

\$4.25 Million Settlement Reached In Road Safety Defect Case

A road construction defect caused a mother's automobile to leave a highway near her home. Her four year old daughter was severely injured when the automobile ran down an embankment and struck a tree. Although she has made an excellent recovery, she suffers from brain damage, mental and physical retardation and epilepsy.

The highway was owned by a developer. Although he had attempted to dedicate the highway to the county, the county refused to accept it due to safety defects in the road. The defects

included pavement shoulders that were too steep and severe, embankments from the pavement to the tree line that were too steep, and trees that were too close to the paved roadway. The safety defects which caused the county to refuse to accept the road were the very defects that prevented Jane Doe's mother from regaining control of her vehicle when her right front wheel left the pavement.

The defense asserted that the accident was the fault of Jane Doe's mother and that she was intoxicated. Plaintiffs countered that in designing safe highways, one must design the highways to be safe for the foreseeable misuse of tires leaving the roadway. Plaintiffs also contended that it was clear from the

Continued on Page Six.

Road Safety Case, *Cont. from Page One.*

heroic efforts the mother made to regain control of her vehicle that the beer she had consumed after mowing the lawn was not a cause factor in her inability to regain control of the vehicle.

The case had been developed by referral attorneys for 3 1/2 years. There had been no offers made.

In July of 1996, the referral attorneys associated Chris Searcy and Lance Block of our firm to participate in a presuit mediation of the case.

Through the efforts of the referral attorneys and Chris Searcy at mediation, the case settled for \$4,250,000. ■