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VERDICT SEARCH

VERDICTS AND SETTLEMENTS IN N.J. STATE AND FEDERAL COURTS

WORKERS' COMPENSATION

\$300,000 Settlement in Claim of Work-Related Blood Clot

Faughnan v. NCR, 2010-12751; New Jersey Division of Workers' Compensation; Judge **Virginia Dietrich**; July 15.

Facts & Allegations: David Faughnan, a computer engineer for NCR, drove on Oct. 2, 2008, to a four-day seminar in Dayton, Ohio. The trip would have taken him about 11 hours. En route, about 1½ hours away from Dayton, he called his wife, Carolyn Faughnan, and mentioned to her that his leg was bothering him. As a physical therapist, she suggested he contact a physician once he arrived at his destination. Unfortunately, Faughnan died after he checked into his motel room in Dayton. An autopsy revealed that he died from a bilateral pulmonary thromboemboli.

Faughnan's wife commenced a workers' compensation claim against the employer for dependency compensation as a surviving spouse of an employee who died from a work-related incident.

The plaintiff's counsel concluded that Faughnan died immediately after



entering his motel room, noting that his luggage was unopened and undisturbed and he was sitting in a chair wearing the same clothes he wore when he had left to make the trip. A telephone was next to him, off the hook. Counsel argued that, because Faughnan was sitting in a car for the 11-hour length of his business trip, the blood clot formed, became dislodged and ultimately traveled into

his lungs and heart, causing his death. In support of this position, it was pointed out that the autopsy revealed a blood clot in a vein located close to the bend in the knee joint.

The employer disputed the contention that this was a work-related incident, opining that Faughnan died from pre-existing conditions, including tobacco abuse, mild obesity, glucose intolerance and other conditions.

After a three-day trial and prior to the court rendering a decision, the parties settled.

Plaintiff's Attorney: **Ronald H. Siegel, Livingston Siegel DiMarzio Baptista**, Nutley.

Defense Attorney: **Robert J. Fitzgerald**, Cherry Hill.

Insurer: ESIS.

Plaintiff's Expert: Leon H. Waller, D.O., internal medicine, Lyndhurst.

Defense Expert: William S. Kritzberg, M.D., internal medicine, West Orange.

This report was based on information provided by plaintiff's counsel. Defense counsel declined to comment. ■