

Prince William County, VA
Circuit Court

Auto Accident - Right-of-Way - Center Turn Lane

Settlement: \$252,500

Judge: Leroy F. Millette Jr.

Settlement Date: 12/31/2003

Plaintiff's Attorney(s): Brandon M. Gladstone, Springfield

Defendant's Attorney(s): John E. Fricker, Fairfax

Age: 45

Sex: F

Marital Status: Married

Occupation: Day Care Employee

Facts: A heavily traveled roadway was the scene of a rush hour accident in which a passenger suffered severe knee injuries. She sought damages from defendants, who denied liability and disputed the extent of damages. The case was ultimately settled for \$252,500.

Plaintiff Istigal Taha was a passenger in her daughter's vehicle, which was northbound on Route 1 in the Woodbridge area. Route 1 was a four-lane roadway with a center turn lane for both directions of traffic. Plaintiff's daughter was intending to turn left into a shopping center, which was 100 yards ahead. Plaintiff's vehicle drove into the center lane and, as she continued toward the turn, she struck a large box truck driven by Defendant Oscar Mendoza. Defendant driver was in the course of his employment with Defendant L & M Produce at the time of the collision. He had just made a delivery on the right side of the road and had been waived through the two lanes of stopped northbound traffic so that he could turn left into the southbound lanes of traffic. As he crossed the center turn lane, he was struck by plaintiff's vehicle.

Plaintiff alleged that defendant driver failed to yield the right-of-way and failed to properly observe traffic. Plaintiff claimed a significant knee injury which would require two knee replacements over the course of her lifetime. She further claimed to be disabled from working in a day care, as she could no longer lift children or bend her knee.

Defendants contended that plaintiff's driver caused the accident by getting into the turn lane too soon and using it as a travel lane so that she could by-pass the stopped traffic. Defendants also argued that plaintiff would only need one knee replacement over the course of her lifetime due to the new technology employed in knee replacement surgery.

Alleged Injury: Shattered right knee which required open repair surgery, including hardware placement. Plaintiff underwent followup surgery for removal of the hardware. Future knee replacements were anticipated. Plaintiff claimed permanent pain and disability from working. She sought \$53,000 in past medicals, \$80,000 in future medicals and \$300,000 in future lost wages.

Insurance Carrier: Royal & SunAlliance (\$1,000,000 policy limits)

Expert Witnesses:

Plaintiff: Adel S. Kebaish, M.D. - Orthopedist - Falls Church, VA

Defendant: John P. McConnell, M.D. - Orthopedist - Annandale, VA

Case Caption: Istigal Taha v. L & M Produce Co., Inc. and Oscar Soriano Mendoza

Case Number: L60388

Editor's Note: Plaintiff, who was Arabic, was not fluent in English and not very employable. This case settled because of credibility issues regarding plaintiff's lost wage claim.