



Morris Co. Suit Over Paralysis From Rear-End Accident Settles for \$4.05M

A Pennsylvania woman left paralyzed from the chest down by a car accident settled her case, *Duhai v. Lomax*, on Oct. 13 for \$4.05 million plus an assigned right to sue that could be worth another \$2 million.

Elizabeth Duhai's car was rear-ended on June 22, 2005, on the exit ramp from Route 287 onto South Street in Morristown. The crash fractured her spine at T-2 and T-3 and she had surgery to fuse the vertebrae from T-1 through T-4. Now 27, she is confined to a wheelchair, unable to walk and incontinent, says her attorney, **Bruce Nagel** of **Nagel Rice** in Roseland.

The car that hit her was driven by Scott Lomax of Hopatcong and owned by his employer, Oliver-Drake Co., a Morristown plumbing contractor.

Under the settlement, primary carriers GEICO and New Jersey Manufacturers Ins. Co. will pay \$50,000 and \$1 million respectively, with \$3 million more coming from excess carrier Ohio Casualty Ins. Co., says Nagel.

Oliver-Drake assigned to Duhai the

right to sue its broker, whom it allegedly asked to obtain \$5 million in excess coverage for a construction project under way at the time of the accident but who secured only \$3 million.

The defense lawyers did not return calls for comment. They are **James DeMarzo**, of **O'Donnell McCord & DeMarzo** in Morristown, for GEICO and New Jersey Manufacturers, and **Glen Kimball**, of **O'Connor Kimball** in Philadelphia, for Ohio Casualty.

— By *Mary Pat Gallagher*