

Pedestrian crossing street hit by oncoming vehicle

Disagreement over if he was in crosswalk; \$770,000 verdict

▲ By: Mass. Lawyers Weekly Staff ☉ March 21, 2019

The plaintiff, 42, was a pedestrian who was injured while crossing a street in Waltham. The plaintiff testified that he was in the crosswalk at the time of the incident.

The defendant contended that although the accident was during daylight, his visibility was diminished because it was raining and overcast. The defendant further contended that the plaintiff was not in the crosswalk and, in any event, did not look as he entered the street.

The plaintiff's contention was that the defendant driver took a left turn onto the one-way street too close to the left side of the street, where the plaintiff was crossing.

In addition, the plaintiff argued that if the defendant were to be believed about having taken a left turn in the middle of the intersection, he would have had sufficient opportunity to see the plaintiff.

The plaintiff's reported injuries included a severe calcaneus fracture extending to the subtalar joint, resulting in open reduction internal fixation, and a displaced fracture at the tip of the fibula. The plaintiff developed arthritis in the subtalar joint, and a foot and ankle specialist testified that the plaintiff was a candidate for a fusion of the joint.

The jury returned a verdict of \$1.1 million, reduced by the plaintiff's 30 percent comparative negligence. The total award with interest was \$943,233.80.

Action: Motor vehicle negligence

Injuries alleged: Foot and leg injuries

Case name: Walters v. Barbara Murphy Transportation, Inc., et al.

Court/case no.: Middlesex Superior Court/No. 1681-CV-01823

Jury and/or judge: Jury/Judge Christopher Barry-Smith

Amount: \$770,000

Date: Nov. 20, 2018

Attorneys: Robert I. Feinberg, Colleen M. Santora and John B. Johnson, of Feinberg & Alban, Boston (for the plaintiff)

Issue: MARCH 25 2019 ISSUE

YOU MIGHT ALSO LIKE

Man with mental health issues found unresponsive at home
☉ March 21, 2019

Patient: wrong lens calculation used in cataract surgery
☉ March 21, 2019

Low-speed collision blamed for neck, back problems
☉ March 21, 2019

