

New Jersey Injury Lawyers at Clark Law Firm Obtain \$5.3 Million Jury Verdict for Injured Ironworker

New Jersey Injury Lawyers at Clark Law Firm P.C. secured \$5.3 million jury verdict from a jury in Hudson County, NJ in a construction injury case.

BELMAR, NJ, UNITED STATES, November 7, 2023 /EINPresswire.com/ -- [Clark Law Firm](#) was successful in securing for its client, Donald Hoiland, a [\\$5.3 million jury verdict](#) from a jury in Hudson County, New Jersey in a construction injury case.



We are pleased with the result obtained, which is rather modest given the trial proofs...our faith in the system was reaffirmed by a jury that was able to see through the defense tactics”
Gerald H. Clark, Esq.

The project was the construction of a high-rise condominium complex at 235 Grand Avenue in Jersey City, NJ. The defendant was the project’s general contractor, AJD Construction Company (“AJD”). It was alleged that in order to maximize profits, AJD had the prior demolished building used as fill on the site. This left large chunks of concrete, wood, and glass strewn about the site, including

on the job access road which was used by everyone to walk around the site.

In the weeks before the incident, AJD received several complaints about the poor condition of the road from the demolished building material causing workers to trip. AJD allegedly ignored the complaints and refused to have the road graded out to save about \$2,000 on this \$289 million project.

On November 2, 2017, Don Hoiland, an ironworker, was walking on the road to show a driver where to stage a delivery of rebar. He stepped on a large chunk of concrete that was partially embedded in the dirt and sticking up. The rock rolled out from under him, throwing him off balance. His body twisted and he felt a sharp pain in his lower back. His legs gave out and he fell to the ground face-first. Paramedics rushed him to the hospital where he remained for several days.

The complaint was filed on July 12, 2019, Docket number HUD-L-2754-19. AJD Construction Company was represented in the litigation and at trial by Adam Levy, Esq. and Pauline Tutelo,

Esq. of the Roseland, NJ office of the Marshall Dennehey Law Firm.

The worker sustained severe herniated discs in his lower back at two levels. He initially underwent conservative treatment but then in March of 2018 had a decompression surgery. After that, he had several other surgeries including a spinal fusion with implanted hardware. He also had a permanent spinal cord stimulator implanted in his spine to help with pain. He now has a severe disability and has been unable to work since the incident. He lost and will continue to lose substantial wages and income. He also had large claims for past and future medical bills.

The compensatory phase of the case was tried in Hudson County Superior Court in Jersey City, NJ before the Honorable Christine Vanek over 14 days from September 5 through September 25, 2023. A punitive damages trial was also conducted on September 26.

The insurance defense for AJD Construction presented medical experts who testified Don Hoiland sustained no real injuries, just a minor sprain, and that all his conditions were preexisting. They also presented testimony from an economist who wrote a report saying Don was able to work and only had a minor, temporary wage loss. They also presented the testimony of a life care planner who claimed there was no basis for any continued medical treatment claim. They also presented testimony from an engineer to contest liability who wrote a report that AJD Construction did nothing wrong and properly managed safety on the project.

Cross-examination by attorney [Gerald Clark](#) of the Clark Law Firm questioned the credibility of these experts, who were all picked and paid by the defense. One defense expert was paid \$1500 an hour, and another testified the defense paid him \$6000 to testify, even if it only took him one hour.

A jury of four men and four women rendered a compensatory verdict on September 25 finding AJD Construction 80% at fault for the incident. The jury also ascribed 20% comparative negligence against plaintiff Don Hoiland. Their compensatory verdict was as follows:

Past medical expenses - \$462,370



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Gerald H. Clark, Esq. Lazaro Berenguer, Esq.

Lead Counsel Gerald H. Clark, Esq. (Pictured Left) and Co-Counsel Lazaro Berenguer, Esq. (Pictured Right)

Future medical expenses - \$616,139
Past lost wages - \$180,950
Future lost wages - \$885,709
Past and future pain, suffering,
disability, loss of enjoyment of life - \$2,640,000

The jury also awarded \$528,000 for the spousal loss claim of Don Hoiland's wife, Mandy Hoiland. The jury declined to assess punitive damages against the defendant.

The total gross amount awarded was \$5,313,168.00. 20% gets deducted for comparative negligence down to \$4,250,534.40. But adding pre and post-judgment interest, the total jury verdict judgment is about \$5,313,633.

Additionally, on December 2, 2021, plaintiff filed an Offer of Judgment under New Jersey Court Rule 4:58-2 in the amount of \$2,750,000 which the defense ignored. Since Plaintiff obtained a jury verdict that is "120% of the offer or more," he is entitled to cost and fee shifting under Rule 4:58-2, from December 3, 2021, to present, as well as 8% interest on the judgment. Plaintiff's application to enter final judgment for \$5,313,633 plus cost and fee shifting is pending.

Plaintiff Don Hoiland was represented at trial by Gerald Clark, Esq. and Lazaro Berenguer, Esq. of the Clark Law Firm, PC in Belmar, New Jersey. Attorneys Stephanie Tolnai and Jake Antonaccio, also of the Clark Law Firm, assisted behind the scenes.

Lead trial counsel for Hoiland, Gerald Clark, issued a statement on the result:

"We are pleased with the result obtained, which is rather modest given the trial proofs. The insurance company and the lawyers they hired to represent the defendant fought us tooth and nail during the five years of this litigation and through trial where they seemingly objected to everything. This drove up our costs and time commitment in the case, but neither our firm nor our client would break. Our faith in the system was reaffirmed by a jury that was able to see through the defense trial tactics and render adequate justice."

Lazaro Berenguer, Esq., co-counsel for Don Hoiland, commented "I'm glad we were able to obtain a jury verdict to compensate Don for everything he and his family have suffered and will continue to suffer."

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