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## Judge Orders \$5m In Coverage For Fatal Bus Crash

A federal magistrate judge has ordered the distribution of \$5 million in insurance coverage to the families of three people who died and to 42 others who were injured when their tour bus overturned in Delaware.

Eastern District U.S. Magistrate Judge Gary Brown, sitting in Central Islip, issued the order related to a collision on Sept. 21, 2014, when a bus owned and operated by AM USA Express of New York overturned as it was exiting U.S. Route 13 onto Delaware Route 1.

Brown ordered the disbursements after finding that New York law—which limits awards for pecuniary damages only, and does not permit awards for mental anguish and grief—should apply over Delaware law, which would provide for more extensive damages awards.

Brown said in his June 27 order that New York law should apply, even though the accident occurred in Delaware. The connection to Delaware was "tenuous at best," he said. "It would seem that New York has a greater interest in effecting its policies than Delaware in these circumstances," he said.

News reports at the time described the accident as horrific, with passengers being ejected from the bus and being crushed. Many of the passengers, Brown said in his order, were foreign nationals who were in the United States on a sightseeing tour.

Lawsuits filed by the victims were consolidated into a single case in the Eastern District. AM USA Express had \$5 million in coverage: \$1 million through National Continental Insurance Co. and a \$4 million excess policy through Axis Surplus Insurance Co.

Brown, after applying New York law, said deciding how to disburse those funds was difficult, and noted that the funds available were "insufficient" to fully compensate the victims.

"Fixing compensation amounts in these cases is a daunting task," Brown said. "The amount of pain and suffering sustained by each of the decedents here varied widely."

The three passengers who died were Jyotsna Poojari, 43, of India; Idil Bashi, 30, of Turkey and Hua Yu Chen, 54, of New York.

Of all the plaintiffs, the estate of Poojari received the largest award—\$1.16 million. According to Brown's order, Poojari lived for 11 days after the accident after sustaining massive organ and brain injuries, occasionally going in and out of consciousness.

Poojari's estate was represented by **Nadeem Bezar** of Philadelphia's Kline & Specter. He had argued that Delaware law should apply, but said he accepted Brown's ruling.

"We were able to achieve the largest recovery for our client," Bezar said. "It was a horrible accident where many lives were altered and changed."

Bashi's estate received \$542,424. The estate was represented by Matthew Bligh of Rosenberg & Gluck in Holtsville. Chen's estate received \$208,749. That estate was represented by John Harris of Berger Harris in Wilmington, Delaware, and David Sobiloff of the Morelli Law Firm in New York. Those attorneys were not immediately available for comment.

Another passenger who survived, Ihssene Kerchouch, received \$733,589. Brown said Kerchouch was ejected from the bus and sustained mutilating injuries over much of his body. The name of his attorney was not available.

Other survivors were awarded a range of damages amounts.

Officials from the two insurance carriers did not return calls seeking comment.