

Motor Vehicle – At Fault Driver

SERVICES

Transportation Law

August 24, 2018

The plaintiff, an off-duty police officer, was operating his pickup truck on a roadway when he claimed that my client ran a stop sign causing him to strike the side of her vehicle resulting in a serious collision.

My client, a resident of California and operating a rental vehicle while on a business trip in Massachusetts, testified that she was unfamiliar with the roadway where the accident occurred. It was undisputed that my client entered the intersection against a stop sign. In fact, a witness on the other side of the intersection also at a stop sign, testified that he had a clear view of the intersection and that my client did not slow or stop at the intersection and caused the accident. There was no evidence that the plaintiff was speeding.

At trial, the plaintiff claimed that he sustained career-ending back injuries resulting in lumbar fusion surgery. At the time of the accident, the plaintiff was on leave from his duties as a police officer due to a back injury which he claimed was getting better at the time of the accident. In fact, he testified he was only a few weeks away from returning to his full-time duties.

The entire case hinged on the credibility of the plaintiff and whether or not the injuries were caused by the accident. Although the collision was significant including pelvic fractures to the passenger in my client's vehicle, there was evidence in the medical records that the plaintiff's symptoms were similar before the accident and after the accident.

It was my position at trial that the spinal fusion surgery was not caused by the accident, but was an inevitable injury based upon the neurological condition of the plaintiff prior to the trial. In addition, I highlighted inconsistencies between the plaintiff's deposition testimony and his trial testimony with regard to the nature and extent of his injuries.

At trial, although I did not concede liability, I did not make an argument in the opening or closing that my client was without fault. Instead, I informed the jury that how the accident happened was essentially undisputed and that the primary dispute was whether or not the spinal fusion surgery and permanent disability of the plaintiff was due to the accident or a pre-existing condition.

The jury returned a verdict that my client was not negligent. Although the finding of no negligence was surprising, it was likely based upon the lack of credibility of the plaintiff, which had been substantially eroded during cross examination.

