

2024 NJSBA Fall Conference

Mediating for Success

Retired Superior Court Judge Louis F. Locascio authored 40 written opinions and has tried or settled every type of case. Join him and an experienced litigator as they provide the latest tips for mediation success, even when dealing with some of the most difficult cases.

Speaker:

Hon. Louis F. Locascio, JSC (Ret.)

Andrew S. Blumer LLC, Freehold

Mediation Madness

November 18, 2024

Presented by:
Louis F. Locascio, J.S.C., Ret.

Mode of Operation



Key Cases - Mode of Operation:

- A) *Bozza v. Vornado*, 42 N.J. 355 (1964)
- B) *Wollerma v. Grand Union*, 47 N.J. 426 (1966)
- C) *Nisivoccia v. Glass Gardens*, 175 N.J. 559 (2003)
- D) *Prioleau v. Kentucky Fried Chicken*, 223 N.J. 245 (2015)
- E) *Lenherr v. Morey*, 153 F. Supp.3d 662 (D.N.J. 2015)
- F) *Walker v. Costco*, 445 N.J. Super. 111 (App. Div. 2016)
- G) *Duff v. Wal-Mart*, unpublished, 2017 WL 2633567 (D.N.J. 2017)
- H) *Aly v. A&H Bagels*, unpublished, A-2726-21 (App. Div. 2023)

Polk Analysis



Key Cases - Polk Analysis:

- A) Polk v. Daconceicao, 268 N.J. Super. 568 (App. Div. 1993)
- B) Davidson v. Slater, 189 N.J. 166 (2007)
- C) Johnson v. Scaccetti, 192 N.J. 256 (2007)
- D) Martinez - Cepero v. Wagner, 586 F. Supp. 2d 263 (D. NJ 2008)

Expert Witnesses



Key Cases - Expert Witnesses:

- A) *Jacobs v. J.C.P.&L*, 452 N.J.Super.494 (App. Div. 2017)
- B) *Thomasson v. McQuown*, 358 N.J.Super.64 (Law Div. 2002)

Haines v. Taft - Uncovered Medical Bills



Key Cases - Unpaid Medical Bills:

- A) Haines v. Taft, 450 N.J.Super.295 (App. Div. 2017)
- B) Haines v. Taft, 237 N.J. 271 (2019)
- C) N.J.S.A. (39:6A-12)

Portee - Bystander Liability

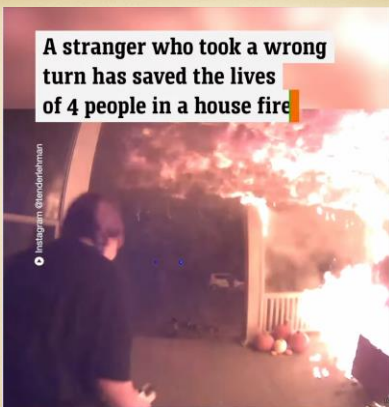


Key Cases - By-Stander Liability:

A) Portee v. Jaffee, 84 N.J. 88 (1980)

Bystander Liability: Stranger Saves People from House Fire

A stranger who took a wrong
turn has saved the lives
of 4 people in a house fire



Key Cases - By-Stander Liability:

A) *Ortez v. Pittenger*, 382 N.J. Super. 552 (Law Div. 2004)

Bystander Liability: Proposal



Key Cases - By-Stander Liability:

A) *Dunphy v. Gregor*, 136 N.J. 99 (1994)

N. J. S. B. A.
S E M I N A R
November 18, 2024
**Mediation
Dos and Don' ts**

Presented by:
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Do be Respectful
(to Mediator and
Adversary)



DO NOT Ever Say
Your Number
(Demand or Offer)
is Final

Negotiation and The
Importance Of
Mediation



Mediation v.
Settlement Conference

- Knowledge of file - Judge v. Mediator
- Mediator evaluates plaintiff
- Mediator highlights plaintiff's problems with case; prior trial loses
- Confidential negotiations - surprises

Do Know the Law
Pertaining to
Your Case

For example ...
Haines v. Taft



Prepare and Control
Your Client

- Appearance of plaintiff affects value of case
 - Best behavior before Mediator v. behavior at deposition
- For Example ...



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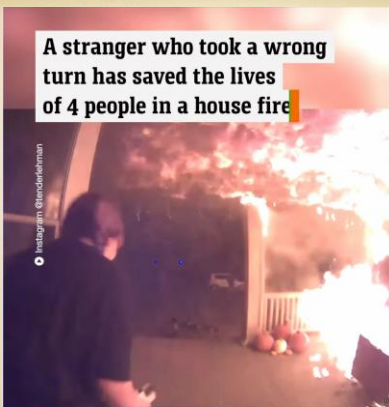


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