

TRIAL REPORTS

NEGLIGENCE

Motor Vehicle - Icy Conditions

Type of Action: Automobile Accident

Type of Injuries: Traumatic head injury/fractured ankle

Court Case #: Worcester Superior Court No. 85-31306 and No. 86-34398.

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TRIAL REP

Lawyers Weekly provides Trial Reports to assist you in more accurately judging the value of your cases and to provide you with an additional practical resource unavailable elsewhere.

The information contained in these reports is provided by the lawyers in the cases. Lawyers who submit the case draft the text contained under "Other Useful Information."

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Judge or Jury: Jury

Damages Awarded or Settled: Settled just prior to closing arguments.

Amount: Total recovery in both cases - \$462,000.00.

Attorney for Plaintiff: Edward C. Bassett Jr., Mirick, O'Connell, DeMallie & Lougee, Worcester.

Name of Case: Mary Mohan v. New England Truck Stop, et al.

Other Useful Info: The plaintiff, a passenger in car A, was traveling west on Route 20 in Sturbridge. The defendant, the driver of car B, was traveling east on Route 20. The defendant testified that he hit a patch of ice and snow causing his car to skid across the centerline striking car A head on.

After collecting the available insurance from the driver of car B, the plaintiff proceeded against the defendant-New England Truck Stop, a busy truck stop on Route 20. The plaintiff alleged that the New England Truck Stop had created a nuisance by allowing snow to be tracked out onto Route 20 on the tires of trucks exiting the truck stop's parking lot. The defense claimed that the snow and ice had blown onto the highway from an open field located across the street and that the patch of ice which caused the accident was actually located well beyond the truck stop exit.

After the accident, it was reported in the local paper, "because of an open field, snow blows across the highway, hiding traffic lines and causing slippery driving conditions." The defense identified an accident reconstruction expert who was prepared to testify that based on the curve of the road and the location of the cars after the accident, the skid did not begin until car B was beyond the entrance to the Truck Stop. The expert testimony was excluded by the trial judge after the plaintiff filed a motion in limine.