

\$884,000 Jury Verdict for Wrongful Death



Lakewood woman wins wrongful death case

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Spouse died after slip on ice outside stores

By Dawn S. Only

STAR-LEDGER STAFF

The widow of an 80-year old Lakewood man who died after he fell on ice in a Maplewood supermarket parking lot was awarded \$883,815 by a civil jury in Essex County.

The panel found the supermarket and an adjoining pharmacy negligent in the upkeep of the lot.

The case of Florence Noble versus Extra Supermarket and Town and Country Pharmacy was decided on Wednesday before Superior Court Judge June Strelecki, following a six-day trial.

Noble, 82, sued the Maplewood supermarket and pharmacy in a wrongful death claim for damages, pain and suffering and the emotional distress of losing her husband, John, after 55 years of marriage.

During trial, David A. Mazie, the attorney representing Florence Noble, told jurors that his client continues to have nightmares of hearing her husband fall to the ground and make gurgling sounds to collect his breath.

On February 6, 1995, the couple parked in the Irvington Avenue supermarket parking lot, which is shared by Town and Country, the adjoining pharmacy where the couple was headed.

When John Noble walked around his car to the front passenger door to assist his wife, he "slipped on the ice and snow, falling flat on his back, striking his head . . ." reads the civil suit.

Mazie said Noble suffered a bruised spinal cord from the fall and died gasping for air.

Florence heard her husband scrape the car door with his fingernails while he fell. She then heard the gurgling noises and his faint cries for someone to help him, Mazie said.

Mazie said Noble depended on her husband to help her get around because of her hip problems and severe arthritis.

"It's a real tragic situation," said Mazie, who practices with the law firm Nagel, Rice & Dreifuss in Livingston. "She relied on him for everything. She never drove. He did everything for her. She cried throughout the entire trial."

Joseph Accardi, the Livingston attorney who represented the supermarket, declined comment.

Extra Supermarket has to pay the bulk of the judgment since it was found to be 80 percent at fault for not cleaning the parking lot.

The pharmacy was found to be 15 percent at fault and must pay damages of \$117,750. The court found John Noble to be 5 percent at fault for the accident.

Emery J. Mishky, who represented Town & Country, said he was satisfied with the verdict, although he believed there was enough evidence brought up at trial to clear the drugstore.

"We believe the evidence could have supported a no-cause, but we're pleased with the verdict because it's what we expected," Mishky said.

The Nobles have a son, a daughter and several grandchildren.