

## Transportation – Trucking

### SERVICES

#### Transportation Law

**August 24, 2018**

An employee of a landscaping company who rear-ended the plaintiff on an on-ramp to a Massachusetts highway was successfully defended.

The lawsuit arose out of an action filed in Middlesex Superior Court where the plaintiff was operating a motor vehicle in front of a vehicle operated by an employee of the defendant's landscaping company. During the trial, the plaintiff testified that while he was travelling on the on-ramp and beginning to merge onto the highway he slowed his vehicle down to a near stop prior to entering the highway and yielded to a motorist passing by on the highway. As a result of the slowing of the plaintiff's vehicle, the landscaping employee while driving a large truck and trailer rear-ended the plaintiff.

As a result of the accident, the plaintiff alleged that he had significant cervical injuries. The cervical injuries led the plaintiff to claim that he was totally disabled and suffered permanent and ongoing pain and discomfort.

During the trial, the defendant landscaping employee testified that as he was on the on-ramp he observed the plaintiff's vehicle directly in front of him. As the vehicles were attempting to merge onto the highway the employee indicated he looked to his left and observed no traffic that would have resulted in the plaintiff slowing his vehicle down to a near stop. The employee testified that he understood that he had an obligation to maintain a safe distance from the vehicle in front of him, but given the traffic conditions he never had any reasonable expectation the plaintiff would slow his vehicle to a near stop. The primary defense theory of the case was the collision was due to a simple accident without negligence.

After a jury of 12 deliberated for approximately 45 minutes they returned a verdict in favor of the defendant, finding the employee was not negligent.