

Defense Verdict for Vehicle Collision; Contributory Negligence a Factor

Attorney Involved: R. Mac Freeman

This case involves a rear end collision that occurred at the intersection of Hurst Street and Martin Luther King Boulevard on February 15, 2005 in Opelika. Plaintiff claimed she was stopped at the red light, waiting for the light to change to green as she was planning on executing a left hand turn onto Martin Luther King Blvd. The light changed to green and, according to Plaintiff, she slowly proceeded into the intersection waiting for oncoming traffic to clear so she could complete her left turn. While waiting, she claims that the Defendant, Dorothy Askew, negligently collided with the rear of Plaintiff's vehicle. Defendant contended that both Plaintiff and Defendant were stopped at the red light and after the light turned green, Plaintiff began to proceed through the intersection as did the Defendant. However, for some unexplained reason the Plaintiff came to a sudden stop and the Defendant was unable to avoid the collision.

Following the collision, Plaintiff treated at the emergency room complaining of injuries to her left leg and thigh. Several months later, Plaintiff underwent surgery to her left knee which she and her orthopedic surgeon attributed to this accident. Specifically, Plaintiff testified that she slammed her left knee against the dash board in the accident. This injury ultimately required surgical intervention. Plaintiff's medical expenses totaled approximately \$13,000.

Defendant argued that it would be highly unlikely for this type of impact to result in Plaintiff's knee somehow moving forward and striking the dash board. Further, Defendant

pointed to several inconsistencies between Plaintiff's testimony and the medical records.

The case was submitted to the jury on Plaintiff's negligence claim. Defendant argued that Plaintiff was barred from recovering due to contributory negligence. Further, Defendant contended that any alleged damages claimed by Plaintiff were not caused by the Defendant.

Plaintiff sought or recommended approximately \$35,000 for pain and suffering, compensatory damages and medical expenses (or an amount the jury deemed appropriate). There was a dispute as to whether the medical expenses had been paid and, whether Plaintiff had paid certain medical bills and expenses and whether she was obligated to reimburse a third party for any medical bills and expenses.

The jury returned a verdict in favor of the Defendant.