

Transportation – Amputation

SERVICES

Transportation Law

A national trucking company as a result of a motor vehicle accident occurring on Route 93 north of Boston was successfully defended.

The client, a truck driver for a national transportation company, was operating a tractor trailer on Route 93 northbound in the middle lane when a car suddenly cut in front of him from the left lane. The truck driver turned his wheel sharply to the right to avoid striking the car which caused his tractor trailer to jackknife across the highway.

At the time of the accident, it was raining and visibility was poor. The operator of the motor vehicle that cut in front of the tractor-trailer driver left the scene and was never identified.

The plaintiff, travelling as a passenger in a box truck on the highway, testified that as they crested a hill on the highway they suddenly and unexpectedly came upon the jackknifed tractor trailer. The plaintiff's primary argument was that the tractor trailer was speeding and travelling at an unsafe speed given the rainy conditions, which caused the jackknife. The plaintiff also contended that the unidentified car that allegedly cut in front of the tractor trailer driver never existed and was excuse created by the tractor trailer driver to deflect fault.

As a result of the accident, when the box truck struck the trailer, the resulting intrusion into the passenger compartment resulted in a partial amputation of the plaintiff's foot. The resulting injury resulted in permanent and lifelong pain and suffering. The plaintiff sought several million dollars in damages.

After approximately 1 hour of deliberations, the jury of 14 that deliberated returned a verdict in favor of the truck driver finding that he was not negligent. Factors that assisted in the defense verdict were the fact that other traffic had observed the accident scene and was able to stop safely.