# [***Melinda K. Layton, et al. v. Villari Brothers Trucking Inc., John H. Henderson; 2006 Mealey's Jury Verdicts & Settlements 601***](https://advance.lexis.com/api/document?collection=jury-verdicts-settlements&id=urn:contentItem:4KXM-6360-0223-Y10H-00000-00&context=)

04-03956

Jan. 5, 2006

**Headline:** Auto ***Accident*** Settled In New Jersey

**Result:** Settlement

**Court:** D. N.J.

**Judge:** John J. Hughes

**Plaintiff Profile**

Melinda K. Layton and Tierney K. Purce

**Defendant Profile**

Villari Brothers Trucking Inc., John H. Henderson

**Plaintiff Counsel**

Gerald H. Clark, Lynch, Keefe & Bartels, Shrewsbury, N.J

**Defendant Counsel**

Charles Dewey Cole Jr., Newman, Fitch, Altheim, Myers, New York

**Case Summary**

**Claim:** Recklessness, carelessness, auto negligence

**Background:** On April 22, 2004, Tierney K. Purce said she was driving south on Route 18 in Colts Neck, N.J., and a commercial vehicle operated by John H. Henderson and owned by Villari Brothers Trucking Inc. was following right behind and collided with Purce's ***car***. Purce and her mother, Melinda K. Layton, a passenger in the vehicle, suffered severe, multiple and permanent injuries. Layton's injuries included a torn ligament in her knee, and Purce sustained soft-tissue damage to her wrist. Layton and Truce initially filed suit in the Monmouth County, N.J., Superior Court on July 30, 2004. The case was removed to the U.S. District Court for the District of New Jersey on Aug. 17, 2004.

**Other:** The settlement was announced Jan. 5, 2006, with prejudice, and terms were not disclosed. The plaintiffs sought damages in excess of $75,000. Henderson and Villari Brothers Trucking Inc. cross-complained against Purce on Aug. 23, 2004, claiming negligence, recklessness, carelessness and sought $500 in damages because of damages to the truck. The defendants claimed that the plaintiff changed lanes and cut in front of the truck, causing the ***accident***. Henderson and Villari Brothers moved for entry of default on Sept. 29, 2004, and the motion was denied Oct. 25, 2004. Purce moved for summary judgment on June 16, 2005, and the motion was denied Sept. 22, 2005.

**Defense:** Allegations denied.

**Plaintiff Expert(s)**

n/a

**Defendant Expert(s)**

n/a

**Key Related Documents**

Order dismissing case with stipulation, Part 1 available.Document #99-060814-252R.

Order dismissing case with stipulation, Part 2 available.Document #99-060814-253R.

Order dismissing case as settled available.Document #99-060814-254R.

Order denying motion for summary judgment available.Document #99-060814-255R.

Motion for summary judgment available.Document #99-060814-256M.

Order denying motion for entry of default available.Document #99-060814-257R.

Motion for entry of default against plaintiffs available.Document #99-060814-258M.

Answer to cross-complaint by plaintiff available.Document #99-060814-259M.

Answer to cross-complaint by defendant available.Document #99-060814-260M.

Plaintiff's complaint available.Document #99-060814-261C.

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