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## \$7M awarded to Palmyra man

### He injured his brain in fall on icy Ryder lot

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A Palmyra truck driver who suffered permanent brain injuries when he slipped on an ice-covered, poorly-lighted parking lot where his trailer was parked in February 2002 has settled a negligence lawsuit against Ryder Truck Rental, Inc. and a snow-removal firm for \$7 million.

The settlement, approved this week by Superior Court Judge Ronald Freeman, comes after more than two years of preparation by attorneys, who lined up 14 plaintiff and defense expert witnesses who would have testified if the case had gone to trial, plaintiff's attorney Stephen DeNittis said.

Benjamin Ingling, now 57, was employed by McLean Trucking, a package delivery firm that rented tractors parked on Ryder's lot on Hylton Road in Pennsauken,

DeNittis said. On the morning of Feb. 5, 2004, Ingling clocked in at the McLean office and then drove to the lot, where he climbed into his truck and turned on the lights, only to find the vehicle blocked into the spot. Ingling got out of the tractor to walk around it to see if he could maneuver the vehicle out of the spot, but slipped on ice that had not been cleared from a series of storms that ended several days earlier, DeNittis said.

A co-worker found Ingling about 20 minutes later lying on his stomach 10 or 12 feet from the tractor. While the co-worker called 9-1-1, Ingling attempted to get up, but fell again and hit his head a second time, according to reports included with the lawsuit.

DeNittis said Ingling was hospitalized at Cooper University Hospital for five or six months for closed head brain injuries and then transferred to a rehabilitation facility for about a year. He now lives at home but is dependent on two nurses for round-the-clock care.

DeNittis said if the case had gone to trial, testimony would

have shown the section of the lot where the rental trucks were stored was "an icy mess for the last 10 or 15 winters. There was no snow removal in that area and the trucks blocked what outdoor lighting was in place on the other side of the lot."

A co-defendant in the lawsuit, All-Green Turf Management, Inc. had a contract for snow removal but had never cleared the area where Ingling fell, DeNittis said.

He said Ingling worked for McLean for about two years. His regular delivery route was between Pennsauken and Bensalem, Pa.

DeNittis said Ingling uses a wheelchair, relies on a feeding tube and needs a tracheotomy tube when he sleeps.

Ingling and his wife, Catherine, have three grown children, DeNittis said.

DeNittis said a mediation report from Joel R. Rosen, a former federal magistrate who specializes in dispute resolution, was a factor in reaching the settlement.

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