

Verdicts & Settlements

Improperly secured sign fractures teenager's skull

Device was held in place by sandbags, made with secondhand donor parts

In a third-party auto negligence lawsuit filed in Macomb County Circuit Court, plaintiff minor Ashley Catherine Lewis, next-friend Walter Lewis and co-next friend Denise Hammond asserted defendants State Barricades, Inc. and Major Cement Co. were responsible for traumatic injuries cause by a defective temporary traffic control sign.

On Aug. 9, 2008, when Ashley Lewis, 15, was traveling in the passenger seat of her mother's vehicle on Masonic Road, in St. Clair Shores. Traffic was slow because of construction. Immediately to their right, on the side of the road was a temporary traffic control sign warning of a detour ahead.

As a thundercloud passed through the area, a gust of wind of approximately 38mph blew the defective temporary traffic control sign up and into the air, propelling the steel leg of the sign through the windshield of the car, striking plaintiff in the head. It caused a skull fracture and serious traumatic brain injury, and required traumatic optic neuropathy.

Subsequent legal discovery showed this traffic construction sign, built by State Barricades, was dangerously defective and in violation of numerous codes and requirements. Examination of the sign demonstrated it was missing a washer on one of its bolts. Also, the sign was held in place with ballast sand bags, instead of being embedded into the ground as required.

State Barricades admitted in a deposition that second-hand donor parts from older signs were used to put this particular traffic sign together. Also, the defendant said it delivered the sign to Major Cement lying on the ground, and that Major Cement not only stood the sign up, but failed to inspect and monitor the sign.

Defendants stressed that although plaintiff had suffered a serious injury, she had made a remarkable recovery and returned to her pre-existing lifestyle with no or very little impairments. In addition, defendants argued that many of plaintiff's post-accident symptoms were actually attributable to other events in her life and not from her injuries.

The matter settled at facilitation for the case evaluation amount of \$2.125 million.

Type of action: Third-party automobile negligence

Type of injuries: Traumatic brain injury, headaches, traumatic optic neuropathy

Name of case: Ashley Catherine Lewis v. State Barricades, Inc., Major Cement Co.

Court/Case no./Date: Macomb County Circuit Court; 08-3740-NO; Nov. 20, 2009

Name of judge: Druzinski, Diane M.

Tried before: Facilitation

Name of Facilitator: Daniel P. Makarski

Settlement amount: \$2.125 million

Insurance carrier: Farm Bureau

Attorney for plaintiff: Steven M. Gursten and John T. Alexander, as co-counsel for plaintiff

Attorney(s) for defendant: Withheld