

TRANSPORTATION ALERT

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Significant Victory for Trucking Company in Admitted Negligence Case

By **Chris Cotter**, Partner

Randy Moore and **Chris Cotter**, members of the Roetzel & Andress litigation team, obtained summary judgment for a national trucking company in a case in which the trucking company's driver rear-ended another vehicle and the negligence of its driver was admitted. The plaintiff, who alleged an injury to his hip that required two surgeries and a traumatic brain injury, was seeking a significant recovery.

Because expert testimony is needed to establish the accident caused the hip and brain injuries, Randy and Chris developed an exit strategy that secured stipulations with regard to the use of videotaped medical testimony and utilized Rule 43(a) of the Federal Rules of Civil Procedure to obtain deadlines for the submissions. When the plaintiff failed to submit such evidence prior to trial, Randy and Chris submitted a motion for summary judgment based on plaintiff's failure to prove proximate causation.

In granting the motion, the Court held that the plaintiff "cannot sustain his claim without expert medical testimony" and "has likewise been unable to procure such testimony." The case reinforces the notion that, even in an admitted negligence claim, the plaintiff must still prove proximate causation and damages, and when the plaintiff fails to establish proximate causation as a matter of law, summary judgment in favor of the defendant is appropriate.

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