

ACTUAL CASE RESULTS AS REFERRED TO IN THIS WEBSITE DEPEND UPON A VARIETY OF FACTORS UNIQUE TO EACH CASE. THE RESULTS OBTAINED IN THESE CASES DO NOT GUARANTEE OR NECESSARILY PREDICT A SIMILAR RESULT IN ANY FUTURE CASES. (Notice pursuant to Virginia State Bar Rule 7.2(a)(3))

Motorcycle Sidecar - Weld Failure

Type of Action: Personal Injury

Type of Injuries: Linear fracture of C5 cervical vertebra; subluxation of C4 over C5.

Court/Case No.: U.S. District Court, Eastern District of Virginia, Alexandria Division.

Consolidated for trial: CA90-0173-A, CA90-0174-A and CA90-0175-A.

Judge or Jury: Judge

Name of Judge: Judge James C. Cacheria

Special Damages: Total medical expenses: Plaintiff (Cress), \$5,567; motorcycle driver (Cranston), \$1314; motorcycle passenger (Grant), \$5,876.

Damages Awarded or Settled: Jury award amount - Motorcycle driver (Cranston), \$7,000; motorcycle passenger (Grant), \$17,500; sidecar passenger (Cress), \$277,000.

Combined total of verdicts: \$301,500.

Attorney for Plaintiff: Roger L. Amole Jr., Alexandria.

Name of Cases: Thomas L. Cress, Jr. v. Harley-Davidson, Inc. and Donald E. Waugh t/a Waugh Enterprises; William H. Cranston v. Harley-Davidson, Inc. and Donald E. Waugh t/s Waugh Enterprises; Johnny M. Grant v. . Harley-Davidson, Inc. and Donald E. Waugh t/s Waugh Enterprises.

Insurance Carrier: Federated Mutual Insurance Co.

Highest Offer: \$80,000

The accident occurred when a weld failed on the rear support bracket attaching the motorcycle to the sidecar, causing the motorcycle to become unstable and crash. The sidecar occupant, Cress, sustained a linear fracture of C5 which healed in excellent position. He was left with a subluxation of C4 over C5, permanently disabled from working as a heavy duty truck mechanic. The driver, Cranston, sustained superficial wounds and post traumatic stress disorder. The passenger, Grant, received a concussion, five centimeter scar through his right eyebrow and some cognitive problems as a result of the head injury.