and sprain, lumbar sprain and strain, bilateral anterior dislocation of the menisci of the TMJ joint. For Klotz - osteochondral defect, tear of the medial meniscus requiring arthroscopic surgery of the right knee with medical meniscectomy, partial chrondoplasty of the medial femoral condyle and patella, anterior cruciate ligament debridement and sprain of the right ankle

**Court:** D. N.J.

**Judge:** Renee Marie Bumb

**Plaintiff Profile**

Kenneth Klotz, Linda Novino, as an individual and as parent and natural guardian of Jessica Summerton

**Defendant Profile**

Alvin Combs, Rita Combs

**Plaintiff Counsel**

Thomas F. Sacchetta, Sacchetta & Baldino, Marlton

**Defendant Counsel**

Donald R. Chierici Jr. and Robert V. Falvey, Chierici, Chierici & Smith, Moorestown, N.J

**Case Summary**

**Claim:** Auto negligence

**Background:** On July 23, 2003, Kenneth Klotz was in stop-and-go traffic on Route 47 North in Dennis Township, N.J. Linda Novino was sitting in the front passenger seat and her daughter Jessica Summerton was sitting in the rear passenger seat. At the same time, Alvin Combs was operating a ***car*** directly behind Klotz's and failed to stop, striking Klotz's ***car***.Klotz and Novino were injured in the ***accident***.Novino suffered a cervical disc herniation at C5-6, requiring an anterior discetomy and fusion, cervical strain and sprain; right C6 radiculopathy, right shoulder strain and sprain with rotator cuff tendonitis; thoracic strain and sprain with rotator cuff tendonitis; thoracic strain and sprain, lumbar sprain and strain and bilateral anterior dislocation of the menisci of the TMJ joint. Klotz sustained an osteochondral defect, tear of the medial meniscus requiring arthroscopic surgery of the right knee with medical meniscectomy, partial chrondoplasty of the medial femoral condyle and patella, anterior cruciate ligament debridement and sprain of the right ankle.Klotz and Novino sued Combs and his wife, Rita, on July 19, 2005, in the U.S. District Court for the District of New Jersey.

**Other:** The jury found in favor of Combs on the charge that Combs' negligence caused Klotz to sustain the injuries he claimed or Novino to sustain the injuries she suffered. The jury found in favor of Novino for aggravation of a pre-existing neck condition, but found that Novino did not prove by a preponderance of the evidence that she suffered permanent injury because of the ***accident***.Sources told Mealey Publications that the trial lasted three days and the jury deliberated 2-1/2 hours.

**Defense:** Allegations denied.

**Plaintiff Expert(s)**

William C. Murphy, D.O, Media, Pa., rehabilitation specialist, testified on Klotz and Novino's injuries Matthew Eppley, M.D., Newark, Del., neurologist, testified via videotape on Klotz and Novino's injuries Barry Kayne, M.D., Newark, physician, testified via videotape on Klotz and Novino's injuries Dennis Young, M.D., Wilmington, Del., physician, testified via videotape on Klotz and Novino's injuries

**Defendant Expert(s)**

Elizabeth M. Post, M.D., Naples, Fla., physician, testified via videotape on Klotz and Novino's injuries Fred Rosen, D.D.S., Marlton, N.J., dentist, testified via videotape on Klotz and Novino's injuries Mark E. Schweitzer, M.D., New York, physician, testified via videotape on Klotz and Novino's injuries Robert Bachman, M.D., Voorhees, N.J., physician, testified via videotape on Klotz and Novino's injuries

**Key Related Documents**

Judgment available.Document #99-070806-233R.

Jury verdict form available.Document #99-070806-234V.

Jury note available.Document #99-070806-235X.

Jury note available.Document #99-070806-236X.

Jury note available.Document #99-070806-237X.

Jury note available.Document #99-070806-238X.

Jury note available.Document #99-070806-239X.

Klotz's proposed jury instructions available.Document #99-070806-240J.

Klotz's proposed jury instructions available.Document #99-070806-241J.

Klotz's proposed voir dire available.Document #99-070806-242M.

Joint final pretrial order available.Document #99-070806-243R.

Answer available.Document #99-070806-244W.

Complaint available.Document #99-070806-245C.

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