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A $16 million settlement

$16 Million Settlement Reaches New Personal Injury Level

By Robert G. Seidenstein

A veteran Cherry Hill attorney has secured what is believed to be one of the largest personal injury settlements in the state's history — $16 million.

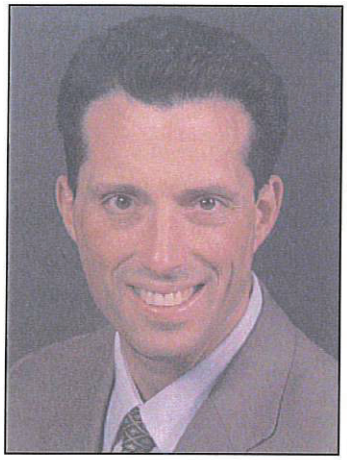
And that's the current value of the settlement. Ultimately the severely injured client of John W. Baldante will receive some $36 million over the next 30 years, including $8 million upfront.

"This is the largest settlement I've ever personally been involved in," Baldante said.

"These kinds of numbers are relatively unheard of in a single personal injury case."

The injured Burlington County man, Roy Grovatt of Tabernacle, became a brain-damaged spastic quadriplegic after part of his skull was blown away.

It happened in May 1997 when a 10-gallon portable air tank manufactured by Midwest Products of Springfield, Mo., exploded while he was filling it with compressed air.



JOHN W. BALDANTE

According to Baldante, a partner at Levy Angstreich Finney Baldante Rubenstein & Coren, portable air tanks are used, among other purposes, to fill bicycle tires, basketballs and tractor tires. Grovatt was hurt while working at his family farm.

Baldante said his previous highest settlement was $12 million about four years ago.

The case, *Grovatt v. Midwest Products, Inc., et al,* was before Burlington County Superior Court Judge Ronald E. Bookbinder.

Baldante said the 4 1/2-year-old suit in part involved three interlocutory appeals and what he characterized as a "tractor-trailer load of approximately 100,000 records," along with "elaborate" analysis by forensic experts.

That, he said, underscored allegations that the tank was "defective and substandard in virtually every aspect, from design to manufacture, from welds to safety features, from labels to warnings."

Baldante said Midwest Products was the "target" defendant, although others were named.

He said Midwest's air tank was "terribly dangerous" and failed to meet safety standards recommended by the American Society of Mechanical Engineers.

According to the 20-year personal injury practitioner, there are "hundreds of thousands" of the portable air tanks in use throughout the country and they are still being sold by major retailers.

He said Grovatt's expenses total about $15,000 monthly. He can move his arms and legs, "but they don't serve him well," Baldante said. Grovatt's ability to speak also is severely limited.

Baldante said his client, who lives at home, will receive about $8 million immediately and the remainder will be taken as a structured settlement paying $28 million over 30 years.

Midwest filed for bankruptcy protection earlier this year, he said, adding the settlement will be paid by the company's insurance carrier.

The lawyer for Midwest, Gerard H. Hanson of Princeton, declined comment.

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