



Bergen Jury Awards \$3.65 Million to Country Club Golfer Struck by Cart

A man who was injured by a golf cart at the Alpine Country Club was awarded \$3.65 million in compensation by a Bergen County jury on July 19.

Plaintiff Mario Zaburski sued defendant Jerome Klein, the driver of the golf cart. The jury's verdict consisted of \$1 million in damages for pain and suffering, \$150,000 for future medical expenses and \$2.5 million for the economic wage losses.

Evan Lide of **Stark & Stark** in Lawrenceville, counsel to Zaburski, said: "The jury understood that when Mario Zaburski was struck by the golf cart, he sustained permanent injuries that would forever impact his capacity to work."

According to the complaint, Klein's cart hit Zaburski as he was walking away from the 9th hole on July 24, 2015. The cart hit his right knee, and the impact knocked him on his back. He sought medical attention after noticing leg instability a week after the accident.

A statement from the firm detailed the extent of Zaburski's

injuries: "An MRI showed two disc herniations and a preexisting condition of spondylothesis, which did not respond to epidural and pars injections. The spondylothesis, originally a latent condition, was rendered traumatic and symptomatic due to the injury caused by the golf cart driver. Consequently, due to the leg weakness and motor issues with his right leg, Mr. Zaburski required a spinal fusion of the disc herniations.

"He had taken time to recover via his employer's disability benefit, and exhausted his time afforded by FMLA, when he was terminated from his position in November 2016, just three weeks before he was cleared to return to work. Mr. Zaburski had been a financial analyst with his employer for nearly 17 years at the time of his termination. Thereafter, his injuries prevented him from obtaining a similar position, and as an expert earning capacity witness testified at the trial, Mr. Zaburski's earning capacity was significantly



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reduced, with a wage loss of \$2.5 million."

Lide said the defendant admitted liability but "heavily disputed the nature and extent of plaintiffs injuries." He said, "They conceded that he suffered a knee injury but that it was a bruise and no big deal. They disputed the back injury because there were no immediate complaints of back pain."

Klein's counsel, **Brian Lehrer** of **Schenck, Price, Smith & King** in Florham Park, did not respond to a request for comment.

— **P.D. D'Annunzio**