

Falling concrete from freeway bridge hits driver

BY: Douglas J. Levy
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\$2.5 million

In a negligent road maintenance lawsuit filed in the State of Michigan Court of Claims, plaintiff Anthony A. Adeleye sought compensatory damages from the Michigan Department of Transportation following an accident.

In April 2005, while Adeleye was driving on the Southfield Freeway, a chunk of concrete fell from the bottom of an overpass, went through the car's windshield, and struck Adeleye in the face.

The injuries he sustained included head injury, trigeminal neuralgia (a painful condition of the nerve responsible for most facial sensation), broken facial bones, and bowel injuries with ileostomy. Adeleye's colon was irrevocably injured through chronic constipation resulting from pain medications that were taken for the pain of the trigeminal neuralgia.

Defendant asserted that there was no evidence the concrete was from the bridge, and could have been thrown by someone on the overpass. No proximate cause for the colon injury was contended.

The court granted plaintiff's motion for summary disposition on the issue of liability after the state of Michigan discarded the concrete chunk because of the spoliation of evidence.

The matter settled for \$2.5 million.

Type of action: Negligent road maintenance

Type of injuries: Head injury, trigeminal neuralgia, broken facial bones, bowel injuries with ileostomy, numerous surgeries.

Name of case: Adeleye v. Michigan Dept. of Transportation

Court/Case no./Date: State of Michigan Court of Claims; 06-94-MD; Aug. 16, 2010

Tried before: Facilitative mediation

Name of judge: Laura L. Baird

Settlement amount: \$2.5 million

Insurance carrier: Self-insured

Attorney for plaintiff: David E. Christensen

A negli Assistant Attorney General Philip L. Bladen