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Hospital To Pay \$16 Million For Fatality, Injuries From Its Van

E v. *Saint Clare's Hospital*: A Morris County judge approved a \$16 million settlement on Feb. 10 in a suit over a hospital van that killed an 11-month-old boy and left his mother with brain damage.

The money will be paid by St. Clare's Hospital of Denville to the family of [REDACTED], formerly of [REDACTED] but now of [REDACTED]

The accident occurred on Dec. 11, 2001, as [REDACTED] was pushing her son, [REDACTED], in a baby jogger along the shoulder of [REDACTED]

The van, driven by hospital employee Richardson Philius of Orange, struck the mother and son.

The baby was killed and his mother suffered head, back and leg injuries. A recipient of a [REDACTED] she is now unable to care for herself and is under the legal guardianship of her [REDACTED]

Philius pleaded guilty to careless driving. According to an expert for the plaintiffs, Philius had been licensed to drive for only two years, had several moving violations and had been the sub-

ject of patient complaints about his driving. The hospital violated federal and state law by not requiring van drivers to have commercial licenses and by having inappropriate hiring standards and driver training, the expert alleged.

Charitable immunity did not bar the suit because the victims were not hospital patients.

The case settled in November

through private mediation with **Peter Ciolino**, former assignment judge in Bergen and Passaic counties and now of counsel with **Harwood Lloyd** in Hackensack.

Judge **Thomas Manahan** approved the deal. It pays \$10.1 million to [REDACTED] \$2.5 million to [REDACTED] and \$250,000 to [REDACTED]

[REDACTED] on his *Portee* claim for emotional distress from witnessing the accident. Assignment Judge **Theodore Bozonelis** also approved [REDACTED] in fees and costs for the plaintiffs' lawyer, **Andrew Buchsbaum**, of counsel with New York's **Friedman & James**, which has an office in Manalapan.

The hospital was represented by **Virginia Barrett**, a partner with **Barrett, Lazar, & Lincoln** in Maywood, who did not return a call seeking comment.

— *By Mary P. Gallagher*