# [***Paul Dolan v. Hapag-Lloyd America Corp; 2006 Mealey's Jury Verdicts & Settlements 398***](https://advance.lexis.com/api/document?collection=jury-verdicts-settlements&id=urn:contentItem:4KPN-G2X0-0223-Y0PM-00000-00&context=)

MID-L-8762-04

Aug. 11, 2006

**Headline:** New Jersey Man Hit By Cargo Container While Driving Wins $11.25M Jury Verdict

**Result:** $11.25 million jury verdict ($8 million to Paul Dolan for pain and suffering, $150,000 for hospital expenses and $1.1 million for lost wages; $2 million to Kathy Dolan for lost services)

**Court:** N.J. Super., Middlesex Co.

**Judge:** Matthias Rodriguez

**Plaintiff Profile**

Paul Dolan

**Defendant Profile**

Hapag-Lloyd America Corp

**Plaintiff Counsel**

Richard Weiner, Weiner, Carroll & Strauss, Montvale, N.J

**Defendant Counsel**

John Levy, Montgomery, McCracken, Walker & Rhoads, Cherry Hill, N.J

**Case Summary**

**Claim:** Negligence, carelessness and recklessness

**Background:** Sources told Mealey Publications that Paul Dolan was driving on Route 46 in Palisades Park, N.J., on Jan. 2, 2004, when a Sea Transfer Corp. tractor-trailer, which was traveling in the other direction, swerved and lost its load of containers. One of the 20,000-pound containers and chassis landed on Dolan s ***car***, sources said. Dolan alleged that the container was secured with two pins and not the required four pins, according to sources. As a result of the ***accident***, sources said, Dolan s hips, legs and right foot were crushed and his right leg is two inches shorter than his left. He also suffered emotional wounds from the trauma of the ***accident***, sources said.Dolan sued Hapag-Lloyd America Corp., which owned the container and chassis, shipping terminal owner Howland Hook Marine Terminal, Sea Transfer and truck driver Jose Gonzalez on Dec. 1, 2004, in the Middlesex County, N.J., Superior Court.

**Other:** The jury verdict was announced Aug. 11, 2006. The trial was held to determine damages. According to sources, in September 2005, the court granted the plaintiff s summary judgment against Howland, truck driver Jose Gonzalez and Sea Transfer, finding them liable for the charges. Sources said Judge Matthias Rodriguez applied New York state law to the case because the container was loaded onto the truck at the Howland terminal on Staten Island, N.Y. New York law explains that the container s owner is liable without fault for the truck driver s actions. Kathy Dolan is Paul Dolan s wife.Sources said Howland, Sea Transfer and Gonzalez were not part of the trial and reached undisclosed settlements with the plaintiffs before trial. As determined by the Court, Hapag-Lloyd was not responsible for causing this ***accident***, Hapag-Lloyd said in a statement. The court already determined the truck driver caused this ***accident*** when he failed to properly lock the container to the chassis. Hapag-Lloyd did not hire the truck driver or the company that employed him, and played no role in his training. The trial as to Hapag-Lloyd proceeded solely because the Court applied New York law, which provides that the owner of a shipping container is liable without fault for the truck driver s actions. This is particularly unfair in this case where the container and chassis were safe and without defects. Hapag-Lloyd also said it will appeal the decision.

**Defense:** Allegations denied.

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