

Orange County Bicyclist Wins \$240,995 Verdict For Failure To Yield - Negligence/Auto - Defendant Failed To Yield To Bicyclist - Plaintiff In Joint MD/Ph.D. Program - Hand Fractures - Contrib Evidence - \$240,995 Jury Verdict

by admin

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Type of Action: Negligence: bicycle/motor vehicle collision

Injuries Alleged: Multiple fractures of bones in left hand

Name of Case: Thomas J. Sitzman v. Willie McClinton Turrentine

Court/County: Orange County Superior Court

Case No.: 03 CvS 820

Tried Before: Jury

Name of Judge: Wade Barber

Special Damages: \$42,000 personal injury; \$955 property damage

Verdict/Settlement: Verdict

Amount: \$240,000 personal injury; \$995 property damage

Verdict Date: Feb. 20, 2004

Demand: \$100,000

Offer: \$10,000

Experts: Dr. Richard Goldner, Curham

Insurer: Nationwide, Geico (UIM), Harleysville (UIM)

Plaintiff's attorneys: Robert B. Glenn Jr. and Carlos E. Mahoney, Durham

Person Submitting: Carlos E. Mahoney

Description: At the time of the collision, the plaintiff was a 22-year-old avid bicyclist. He was also a full-time graduate student pursuing a joint MD/Ph.D. program at Duke. On a Friday afternoon, the plaintiff was traveling on his bicycle and proceeding south on Churton Street in downtown Hillsborough. The defendant, a UNC housekeeper, was proceeding north on Churton Street, and turned left at the intersection with King Street directly in front of the plaintiff's bicycle. The plaintiff struck the passenger side door, and was thrown to the ground suffering multiple complex fractures of his left hand and wrist. The plaintiff's fractures were intra-articular in nature, and disrupted the joints of his fingers. Dr. Richard Goldner, a hand specialist at Duke, testified that the plaintiff was already experiencing arthritic changes in several joints on his left hand, and that the arthritis was a permanent condition.

The defendant presented eyewitness testimony that the plaintiff was traveling in excess of the posted speed limit, and that he passed a car on the right which had stopped to allow the defendant to turn left at the intersection. The defendant plead guilty to failing to yield the right of way, and testified that she never saw the plaintiff before the collision. The collision occurred across from the Old Orange County Courthouse and the jury was allowed to examine the scene.