

## Woman Collects \$4.25M After N.J. Crash

### Plaintiff had to give up goal of psychology doctorate

**A**licia M. Howe v. Christopher McAllister. In May, 2004, Alicia Howe, then a 24-year-old psychology student from Prospect, was stopped at a toll booth on the New Jersey Turnpike on her way to Argosy University in Washington, D.C.

Without warning, she was struck violently from behind by a 2003 Ford conversion van with enough force to cause her to spin and collide with a third vehicle in front of her. She had to be mechanically extricated from the car and was rushed by helicopter to Cooper University Hospital Trauma Center in Camden, N.J.

According to Howe's Watertown lawyer, Michael D'Amico, the driver who struck her, Christopher McAllister, told investigating New Jersey State Police, "I think I fell asleep."

D'Amico and partner Mark F. Griffin of D'Amico, Griffin & Pettinicchi handled the case independently for two years, and then teamed with Kenneth Andrews of the Had-donfield, N.J., firm of Andrews & Berger.

New Jersey requires mandatory arbitration, regardless of the size of the personal injury action, said D'Amico. That process resulted in an initial award of more than \$6 million, according to Griffin.

After the defense declined to accept the arbitration amount, the parties engaged in extensive mediation, reaching a settlement of \$4,250,000 in cash earlier this year, according to D'Amico. Howe's medical bills exceeded \$112,000 and her projected future lost wages amounted to \$1,765,000, he said. Howe had been a candidate for a doctorate in psychology. Due to her injuries, she will be limited to a less demanding occupation, D'Amico said.

Howe suffered a badly fractured nose and the loss of four front teeth, along with a cut eyelid, a rib fracture and a lumbar spinal fracture. Her eyelid laceration resulted in permanent scarring and "post-traumatic vision



Law Tribune File Photo

**Attorney Mark F. Griffin said his client's post-operative surgery triggered psychological complications, including panic disorder and vertigo.**

syndrome" which caused over-focusing and double vision, affecting balance.

With dental implants and surgery, Howe's appearance was restored to normal, said D'Amico. The most significant damages centered on loss of brain function and emotional health and memory impairment.

By outward appearances, it was hard to see that Howe had experienced a life-changing auto accident. No one could be sure that a jury would fully appreciate the extent of her injuries, D'Amico said.

During the four years of litigation, a paralegal at the D'Amico, Griffin Watertown firm called Howe routinely to make sure she attended her appointments and to monitor her condition. "Even daily lists don't keep her as organized as she needs to be," said D'Amico.

According to Griffin, Howe's surgery for her nasal injuries had triggered psychological complications. These included panic disorder,



Law Tribune File Photo

**Attorney Michael D'Amico said dental implants and surgery helped return his client's appearance to normal. The case was settled because it was unclear that a jury would fully appreciate how the woman's less visible injuries changed her life.**

der, vertigo and generalized anxiety disorder. Howe's lawyers presented their damages case with testimony from Connecticut experts. They relied on Dr. Robert Novelli, a neuropsychologist based in Norwalk, and Steven Southwick, an expert on post traumatic stress disorder at the Veterans Administration Hospital in West Haven.

Defendant Christopher McAllister, who worked for the Wachter Corp., based in Kansas City, Mo., was initially represented by R. Barry Strosnider, an in-house lawyer for CNA Insurance Co. in Philadelphia.

He was succeeded by Jay A. Gebauer at the Princeton, N.J., office of Philadelphia-based Post & Schell. Strosnider and Gebauer did not return calls for comment.

— Thomas B. Scheffey