# [***Stephen Shankman, Dora Shankman v. Conti Enterprises; 2007 Mealey's Jury Verdicts & Settlements 54***](https://advance.lexis.com/api/document?collection=jury-verdicts-settlements&id=urn:contentItem:4N0X-YHC0-0223-Y2XC-00000-00&context=)

SOM-L-1978-98

Jan. 18, 2007

**Headline:** New Jersey Case Settles For $2.5 Million More Than 10 Years After Auto ***Accident***

**Result:** $2.5 million settlement

**Injury:** For Dora Shankman - fractured pelvis, right femur and tibia, right forearm, right foot and right clavicle. For Stephen Shankman - concussion, lacerated tongue, broken teeth, pulmonary swelling and fractures to his pelvis, sternum, right tibia, fibula and ulna.

**Court:** N.J. Super., Somerset Co.

**Judge:** Edward Seaman

**Plaintiff Profile**

Stephen Shankman and Dora Shankman

**Defendant Profile**

Conti Enterprises

**Plaintiff Counsel**

For Stephen Shankman - E. Drew Britcher and Rosalyn Herschthal, Britcher, Leone & Roth, Glen Rock, N.J. For Dora Shankman - Kenneth Javerbaum, Javerbaum, Wurgaft, Hicks & Zarin, Springfield, N.J

**Defendant Counsel**

William Mergner Jr., Leary, Bridge, Tinker & Moran, Cedar Knolls, N.J

**Case Summary**

**Claim:** Negligence

**Background:** Sources told Mealey Publications that in December 1996, Stephen Shankman and his wife, Dora, were returning to their home in Pennsylvania from a party in New Jersey when they were involved in an auto ***accident*** on Interstate 287 in a construction zone near Interstate 78 in Somerset County, N.J.Stephen Shankman was driving in the only lane available through the construction zone when the ***car*** rear-ended a backhoe that had been placed in the lane by an employee of Conti Enterprises of South Plainfield, N.J., which was handling the construction, sources said.Sources said Dora Shankman fractured her pelvis, right femur and tibia, right forearm, right foot and right clavicle. She walks with a limp and can't stand or walk for long periods. Sources said Stephen Shankman sustained a concussion, lacerated tongue, broken teeth, pulmonary swelling and fractures to his pelvis, sternum, right tibia, fibula and ulna.The Shankmans sued Conti Enterprises on Nov. 24, 1998, in the Somerset County, N.J., Superior Court.

**Other:** Sources said Dora Shankman sued Stephen Shankman, claiming that he was driving too fast. That case settled for $400,000.This settlement came on the eve of a second trial in the case, sources said. The first trial took place from March to April 2002 and ended with a $1.64 million verdict that was set aside because of an error when plaintiff's attorney Kenneth Javerbaum asked for the jurors to be polled to find out whether they had improperly calculated the liability percentages, and Judge Rosemarie Williams refused, sources said. The New Jersey Superior Court Appellate Division found the refusal in error and ordered a new trial for both plaintiffs in fall 2004, sources said. Sources said the plaintiffs' use of animation to reconstruct the ***accident*** scene showed whether Stephen Shankman was driving too fast and if Conti Enterprises failed to let oncoming drivers know of the backhoe taking up the only lane in use.During the original trial, sources said, the jury found no cause of action for Stephen Shankman's complaint but found Conti 42 percent negligent and Stephen Shankman 58 percent negligent on Dora Shankman's complaint. The jury in the first trial assessed damages for her at $1.64 million - a recovery of $690,480 after negligence was factored in.

**Defense:** Allegations denied; there was comparative negligence.

**Plaintiff Expert(s)**

Mark I. Marpet, Ph.D., engineer, Chester, N.J., testified on the record Paul Olson, Ph.D., engineer, Ann Arbor, Mich., testified on the record

**Defendant Expert(s)**

John A. Desch, P.E., engineer, Riverdale, N.J., testified on the record

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