



### **\$785,000 for Fatal Fall**

**Noble v. Extra Supermarket and Town & Country Pharmacy:** An Essex County jury on Tuesday awarded \$785,000 to the estate and widow of a 79-year-old Irvington man who died of suffocation caused by spinal injuries suffered when he slipped on ice in a parking lot.

The plaintiff's lawyer, **David Mazie**, a partner in Livingston's **Nagel Rice & Dreifuss**, says the jury awarded \$250,000 for John Noble's pain and suffering, \$360,000 for loss of services to his wife, Florence, and \$175,000 to her for emotional distress in witnessing the death.

Much of the defense centered on who was liable for removing the ice at the strip-mall parking lot in Maplewood where Noble fell. The dominant tenant of the mall, Extra Supermarket, was found 80 percent liable; Town & Country Pharmacy, where Noble was shopping that day, was found 15 percent liable and Noble was found 5 percent liable.

The plaintiff's total award came to \$883,816 once prejudgment interest was added and Noble's share of liability was deducted, Mazie says.

Extra Supermarket was represented by **Joseph Accardi**, of Livingston's **Litvak, Accardi & Trifolis**, who did not return a telephone call seeking comment.

The pharmacy's lawyer was **Emery Mishky**, senior trial attorney with the firm of **Steven Tegrar** in Morristown, which represented Kemper National Insurance Companies. Mishky says there was evidence that Noble had a cardiac condition, which the defense suggested as the cause of the fall.

Mishky says he has no plans to appeal because the pharmacy's share of the verdict is less than the \$125,000 the carrier would have paid to settle.

Mazie and Mishky say the plaintiff would have settled for \$550,000, but the supermarket offered \$300,000 and the pharmacy offered \$100,000.

Judge **June Strelecki** presided over the six-day trial.

— *By Henry Gottlieb*