

**Auto Negligence - Soft-tissue  
suffering in a right of way crash was  
valued at \$30,000 in Pikeville**

*Robinson v. Walls et al*, 04-1107  
Plaintiff: Ronald G. Polly, *Polly &  
Smallwood*, Whitesburg

Defense: Lee A. Smith, *Neeley &  
Reynolds*, Prestonsburg for Walls  
Michael T. Davis and Dale J. Golden,  
*Golden & Walters*, Lexington for  
Howell

Verdict: \$94,462 for plaintiff assessed  
100% to Walls; Defense verdict for  
Howell

Circuit: Pike, J. Combs, 6-12-06

On 8-7-03 on U.S. 23 in Pikeville at  
the intersection with KY 1460, Thomas  
Robinson was sitting at a stop sign on  
the inferior KY 1460 waiting to turn. At  
the same time, Chad Walls, a teenager,  
proceeded northbound on U.S. 23 – he  
made a left turn in front of the oncoming  
Cecil Howell.

That initial collision sent Walls  
careening into Robinson. A moderate  
impact resulted. Robinson has since  
treated for a soft-tissue injury. His  
medical bills were \$14,462 and he also  
sought sums for future care, lost wages  
and suffering.

In this suit, Robinson first targeted  
Walls, blaming him for turning into  
Howell's path. Howell too was blamed,  
Walls believing it was safe to turn  
because he had his right turn signal on.

Summary judgment having been  
granted on the fault of Walls (he  
admitted fault in his deposition), the jury  
then only considered the duties of  
Howell. In that regard, Howell defended  
and postured Walls was solely to blame  
as even if his turn signal was on, he still  
had the right of way. Both defendants  
minimized damages.

The case then went to the jury to first  
consider fault. It exonerated Howell and  
determined the already-at-fault Walls  
was solely to blame. Then to damages,  
Robinson took his past medicals as  
claimed plus \$10,000 for in the future.  
Similarly, he took \$10,000 for lost  
wages, plus \$30,000 more for in the  
future. The suffering award was  
\$30,000, the verdict totaling \$94,462. A  
consistent judgment followed.

Walls has moved for a new trial citing  
error by plaintiff's counsel in closing  
argument – the teen has argued plaintiff  
improperly referred to defendant's  
insurance carrier and the ability to pay  
any judgment. The motion was pending  
when reviewed by the KTCR.