

Trial Report

Davila v. City Cab
Springfield District Court
October 26, 2004

Summary: Defense Finding in rear end collision case. The plaintiff failed to prove identity of the defendant.

* * *

This was one of the last District Court trials tried to a judge (before the changeover to jury of six). The plaintiff testified she took a bus from Holyoke to Springfield, and then hailed a cab at the bus station to take her to her employment in West Springfield. She claimed the cab rear ended another vehicle in between on the busiest downtown street in Springfield and the drivers stopped traffic for 10 minutes and exchanged information yet no policeman came to the scene. She could not give a specific description of what the cab driver looked like, and was uncertain about the lettering on the cab. She did not remember the cab number. Her account had many holes and was incomplete on key details. After the accident she proceeded to her

employment rather than seeking medical care, and worked for several hours before having her son pick her up to take her to a local emergency department.

The owner of the cab company testified that each cab operator is an independent contractor, and the cabs are rented to the cabbies for \$80 for 12 hours. The cab operator was on his own business and there was no agency with the defendant (and no legal responsibility for any negligence on the part of the cabbie). In addition, as a matter of invariable practice each cabbie inspects the vehicle before renting it to assure he will not be blamed at the end of his rental for pre-existing damage. No damage or accident was reported by any cabbie during the shift in question.

When the specter of an accident emerged three days post-accident photographs were taken showing there was no damage to any of the cabs on the road at the time of the alleged accident.

The Judge ruled the plaintiff had not sustained her burden of proving the identity of the vehicle supposedly involved in her accident.