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Slip-and-Fall Suit Settles for \$925K

Dondero *v. City of Hackensack*: A Hackensack man on Wednesday accepted \$925,000 to settle his suit claiming the city was negligent for failing to clear snow from the sidewalk of a street bridge over railroad tracks.

Richard Dondero, then 67, was walking over the bridge on Prospect

Avenue near American Legion Drive in Hackensack on Feb. 19, 2003, when he slipped and fell on several inches of snow and ice.

Dondero, who had diabetes, suffered a shattered left ankle bone and subsequently developed charcot foot, a deformation that makes walking difficult and may require amputation of the

foot, say his lawyers, **Donald Caminiti** and **Angelo Bello** of **Breslin & Breslin** in Hackensack.

The city asserted defenses under the Tort Claims Act, but Caminiti argued that the Railroad Overhead Bridge Act, N.J.S.A. 27:5G-5, controlled. The 1988 statute assigns responsibility to municipal, county or state governments for maintenance of bridges where the railroad companies that built them no longer exist.

The parties agreed to the \$925,000 settlement in mediation with **Patrick Fitzpatrick**, a former judge of Bergen County Superior Court. The city's lawyers were **Vincent Galasso**, a Hackensack solo, and **Christopher Fusco**, of **Callahan & Fusco** in Roseland. They did not return calls.

— *By Charles Toutant*

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