



JAS MA Ref. No. 93106WL

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Superior Court of Massachusetts  
MICHAEL A. DITTO v. TOWN OF PALMER AND MASS. CENTRAL RAILROAD CO.  
88-728H

DATE OF VERDICT/SETTLEMENT: July 13, 1995

TOPIC: MOTOR VEHICLE MOTORCYCLE ACCIDENT - RAILROAD CROSSING - MAINTENANCE MUNICIPAL  
LIABILITY RAILROAD DEFENSE VERDICT

SUMMARY:

Result: Verdict: Defense verdict

ATTORNEY:

Plaintiff's: Owen S. Clark, Palmer

Defendant's: John B. Stewart, Springfield (Palmer) Jeffrey A. Rahn, Springfield  
(Mass. Central)

JUDGE: John F. Moriarty

RANGE AMOUNT: \$0

STATE: Massachusetts

COUNTY: Hampshire County, MA

ALLEGED INJURY: Lacerations, bruises, internal bleeding and continuing pain in  
shoulder, back and neck. Plaintiff claimed \$1,100 in medical specials and inability  
to work as a mechanic for eight months.

SUMMARY:

Plaintiff Information:

Age: 21

Sex: M

Occupation: Mechanic

Marital Status: Single

Insurance Carrier: CIGNA (City) and Self-insured (Mass. Central)

Jury Deliberations: 15 minutes

Settlement Efforts:

Last Demand: N/A

Last Offer: \$500

FACTS:

Plaintiff was operating his motorcycle on Route 181 (Sykes Street) in defendant  
town where railroad tracks cross the street at a 45 degree angle. He lost control of  
his motorcycle while crossing the tracks. Defendant railroad allegedly maintained  
the crossing.

Plaintiff alleged that: (1) he was traveling 30 m.p.h. and slowed to 10 m.p.h. to

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cross the railroad track; (2) the macadam leading up to the second rail was broken up, causing his front wheel to become caught in a depression in the pavement between tracks; and (3) his motorcycle struck him twice after he fell, resulting in injuries which prevented him from working as a mechanic.

Defendant railroad contended that it did not own, control or maintain the crossing. Defendant railroad further contended that plaintiff worked approximately 15 months since he finished trade school and that plaintiff's back and shoulder injuries were proximately related to a subsequent auto accident.

EDITOR'S NOTE:

Defendant Town received a directed verdict. Per counsel, the jury was apparently unimpressed by plaintiff and his assertion of blame on others for the motorcycle accident. The emergency room record stated that plaintiff reported he was traveling 60 m.p.h. at the time of the accident.

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