

Verdicts & Settlements

Truck's sudden attempt to turn leads to crash

Evidence found on road shows motorcyclist was unable to avoid impact

In an auto negligence lawsuit filed in Monroe County Circuit Court, plaintiff James E. Fletcher, Jr. sought compensatory damages following an accident involving a motorcycle and landscaping truck.

Defendant Warren A. Scaife was driving a full-size GMC pickup truck while towing a loaded company landscaping trailer. He was traveling southbound in the right of two lanes on Telegraph when he realized that he missed his turn on Wood Road.

After driving a couple hundred feet down, he spotted a partial gravel/paved road spanning the median between northbound and southbound travel on Telegraph Road.

Scaife, while still in the right most lane, abruptly slowed and turned for a gravel median crossing, crossing from the far right lane and the lane on his left. Fletcher and Lindsey Fletcher, who were traveling on a motorcycle in the left lane, could not avoid the truck and trailer.

James Fletcher suffered a closed-head injury, eye trauma, fractured shoulder, fractured clavicle, fractured rib and a lacerated liver, and maintained continuing serious arm and extremity impairments.

Defendant contended that plaintiff was speeding and crashed into the side of defendant's truck. It was asserted that Scaife initiated his turn from the left lane and, at the time of impact, his entire truck was over the yellow highway lane.

Plaintiff asserted that defendant illegally turned his landscaping truck left in front of plaintiff's oncoming motorcycle from the right hand lane. An accident reconstructionist showed that the physical evidence at the scene and impact point was well within the actual lane of travel and not on the shoulder.

Further, the plaintiff contended, the defendant's explanation was inconsistent with the physical evidence was found on the roadway. The motorcycle left a pre-impact skid mark 3 feet in the travel portion of the lane, going straight.

Plaintiff concluded that defendant was traveling in the right lane when he decided he was not going to miss another opportunity to turn around. As such, defendant suddenly slowed down and made an unexpected cut across the left lane, a move that forced a white SUV to dodge right to avoid the truck.

On the motorcycle with a passenger, plaintiff's only option was to hit the brake, but he was unable to avoid the truck.

The case settled, through mutual acceptance of case evaluation, for \$825,000.

Type of action: Third-party auto negligence

Type of injuries: Closed-head injury, eye trauma, fractured shoulder, fractured clavicle, fractured rib, lacerated liver, continuing serious arm and extremity impairments

Name of case: Fletcher, et al., v. Cutting Edge Lawn & Landscape, Inc., et al.

Court/Case no./Date: Monroe County Circuit Court; 08-24947-NI; July 8, 2009

Name of judge: Michael W. Labeau

Settlement amount: \$825,000

Insurance carriers: Citizens Insurance, EMC Insurance

Attorney for plaintiff: Steven M. Gursten

Attorney(s) for defendant: Withheld

Key to winning: Use of the physical evidence at the scene to prove liability

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