

to the wreck. The matter would remain for a jury to decide.

Fault aside, Richmond was hurt in the crash. At the scene, no injury was reported. A plumber, he instead went on to work. Only later in the day did he go to the ER.

Since that day, Richmond has been unable to work. A wide-ranging back injury (there were several surgeries) has left him totally disabled. Richmond explained that unable to pursue his trade, he lost everything. Thus the injury had both physical and emotional effects.

Plaintiff's medicals were \$129,083 and he sought \$60,000 for future care. Lost wages were \$182,359 – impairment was capped at \$786,608. The jury could also award \$400,000 each for past and future suffering. In this suit, he blamed Pike for running the light.

She defended as above that she'd never seen Richmond. Damages were also diminished, plaintiff noting it was unreasonable to link a lifetime of degenerative changes to a car wreck – this was especially so as there was no injury at the scene.

The instructions in this case were interesting – regarding causation, they instructed that the breach of duty was a substantial factor in causing the "injuries" as opposed to the "collision." This instruction was consistent with *Welsh v. Galen of Virginia*, 128 S.W.3d 41 (Ky Ct. App. 2003) – it was also different than *Palmore*'s pattern instructions which use the collision language.

The verdict on liability was for Pike and having so found, the jury didn't reach Richmond's duties, apportionment or damages. A defense judgment followed.

Richmond has moved for a new trial and cited that "undoubtedly" Pike ran the red light. He believed the jury was misled by Pike's counsel who suggested she would have to pay the verdict. In fact, she was protected by a \$1.25 million policy. Pike countered that fault was properly decided by the jury – they also thought the characterization of who would pay was reasonable as the plaintiff's prayer exceeded Pike's limits. The motion is pending.

Auto Negligence - An octogenarian in her brand new Jaguar ran a red light – it was alleged that the wreck left the plaintiff with a disabling back injury – a jury in Nicholasville exonerated the defendant on liability

Richmond v. Pike, 04-0695

Plaintiff: Ed W. Tranter, Fort Thomas and John M. Tranter, Nicholasville
Defense: J. Dale Golden and Eddie Wilson, *Golden & Walters*, Lexington
Verdict: Defense verdict on liability
Circuit: Jessamine, J. Daugherty, 5-17-06

There was a red light crash in Nicholasville on 4-2-02. The defendant, Peryda Pike, then a spry 84, was traveling in a brand new Jaguar. As Pike went into the intersection of Bradley Drive and U.S. 27, she struck Carl Richmond's vehicle. For Pike's part, she didn't remember seeing the light or Richmond.

Richmond by contrast, was quite sure what happened. It was his belief that Pike ran the light. Period. This contention was buttressed by witnesses