

# PERSONAL INJURY

## Top 20 Personal Injury Awards of the Year

### 4 Railroad Worker's Estate, Family Win \$11.43M in Asbestos Suit

**F***uccilli v. N.J. Transit*: A Middlesex County jury awarded \$11.43 million Aug. 10 in a wrongful death suit on behalf of a railroad worker whose lung disease was claimed to have been caused by inhaling asbestos and other hazardous substances on the job.

Ruggerio Fuccilli, 50, of Freehold, had worked from 1974-76 for Central Railroad of New Jersey, from 1976-83 for Conrail, and from 1983-2001 at New Jersey Transit. Many of his duties, such as welding, grinding metal and fixing brakes, exposed him to contaminants such as asbestos, sawdust, welding fumes and silica, according to evidence proffered by his lawyers, Barry Eichen and William Levinson of Eichen Levinson in Edison.

Fuccilli died in December 2002, two years after being diagnosed with pulmonary fibrosis. He suffered shortness of breath and was on oxygen for the last two years of his life, according to testimony by two of his treating doctors, an occupational health physician and a pulmonologist. Fuccilli was placed on a waiting list for a lung transplant but a donor was never found, Levinson says.

The jury deliberated eight hours before returning its verdict in a five-week trial at which Superior Court Judge Ann McCormick presided. The jury assessed \$4.1 million for Fuccilli's disability, pain and suffering and \$15.07 million for his wife Catherine's and their autistic son Michael's loss of companionship, for a total of \$19.17 million.

But the award was reduced to \$11.43 million because Conrail, which was held 35 percent liable, settled before trial for \$500,000, and because Fuccilli was held 8 percent responsible. The jury assessed 50 percent of liability to New Jersey Transit and 7 percent to Central Railroad.

The defense maintained that Fuccilli's symptoms either had no known cause or were caused by his cigarette smoking and exposure to wood dust during his four years as a carpenter before taking up railroad work, Levinson says.

Conrail's lawyer, Louis Ruprecht of Ruprecht, Hart & Weeks in Millburn, did not return calls, nor did New Jersey Transit lawyer Alan Grant of Mauro Savo Camerino & Grant in Somerville nor Central Railroad lawyer Spencer Robbins of Robbins & Robbins in Woodbridge. ■