

New Jersey Law Journal

STATEWIDE LEGAL AUTHORITY SINCE 1878

VOL. CXCI - NO. 9 - INDEX 681

MARCH 3, 2008

ALM



\$750,000 Slip and Fall Settlement

Perez v. BJ's Wholesale Club: A company that installed equipment at BJ's Wholesale Club in Linden paid \$750,000 on Feb. 13 to a customer who claimed that a badly constructed post caused her to fall and hurt herself.

Juana Perez, now 67, of Elizabeth, was shopping at the store on Jan. 4, 2004, when she slipped on a metal floor fastener for a pole protecting a freezer case from being struck by fork lifts, according to the Union County suit.

Evidence gathered by her lawyer, **David Nitti** of **Michael Percario's**

firm in Linden, suggested that the pole should have been flush with the floor without the raised fastener.

Perez suffered neck and arm injuries and nerve damage that required two surgeries and continue to cause her pain, Nitti says.

Christopher Conover of **Ahmuty, Demers & McManus** in Morristown, who represented installer Jeral Construction Co. of Bloomfield, did not return a call. Nitti says the defense argued there was no other way to install the posts and that Perez bore responsibility for what happened.

Nitti says \$200,000 of the settle-



David Nitti

ment will pay a medical lien. He and BJ's lawyer, **Lawrence Berkeley of Stein, McGuire, Pantages & Gigl** in Livingston, say Jeral paid the entire the settlement.

By Henry Gottlieb