

1 Million Dollar Settlement for Senior Attacked by Neighbor's Dog in Rahway NJ

MOUNTAINSIDE, NJ, UNITED STATES, August 15, 2022 /EINPresswire.com/ -- On February 28, 2020, the life of Rahway, NJ resident Jane Martin was forever changed when she was attacked by her neighbor's dog. King, a large rottweiler, escaped his owner's yard when part of the fence separating the two properties collapsed, and attacked Martin while on her front porch. The dog bit and held her arm, dragging her down the steps and across her driveway toward the neighbor's home, until a passerby intervened and forced the dog to release Martin by striking it with a stick.



From left to right: Darryl Martin, Jane Martin, Francis M. Smith, Esq., Howard P. Lesnik, Esq.

In those few terrifying moments, Martin suffered extensive injuries that resulted in the permanent loss of the use of her right hand – despite eleven surgeries needed to save the injured limb and months of physical therapy. At 72 Martin had to re-learn how to write, use a fork, and perform other basic tasks with her left hand. When medical help arrived, Martin had no

right radial pulse. The damage inflicted on the arteries, veins, and tendons of her hand and lower arm was too extensive for doctors to restore mobility or anything but minimal sensation. Martin suffers from chronic pain in the limb, the treatment of which required a spinal cord stimulator surgically implanted into her back.

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Howard P. Lesnik Esq.

[Howard P. Lesnik](#), Martin's personal injury attorney notes, “New Jersey has a ‘strict liability’ statute which holds dog owners liable for any [injury damages](#) that result when their [dog bites](#) a person, provided that the victim was either on public property, or legally on private property (not

trespassing) when the bite incident occurred. There is no requirement that the dog's owner have prior knowledge that their dog exhibited any vicious behavior or tendency to bite. As Martin was bitten when the dog entered Martin's own property, the strict liability standard applies.

Dogs of any breed have the potential to be vicious and to harm humans. Responsible dog ownership involves properly training and socializing, and controlling the dog's movements when needed. Certain breeds possess sufficient size and strength to inflict considerably more damage, and requiring additional precautions. In this case, the rottweiler's owner had taken the precaution of erecting a fence on his property line – which is why Greatescapes Contractors, the company that installed the fence, and its principal, Anthony Pardo, were also named in the lawsuit.

Greatescapes was contracted to move the fence to match the property line, but that the job was poorly done. Fence posts were not plumb, and leaned to the west. Scuff marks on the fence's top rail indicated that the posts wobbled excessively in windy weather. The fence was improperly rebuilt, resulting in a dangerous nuisance condition under normal use. As a result, Greatescapes was found negligent in its duties and bore some liability for the injury damages Martin suffered as a result of her neighbor relying on that fence to constrain his dog's movement.

In the case of Jane Martin vs. Germaine Henderson and Greatescapes LLC (Docket Number: UNN-L-2564-20) in the Union County Superior Court of NJ, attorney Howard P. Lesnik Identified all parties who were liable for Martin's injuries. This enabled Martin to receive the appropriate compensation necessary to pay for her extensive medical costs and adapt to her permanent disability. Her neighbor's homeowner insurance policy capped out at \$300,000, which Martin received in December of 2020. However, in a settlement reached with Greatescapes and Pardo on June 7, 2022, they agreed to pay an additional \$750,000, bringing the full value of Martin's settlement to \$1.025 million.

"We reached a fair settlement," Mr. Lesnik remarks. "It is rewarding when the companies and parties responsible for their negligence that caused such a severe physical and emotional trauma are held responsible," he concludes.

Case name: Jane Martin vs. Germaine Henderson and Greatescapes LLC.

Court of record: Union County Superior Court

Docket Number: UNN-L-2564-20

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