

**Auto Negligence - Soft-tissue
suffering in a right of way crash was
valued at \$30,000 in Pikeville**

Robinson v. Walls et al, 04-1107

Plaintiff: Ronald G. Polly, *Polly & Smallwood*, Whitesburg

Defense: Lee A. Smith, *Neeley & Reynolds*, Prestonsburg for Walls
Michael T. Davis and Dale J. Golden,
Golden & Walters, Lexington for
Howell

Verdict: \$94,462 for plaintiff assessed
100% to Walls; Defense verdict for
Howell

Circuit: Pike, J. Combs, 6-12-06

On 8-7-03 on U.S. 23 in Pikeville at the intersection with KY 1460, Thomas Robinson was sitting at a stop sign on the inferior KY 1460 waiting to turn. At the same time, Chad Walls, a teenager, proceeded northbound on U.S. 23 – he made a left turn in front of the oncoming Cecil Howell.

That initial collision sent Walls careening into Robinson. A moderate impact resulted. Robinson has since treated for a soft-tissue injury. His medical bills were \$14,462 and he also sought sums for future care, lost wages and suffering.

In this suit, Robinson first targeted Walls, blaming him for turning into Howell's path. Howell too was blamed, Walls believing it was safe to turn because he had his right turn signal on.

Summary judgment having been granted on the fault of Walls (he admitted fault in his deposition), the jury then only considered the duties of Howell. In that regard, Howell defended and postured Walls was solely to blame as even if his turn signal was on, he still had the right of way. Both defendants minimized damages.

The case then went to the jury to first consider fault. It exonerated Howell and determined the already-at-fault Walls was solely to blame. Then to damages, Robinson took his past medicals as claimed plus \$10,000 for in the future. Similarly, he took \$10,000 for lost wages, plus \$30,000 more for in the future. The suffering award was \$30,000, the verdict totaling \$94,462. A consistent judgment followed.

Walls has moved for a new trial citing error by plaintiff's counsel in closing argument – the teen has argued plaintiff improperly referred to defendant's insurance carrier and the ability to pay any judgment. The motion was pending when reviewed by the KTCR.