

LOCAL
APARTMENT COMPLEX MUST PAY \$7.4M IN DWI CRASH

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A jury slammed the Excelsior Apartments complex in Hackensack with a \$7.4 million judgment on Friday, finding that an underage man was allowed to drink at a party there before causing a car crash that severely injured a prominent cardiologist.

"This verdict just shows you that people have no tolerance for those who serve alcohol to minors," said attorney Rosemarie Arnold, who represented the doctor, Henry Lau, in the trial in Superior Court in Hackensack.

Lau, who was a chief cardiologist at Hackensack University Medical Center, was walking his dog in the early morning hours of Dec. 27, 2006, when a speeding car hit him on Clinton Place in Hackensack and fled the scene.

The crash broke both of Lau's legs, his pelvis, back and several ribs. He also suffered severe facial injuries. He remained in the hospital and in rehabilitation for six months and underwent multiple operations, according to testimony at trial.

The driver, 20-year-old David Figueroa of Maywood, was later arrested and charged with assault-by-auto and leaving the scene of an accident. He was sentenced in May 2008 to two months in jail and five years of probation, along with 180 hours of community service.

Lau then sued the Excelsior Apartments, a pair of luxury high-rise towers on Prospect Avenue. Lau said in his lawsuit that building employees contributed to the crash by hosting a pool party where Figueroa was allowed to drink shortly before the crash.

The lawsuit also named a 21-year-old doorman, Gabriel Ortiz, alleging that he gave permission for the party to take place and allowed Figueroa to drink.

The issue before the jury was whether Ortiz was responsible for Lau's injuries because he permitted a pool party in the building.

Jurors also were asked to decide whether the Excelsior, as Ortiz's employer, was responsible for Ortiz's actions.

Jurors found liability in both cases, assigning 55 percent of the responsibility to Excelsior, 25 percent to Figueroa and 20 percent to Ortiz.

The Excelsior, however, will be responsible for the payment of the entire damages. Under a state law on "joint and several liability," a defendant who is assigned a large majority of the responsibility can be required to pay 100 percent of the damages.

Bruce Habian, the attorney who represented the Excelsior, did not return three phone messages.

The jurors awarded \$5 million to Lau for pain and suffering, more than \$1.7 million in compensation for lost wages and hundreds of thousands of dollars for medical expenses.

Joseph Tacopina, another one of Lau's attorneys, said Lau, who is now 66, will continue to incur medical costs.

"He is going to need a cane for the rest of his life, and he will have to sleep on a special kind of mattress

because of his injuries," Tacopina said.

The jury also awarded \$350,000 to Lau's wife for "loss of services." A person whose spouse is injured in such cases can sue under state law for "loss of services," a broad category that covers enjoyment lost by one spouse as a result of the other's injury.

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