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VERDICTS & SETTLEMENTS

Father-Son Team Wins \$4.2 Mil. Verdict for Bus Accident Victim

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A Philadelphia jury has awarded \$4.2 million to a college student who said she suffered serious leg injuries when a school bus ran her over.

Elizabeth Auger's legs were run over during a pedestrian-vehicle accident April 25, 2006, at an intersection in Montgomery County, according to court papers.

The jury verdict in *Auger v. Raney* found that defendants Carolee Raney, the bus driver, and Laidlaw Transit Inc., the owner of the bus, were 85 percent negligent and that Auger was 15 percent negligent. Auger will receive \$3.57 million of the \$4.2 million non-economic damages award.

Auger, now 21, of Sparta, N.J., was represented by father-and-son team Edward F. Chacker and Brian S. Chacker of Gay Chacker & Mittin. The Chackers said this trial was the first one they tried with each other in two years of practicing together.

The trial was held over four days in front of Philadelphia Common Pleas Judge Nitza I. Quiñones Alejandro. The verdict was rendered April 14, according to the court docket.

Auger, a student at Arcadia University, was walking northbound around 2 p.m. across Church Road at the intersection of Church Road and Limekiln Pike in Glenside, according to the plaintiff's memorandum.

Raney was making a left turn onto Church Road in the empty school bus she was driving. Auger was knocked to the ground by the bus; as the bus skidded to a stop, the right rear tires of the bus ran over Auger's legs and stopped on top of the skirt Auger was wearing, the memorandum said.

According to the defense's short pretrial memorandum, Auger was crossing Church Road "northbound outside of the pedestrian crosswalk and walked into the side of a Laidlaw School Bus."

During the trial, Raney testified that she didn't see anyone in the intersection and that Auger must have walked into the side of the bus, but two eyewitness testified that Auger was in the crosswalk and she was knocked over by the bus' front quarter panel on the driver's side, said Brian Chacker, the lead counsel in the case.

Auger's right ankle was fractured in the accident, according to the plaintiff's pretrial



FROM LEFT, **BRIAN S. CHACKER** AND **EDWARD F. CHACKER** OF **GAY CHACKER & MITTIN**.

memorandum. Auger also suffered hematomas, or accumulations of blood, on her left calf and right thigh, road rash on both legs and a fracture in her left big toe, the memorandum said. Her injuries required two surgeries on her ankle and six months of physical therapy.

Auger's two ankle surgeries included the placement of a screw in her ankle to give stability to her ankle and a second surgery to remove the screw because of the pain it caused Auger, according to the plaintiff's memorandum.

The hematoma on Auger's right thigh was originally the size of a bowling ball, Brian Chacker said. The wound in Auger's ankle got infected and "smelled like rotting flesh was how she described it," he added.

Emergency responders had to pull gravel out of Auger's legs, and her legs now have scarring that required multiple plastic surgery procedures, Brian Chacker said. Auger, who now walks with a limp, will likely need surgery on her knees and more surgery for her now-arthritis ankle, he said.

Auger, a biology major, was admitted to veterinary school at Kansas State University and the University of Pennsylvania, but will be attending Kansas State, a lower-ranked school, because of the recommendation that she move out of the area away from the triggers of her trauma, Brian Chacker said.

Auger is being treated with Zoloft and Xanax because of post-traumatic stress, depression, anxiety, social withdrawal, fear of traffic and being in and near cars and nightmares about the crash,

the plaintiff's memorandum said.

"She feels pain every day, permanent numbness from nerve damage, scarring all over her ankles, left calf and thigh and knowledge of future surgeries," Brian Chacker said. "That's not something a 21-year-old girl should have to deal with."

The defense pretrial memorandum said Auger "has made a good recovery from her injuries and will graduate from college this year and hopes to attend veterinary school."

The memorandum also said American Home Assurance Co. has insured Laidlaw for not less than \$1 million.

Brian Chacker said Laidlaw offered \$100,000 to settle the case.

"Beth Auger is such a wonderful, wonderful person," Brian Chacker said. "I'm just happy for her. She has been through so much. This will hopefully help her go through the rest of her life more comfortably."

The defense has made post-trial motions for relief and the plaintiff has made a motion for delay damages.

"We are pursuing all options on behalf of our client," Laidlaw defense attorney James A. Bosakowski, of Marshall Dennehey Warner Coleman & Goggin, said. "We have filed post-trial motions. We've started the appeal process." He said it was inappropriate to comment further on the case while an appeal of the verdict was pending. Laidlaw's parent company, Laidlaw International Inc., was recently acquired by FirstGroup PLC.

The eight-member jury and the two alternate jurors were all women, Brian Chacker said.

He said after the verdict was rendered the jury commented that he and his father had "worked together seamlessly" during the first case they tried together. He called it a great experience to try the case with his father.

Edward Chacker joked that it's not that often with a "great victory" compensating a client with terrible injuries that he can hug his co-counsel afterward without a problem.

"Trying a case with your kid is the most incredible experience in the world," Edward Chacker said.

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