



## John McGrath's Monthly Defense Verdicts

In January 2022, John McGrath successfully defended a claim against a 65-year-old plaintiff claiming injuries primarily to her low back and her left knee as the result of a two-car intersectional accident. Plaintiff was still complaining of issues more than three years post-accident. John was able to establish to the jury that although his client made a left turn across the plaintiff's path, the defendant testified that the plaintiff, who was in the oncoming lane, was stopped even though both drivers had green lights. Seeing this, the defendant paused and then decided to complete his turn. As he did, he was struck on the passenger side of his car by the plaintiff. The jury agreed with John's position that the evidence established that, while the defendant had a duty to yield per the Motor Vehicle Code, the defendant's conduct did not amount to negligence based on the facts of this case. Accordingly, the jury returned a defense verdict on liability.

In December 2021, John obtained a defense verdict in a case where a 44-year-old plaintiff alleged that the defendant made an unsafe lane change shortly after both drivers had exited a toll plaza. That lane change into the plaintiff's path forced the plaintiff to slam on his brakes, striking one or both knees inside his truck. Plaintiff claimed injuries to both of his knees and his low back. Plaintiff's medical expert testified that plaintiff's knee injuries were permanent and would compel the plaintiff to undergo treatment for the rest of his life at a cost of roughly \$5000 annually. The plaintiff, who worked for an HVAC company at the time of the accident, alleged that he was let go from his job because of his injuries and ultimately settled his worker's compensation claim for \$111,000, which was presented as a lien to the jury. Additionally, although the plaintiff was eventually able to find a new job, his earnings dropped by over \$40,000 a year. John effectively used scene photographs to support the defendant's testimony that she had not changed her direction of travel after clearing the toll plaza and that, in fact, it was the plaintiff who was trying to change lanes. The jury concluded that the defendant was not negligent, finding in favor of John's client on liability.



In October 2021, John defended a case against two plaintiffs, a husband and wife, who were stopped at a stop sign when the defendant tried to cross the intersection. When the defendant failed to see a third vehicle coming from his right at roughly 45 mph, the two vehicles collided in the intersection, sending the third vehicle directly into the plaintiffs' stopped SUV. In this matter where the defendant stipulated to 100% liability, one plaintiff claimed injury primarily to her left wrist and ultimately underwent surgery for a TFCC tear. Following that procedure, she claimed residual limitations. The other plaintiff claimed injuries to his right shoulder and neck, receiving an injection in the shoulder and, over time, developed numbness and tingling into his right arm which his expert linked to the neck injury from the accident. John challenged the severity of the plaintiffs' claims of injuries and whether any of the complaints were attributable to the accident. The jury accepted the defense arguments, ruling that neither plaintiff had sustained any compensable injury as a result of the accident.