



JAS MA Ref. No. 217312WL
2005 WL 2148520 (Mass.Super.), JAS MA Ref. No. 217312WL
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Superior Court of Massachusetts
WILLIAM BOYLE v. CAROL L. SILLUZIO
HSCV2003-00050

DATE OF VERDICT/SETTLEMENT: April 7, 2005

TOPIC: MOTOR VEHICLE AUTO ACCIDENT - BICYCLE - NECK INJURY - DEFENSE VERDICT - BICYCLE

SUMMARY:

Result: Verdict: Defense verdict

EXPERT WITNESSES:

Plaintiff's: Mark McLaughlin, M.D. - Orthopedist - Northampton, MA

ATTORNEY:

Plaintiff's: Harold I. Resnic, Springfield
Defendant's: John B. Stewart, Springfield

JUDGE: Judd J. Carhart

RANGE AMOUNT: \$0
STATE: Massachusetts

COUNTY: Hampshire County, MA

ALLEGED INJURY: Primary injury to the neck requiring transportation by ambulance. Plaintiff had neck surgery 10 months after the accident.

SUMMARY:

Plaintiff Information:

Age: 50
Sex: M
Occupation: Disabled

Jury Deliberations: 5 hours

FACTS:

A jury deliberated for 5 hours before finding the defendant negligent in this bicycle versus vehicle collision. However, the jury determined defendant's negligence was not a substantial contributing cause of plaintiff's damages. A defense verdict was entered.

Plaintiff William Boyle, age 50, was riding his bicycle on a street near downtown Northampton. He was stopped at a stop sign and then drove his bike onto a sidewalk. He then proceeded to pull into an intersection where a collision occurred with a vehicle driven by Defendant Carol Silluzio. Plaintiff was taken from the scene by ambulance.

Plaintiff alleged the motorist was negligent because she was not watching for bicyclists. Plaintiff stated he pulled away from the stop sign when the defendant's vehicle was 100 feet away, traveling at 20 to 25 mph. Plaintiff claimed pain and suffering for more than 15 months, including \$33,000 in medical bills for a neck

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surgery 10 months after the accident. He alleged the neck surgery was related to the collision with defendant's vehicle.

Defendant stated she had stopped for another bicyclist who had crossed her path and was just beginning to drive forward when plaintiff appeared. Defendant said she quickly stopped her vehicle. According to defendant, plaintiff put his hand on the hood of her car, teetered on his bicycle and then fell. Defendant also contended that plaintiff was not wearing his eyeglasses at the time of the collision and was taking a variety of pain and psychiatric medications.

EDITOR'S NOTE:

Per defense counsel, plaintiff denied he was under a doctor's care or had neck problems prior to the accident. However, on cross examination at trial, it was shown that plaintiff visited his physician the morning of the accident with a primary complaint of neck pain which he rated as 6 on a scale of 10. Defense counsel also noted that plaintiff completed forms in a surgeon's office that traced the onset of his neck pain to five months prior to the accident.

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Superior Court

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