

## **\$3.1 Million Settlement With City of Newark For Dangerous Condition of Roadway**



### **Family of Newark crash victim receive \$3.1M settlement from city**

By [Sharon Adarlo](#)/The Star-Ledger  
Tuesday April 21, 2009, 6:20 PM

The family of a woman who died four years ago after her car plunged into the Passaic River in Newark -- near the place where three women had drowned in a similar accident several months before -- will receive a \$3.1 million settlement from the city.

But a dispute still remains on whether the money will be paid in a lump sum or installments to the estate of Ceneida Zapata, said Adam Slater, an attorney with Roseland-based Mazie, Slater, Katz & Freeman who is representing Zapata's family.



Jennifer Brown/The Star-Ledger A 2005 photo of the fatal accident in which

Ceneida Zapata's car drove off Raymond Blvd. into the Passaic River. Zapata's family on Monday received a \$3.1 million settlement from Newark.

Slater said the settlement was reached Monday during a hearing at Essex County Superior Court in front of Judge Alphonse Cifelli. After the deal was agreed upon, an attorney representing the city told Slater the money will be paid over a period of time.

But Slater, who wants the family to receive the money soon and in one payment, said city lawyers never brought that up during negotiations.

"The settlement is absolutely valid and from the plaintiff's perspective, it will be paid very shortly," Slater said. "The city is attempting to include a condition to allow them to pay over the year. As far as I am concerned, that's an afterthought."

City officials today would only say the settlement is still under negotiation. They declined to comment further.

Slater said he plans to file a motion and have the money released to the family if the city council does not approve the lump-sum payment.

"I don't think this municipal council wants to put this family through any more grief and pain," he said.

Zapata, a 52-year-old Newark resident, died in March 2005 when she lost control of her 1989 Dodge Dynasty on Raymond Boulevard, then struck and killed pedestrian David Torre, 54, of East Orange, before dropping into the river. There were no barriers along the river where the accident occurred, although recommendations for them had been made after the three women drowned five months earlier.

In that accident, city residents Monique Hawkins, 39, Nicole Floyd, 34, and driver Gail Williams, 43, died after their Jeep Cherokee plunged off a 15-foot embankment at Raymond Boulevard. The families of Hawkins and Floyd received a share of a \$5.8 million settlement last year. Slater said he represented Floyd's estate. He also said to his knowledge, Williams' family did not file a lawsuit.

At the time the three women drowned, there were no guardrails or barriers along that stretch of roadway. Several days after the accident, the city council passed a resolution recommending that barriers be installed in the quarter-mile area.

But they were not set up until after Zapata had drowned. Temporary barriers were put in and replaced last year with permanent metal guardrails.

Slater said Zapata left behind her two sons, David Basilio, 22, and Marvin Zapata, 17, as well as her husband, Pedro Torres, whom she had married 10 days before her death.

Efforts to reach Torres were unsuccessful today. Zapata's sons released a statement through Slater.

"We look forward to putting this lawsuit behind us," they said. "No amount of money can ease the senseless loss of our mother, a loss that would have been avoided if the City had just installed a barrier or guardrail at that deadly location. She was our guiding light and we miss her every day, and we will always hold her memory and the example she set for us close to our hearts."