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From the August 17, 1998 North Carolina Lawyers Weekly.

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Verdicts & Settlements

Negligence/Auto

Police Car Struck Pedestrian Plaintiff - Crossing Against Red Light - Severe Head Injuries - Last Clear Chance Issue - \$1.1 Million Mediated Settlement

Brief statement of claim: On Dec. 3, 1995, as Tony Robinson was attempting to walk across Third Street at its intersection with Market Street in Wilmington, he was struck by a patrol car driven by defendant Brian Williams, an officer with the Wilmington Police Department.

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Mr. Robinson was thrown into the air and landed on his head, causing a severe head injury which has rendered him incompetent.

After the plaintiffs were made Mr. Robinson's guardians, they sued the city and the police officer. The case proceeded under a last clear chance theory because Mr. Robinson was crossing the street against a red light.

Principal injuries (in order of

severity): Severe head injury

Special damages: Medical expenses: \$189,680; future loss of income: \$455,785; life care plan: \$4,356,481

Tried or settled: Settled during mediation

County where tried or settled: New Hanover

Case name and number: *Robinson v. City of Wilmington* (New Hanover Superior Court; 96 CvS 1332)

Date concluded: December 1997

Name of judge: n/a

Amount: \$1.1 million

Insurance carrier: ITT Hartford and American International Group

Expert witnesses and areas of expertise: Mike Sutton and Charles R. Manning III, MS, P.A., Accident Reconstruction Analysis, Inc., Raleigh; Steve Chewning, Traffic Safety Consultants, Inc., Richmond; Dr. J. Finley Lee, economist, Chapel Hill; Dr. Cynthia Wilhelm, life care plan, Chapel Hill

Attorneys for plaintiff: Jerome P. Trehly Jr. and Howard F. Twiggs of Twiggs, Abrams, Strickland & Trehly, P.A., Raleigh; and Robert Fellows, New York City.

Other useful information: According to the plaintiffs' counsel, the case benefitted from an early investigation by Carrie Capparelli, a Raleigh private investigator. She obtained statements from four eyewitnesses that contradicted the official police version of events.

Some of the eyewitnesses also reported efforts by the police investigator to get them to alter their statements in ways that would benefit the police, according to the plaintiffs' counsel.

The plaintiffs' counsel deposed the police investigator, who denied attempting to influence the eyewitnesses, and then deposed the eyewitnesses to make a record of their allegations of improper conduct.

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