

Snow Plow Liability Making View Obstruction Causing Accident – Severe Brain and Orthopedic Injuries – Defense Verdict

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Michael P. Johnson

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Attorney Michael Johnson received a defense verdict in Aroostook County Maine Superior Court (Caribou) after a 5 day trial when the Jury found that the defendant was not liable. The allegations at trial were that the snow plow contractor created a view obstruction that significantly reduced the visibility of the 65 year old plaintiff causing her to pull into traffic where she was broadsided by a larger vehicle going 55 miles per hour. As a result of the collision, plaintiff sustained significant orthopedic and internal injuries and sustained a severe brain injury which required a permanent guardianship.

After a 5 day trial, with 9 witnesses, including 3 experts, the jury found that the defendant was not liable.

Of note, pre-trial, defendant obtained an order on medical bills and the amount to be presented to the jury. Specifically, the plaintiff's bills that were paid by MaineCare were significantly less than the amount billed by the providers. Attorney Johnson argued that the amount of the bills to go to the jury should be the amount that was paid. There is a current split in the Maine Superior Courts on this issue. The court ruled (over plaintiff's objection) that both amounts (billed and paid) should be submitted to the jury. As a compromise and to reduce an appeal by plaintiffs, Attorney Johnson agreed to a stipulation on the bills. The stipulated amount was the mid-point between the amount billed and the amount paid.