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# New Jersey Jury Awards \$5M to Student, School Bus Service Found Negligent in Actions Leading to Student Being Hit by Drunk Driver

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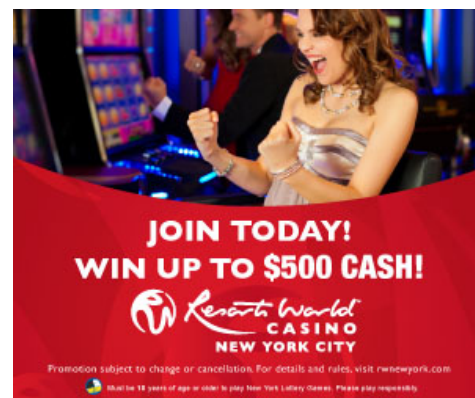
Attorneys George J. Badey, III and Michael H. DiGenova of Philadelphia's Badey, Sloan & DiGenova P.C. prevail against N.J. school bus service responsible for placing high school student in harm's way so bus driver could shorten route.

Philadelphia, PA (PRWEB) June 21, 2013

A \$5 million verdict was handed down by a Camden County Superior Court jury this week on behalf of a teen girl represented by the Badey, Sloan & DiGenova law firm following a school bus company driver's negligence and her subsequent injuries from being struck by a drunk driver. An insurance carrier representing Holcomb Bus Service, Inc., a private contractor for New Jersey public school bus transportation, had offered a preliminary settlement of \$125,000.

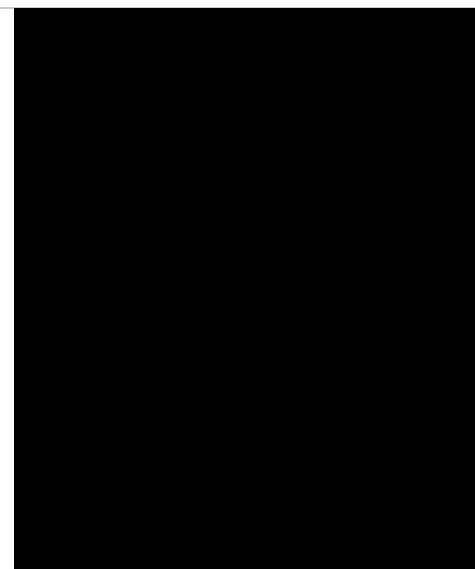
According to court documents, trial lawyer George J. Badey, III and his partner Michael H. DiGenova argued that the Holcomb bus driver deliberately forced 17 year old Crystal Burkert of Gloucester County, N.J., to exit the bus three tenths of a mile from her home and walk down a high speed, rural road with no sidewalks instead of dropping her off at the designated stop in front of her home. The driver did this more than 40 times the year before the accident occurred because it shortened the bus route for the driver.

The pleadings allege that on December 3, 2007, high school junior Burkert had been dropped off at an unapproved, improper and unsafe location, and while walking along this road, was struck by the drunk driver. According to medical reports in the court documents, she suffered pelvic fractures, back



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injuries and traumatic brain injuries.

âThe defendant violated a fundamental rule of school bus transportation by not dropping her off at her designated stop. Parents entrust a school bus driver and its company with the safety of their child. They broke that trust by placing a child in danger over forty times for the convenience of a bus driver who wanted to shorten his route and finish up a little earlier,â said Badey in the trial's closing argument.

Also included in the closing argument according to court documents, Badey said âTo make matters worse, the bus driver enlisted the help of Burkertâs fellow students to harass and bully her to get off the bus so that they too would get home earlier."

The trial lasted two and a half weeks, with the seven person jury returning its verdict on June 19. The attorney for Holcomb Bus Service, Inc. contended that the drunk driver bore more responsibility, but the jury apportioned 75% of the liability to defendant Holcomb and 25% to the drunk driver. As it stands, Holcomb is responsible for \$3.75 million of the \$5 million verdict, plus interest, Burkertâs litigation costs and attorneyâs fees.

âIn response to our client's seven figure demand, the carrier only offered \$80,000 and increased it to \$125,000 before trial,â says Badey. âWe filed a formal pre-trial offer of judgmentâ under New Jersey court rules, and now, due to the size of the jury verdict, the defendantâs insurance carrier will also have to pay litigation costs and attorneyâs fees.â

Burkert, now 22, is working and attending college. "The medical testimony presented at trial indicates she suffers memory lapses and must deal with the pain every day,â said DiGenova, as reported in the court documents. âThis jury awarded her a verdict that they saw as fair and fit to help her back on the road to a long recovery.â

There is no word whether Holcomb plans to appeal the verdict.

Case:

Burkert v. Holcomb Bus Service, Inc., et al., CAM-L-522210, June 19, 2013, Hon. Louis R. Meloni presiding

About Badey, Sloan & DiGenova P.C.

Representing individuals in serious personal injury and workers' compensation matters, Badey, Sloan & DiGenova is a litigation law firm with both the personal attention and focus of a small firm and resources of larger firms. Based in Philadelphia, the firm represents clients primarily in Pennsylvania and New Jersey with a national outreach on relevant matters in federal, state and local courts.

The firm's members have been integrally involved in national tobacco and defective products litigation and the 2000 Presidential election case Bush v. Gore 531 U.S. 98 (2000). The attorneys have also argued matters before the Pennsylvania Supreme Court, including a recent landmark case on jury selection. In 2011, attorney George J. Badey, III won on appeal at the Pennsylvania Supreme Court a jury procedure matter that affirmed the verdict in a medical malpractice case, Bruckshaw v. Frankford Hospital of the City of Philadelphia 58 A.3d 102 (2012). Other recent cases have included jury verdicts and settlements for injured workers, patients, consumers, and accident victims, including holding negligent third-parties responsible for their part contributing to injury and wrongdoing.

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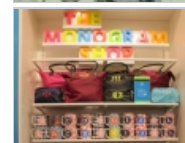
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