
NAOMI JOHNSON, on her own behalf and as Administrator of the Estate of **DESHON JOHNSON**, Deceased, on his behalf and on behalf of his heirs-at-law and next of kin,

Plaintiff,

vs.

**COMMUNITY COACH, INC.,
COACH USA, INC., WILSONE
ROMAIN, et al.**

Defendants.

**SUPERIOR COURT OF NEW
JERSEY
LAW DIVISION: ESSEX COUNTY**

DOCKET NO. ESX-L-4861-14

CIVIL ACTION

Settlement Date: Wednesday, January 10, 2018

**Settled on Trial Date with Presiding Judge, Honorable Dennis F. Carey, III,
P.J.S.C.**

Administrator Ad Prosequendum: Mom and Guardian Ad Litem: Naomi Johnson, who was and is a resident of Montclair, New Jersey; a Single Mom and former school teacher.

ATTORNEYS IN THE CASE:

Plaintiff's Attorney:

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Managing Member and Senior Trial Attorney
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PLAINTIFF: Naomi Johnson, on her own behalf and as Administrator of the Estate of Deshon Johnson

TELEPHONE: (862) 256-0410

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RESIDENT OF: Montclair, New Jersey

PLAINTIFF'S DOB: MARCH 5, 1990

DATE OF ACCIDENT: July 18, 2012

ACCIDENT DESCRIPTION: On July 18, 2012, at approximately 10:47 a.m., Plaintiff, Deshon Johnson, was waiting at the bus stop on the corner of Broad Street and Bay Avenue, Bloomfield, New Jersey.

Deshon was waiting at the bus stop for approximately 15 minutes when bus no. 709 NJ Transit, a commuter bus, owned by Coach USA and operated by Wilson Romaine, passed the bus stop without stopping, dangerously and recklessly made

the right-hand turn onto Bay Avenue without looking to his right and without caution, fatally striking Deshon.

Deshon was a 22-year young man with a promising future ahead of him. At the time of his death, he was attending college at Essex County College, pursuing a degree in finance. He was also working part-time at Home Depot, helping support his mom, who was disabled as a result of a car accident. Deshon was also pursuing a career as a hip-hop artist, whose “stage name,” was Sean Cos Mason. To learn more, visit Deshon’s Instagram account **Noneillah**.

He was a loving and supportive son and the only child of Naomi Johnson.

Deshon tragically died at the scene.

Evidence gathered during discovery supports the following details:

Per the witness Statement of Helga Solokovsky, it is established that Deshon, and at least one other individual, were standing and waiting at the bus stop at the time Defendant Romain blew past the bus stop. Mrs. Solokovsky also establishes that Deshon was knocking hard on the side of the bus in a recognizable manner and location such that Defendant Romain should have heard the knocking on the side of the bus and should have seen Deshon in his right-side view mirror. Per the witness statement of Maria Ayala, Deshon was at the bus stop in plenty of time. The information as mentioned above is further established by other witness seeing Deshon flagging Romaine to stop

while standing at the bus stop, along with other supporting evidence. In particular, a sales receipt and video from the 7-Eleven across the street from the bus stop, which shows that Deshon left the 7-Eleven at 10:30 a.m. and walked across the street to make the 10:40 bus.

In his videotaped statement to the Police immediately after the accident, Mr. Romain admits at least three times, which he saw Deshon running alongside the bus. I have forwarded to you a transcript of the police interview that I had prepared by an independent court transcription service. Mr. Romain admits seeing Deshon running toward the bus at 4:16-17; 10:20-23 and 17:2-3. While the transcript may not be admissible, the videotaped statement will be, and although Mr. Romain has a thick accent, I believe the jury will recognize the statements as recorded in the transcript. Mr. Romain's credibility will also be questioned. In his videotaped statement, Mr. Romain further asserts there was no one at the bus stop (9:19-24), which is clearly refuted by the independent witnesses, in particular, Mrs. Solokovsky and Ms. Ayala. After asserting that no one was waiting at the bus stop, Mr. Romain then asserts there were people, but no one for his bus (10:1-2) – which he could not have possibly known without actually stopping at the bus stop. Despite admitting that he saw Deshon on the sidewalk running

alongside the bus after he blew by the bus stop, Mr. Romain stated he did not see anything when making the right turn (10:10-13). is also drawn into question by the fact that Mrs. Solokovsky and another witness on the bus saw and heard Deshon knocking hard on the side of the bus as he made his way up to the full-length glass front door before disappearing under the right front wheel. Mr. Romain stated he felt a bump on the left side of the bus (10:15-18) – which is refuted by the forensic evidence and the Exxon video. Even so, Mr. Romain did not stop the bus when he felt a bump – which expert testimony will establish is required for safety reasons. Mr. Romain further admitted he felt that he had hit something after making the turn and straightening out the bus (11:5-12:4), but once again he did not stop the bus as per safe operation of a passenger bus required.

As set forth in the Plaintiff's accident reconstruction report I forwarded to you, Deshon was run over first by the front wheel of the bus. The video from the Exxon gas station across the street clearly demonstrates the front right of the bus lifting as it turns the corner, at the precise location where the physical debris and other evidence establishes the point of impact. In order to be run over by the right front wheel, Deshon had to be in front of the wheel, which places him at the full-length glass entry door to the bus. Since Defendant

Romain was turning to the right, he must have seen Deshon as he was making the turn. Plaintiff's bus experts, Davis and Brunstein, will testify that if you see a person chasing the bus, the bus driver is required to hit the brake immediately to stop the bus, for the undeniable reason to avoid exactly what happened here. **The bus schedule does not come before the risk of injuring or killing people.** The Plaintiff's forensic report establishes that Deshon was initially hit by the bus while he was on the flat surface of the handicap curb that merges in a cross-walk. As previously discussed at the last mediation, under those facts there is a legal presumption that the vehicle operator is at fault. Moreover, at the minimum even if the trial judge were not to allow that legal presumption, the fact that Deshon was in the vicinity of the crosswalk establishes that Mr. Romain should have been exercising caution and looking for pedestrians in the same location as Deshon. The irrefutable evidence shows that Deshon was at the bus stop. NJT policies mandated that Mr. Romain was required to stop at the bus-stop if passengers were present. Defendant Romain ignored Deshon and at least one other passenger and blew through the bus-stop. **Mr. Romain admits he saw Deshon running alongside the bus as he rounded the corner.** Deshon was knocking hard on the side of the bus while on the curb, and then made his way to the front entry door. Mr. Romain refused to stop the bus when safe bus operation mandated,

he stop the bus when he saw someone running alongside the bus while on the sidewalk, and when he must have seen Deshon knocking on the front entry door. If Mr. Romain had stopped the bus at the stop at any of the multiple opportunities he had to do so, as safe bus operation required, all of what resulted would have been avoided. Mr. Romain had multiple opportunities to observe safety requirements that would have avoided injuring Deshon. Mr. Romain deliberately and callously ignored all of those opportunities. Even when he admits he thought he ran over something with the bus as he straightened out from the turn – which was likely the fatal impact with the rear wheel when the bus impacted Deshon’s head, Mr. Romain callously and indifferently refused to stop the bus –when safe bus operation required him to stop. Instead, he continued down the road until the shouts from other passengers caused him to stop. I believe that once the Judge and jury hear all of the evidence demonstrating that Mr. Romain callously and indifferently refused all of the opportunities to avoid injuring Deshon, the verdict will be for the Plaintiff. While the jury could attribute a measure of comparative negligence to Deshon, I believe that based on all of the evidence that allocation would not, in my view, be more than 1%, and that ultimately liability will be attributed to Mr. Romain’s negligent and dangerously operation of the bus. Based on the callous, indifferent, reckless and unsafe

manner that Mr. Romain operated the bus, Mr. Romain should be prosecuted for vehicular homicide or manslaughter. I also believe that Deshon's case needs to be thoroughly reinvestigation due to conflict of interest and bias.

According to Coach USA hiring bus driver policy, all drivers must have a clean personal driving record. My evidence I withhold shows that Mr. Romain was not in compliance with the hiring procedure. Coach USA still hired him with a poor driving history and dangerous behavior towards people. The day of the death of Deshon, Romain should not have been operating the vehicle due to his reckless and dangerous behavior that displays on his driving history.

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