



## Portee Suit Over Child's Death In Crash Settles for \$3.55M

**A**wrongful death and emotional distress suit over an automobile accident that killed a child in his father's presence settled for \$3.55 million on March 7, in *Badlani v. Peretsman*.

The accident occurred in June 2011 on South Wyoming Ave. in South Orange. According to plaintiff lawyer **David Mazie**, a car missed a stop sign at intersecting Lenox Avenue and broadsided his client Sunil Badlani's vehicle, causing it to turn on its side. A third car then struck Badlani's vehicle.

Badlani's son Nikhil, 11, who was secured in the rear seat, sustained a fatal head trauma and may have expired at the scene, says Mazie, of **Mazie Slater Katz & Freeman** in Roseland.

Badlani sued under *Portee v.*



PHOTO COURTESY OF DAVID MAZIE

### DAVID MAZIE

*Jaffee*, 84 N.J. 88 (1980), which created a cause of action for negligent infliction of emotional distress from witnessing the wrongful death or serious injury of another. He alleged post-traumatic stress disorder, insomnia, anxiety and depression from

watching his child dying.

Essex County Superior Court Judge **Sebastian Lombardi** granted summary judgment on the liability of Miriam Peretsman, who ran the stop sign. The parties then settled in a conference with Superior Court Judge **Dennis Carey III**. Of her \$3.45 million, Travelers Insurance, her primary carrier, paid \$500,000, her excess carrier Great Northern Ins. Co. paid \$2.925 million, and \$25,000 came from her own personal assets.

Robert Hebron, the driver of the third car, agreed to pay \$100,000.

Peretsman's counsel, **Jerald Howarth of Howarth & Associates** in Parsippany, and Hebron's counsel, **Jack Maloof of Maloof, Lebowitz, Connahan & Oleske** in Chatham, confirm the settlement.

— *By David Gialanella*