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The Standard-Speaker

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Jan. 16 - An elderly Tresckow defendant, testifying Friday at a civil trial in Luzerne County Court, refused to accept fault for striking and catastrophically injuring a Hazleton woman flagging traffic through a construction site on the Airport Beltway in 2001.

Teresa McManamon, 222 W. Fern St., was struck by a van on May 30 at approximately 10:52 a.m. while working for Lagana Construction Services, which was paving two driveways leading to All-Phase Electric.

Edward Washko, 32 E. Hickory St., and his employer, the Greater Hazleton Health Alliance, are defendants.

Washko was 69 at the time and was working as a courier for the hospital. He said he was headed to the nearby Dessen MRI Center to deliver and to pick up radiology film.

The lawsuit was filed on behalf of McManamon, who was left incapacitated by serious brain injury, and her co-guardians James Greenough and Denise Kurzmann, her brother and sister.

Washko answered "No" when a defense lawyer asked, "Do you accept fault for the accident?" He admitted that he and the Alliance filed papers blaming the people working for Lagana for the accident. Asked if he was suing All-Phase, Washko replied, "Yes."

Earlier testimony established that two "work area ahead" signs bearing orange flags were posted on the westbound approach some 750 feet in advance of the accident site, and orange cones were in place at the driveways. The weather and visibility were excellent and there were no vehicles or other obstructions between the van and McManamon.

McManamon was wearing a high visibility vest and hard hat, and holding a red flag, which became lodged under the van's passenger side windshield wiper after impact.

Washko, now 71, testified that McManamon had her back to him and was stepping sideways into the roadway holding out the flag when she was struck.

He testified that he noticed they were paving the driveway on the west end of All-Phase.

"I saw a big macadam truck and people working there," he stated.

Testifying that he didn't see any signs, Washko said he had no explanation.

He said, "A lot of times you drive over roads so often you're just trying to do your job. You're not looking around."

"I didn't see her with a flag...It was a flash, just a few seconds," Washko stated.

He said, "I didn't see her until I had to swerve...She was coming out onto the road. I swerved my van. I heard a thump. I went over the eastbound lane and said, 'God no, God, no.'"

Washko said the van went over an embankment and up a slope. After stopping, he said he backed up onto the berm and called 911 on a cellular phone.

He said he slammed the brakes and tooted the horn, but it was too late.

"I swerved because I thought I could avoid her...The swerve was a reaction."

When he swerved and crossed the road, Washko said he didn't know if there was any traffic coming from the opposite direction.

He stated "I could have been killed or injured too."

The defense lawyer said Washko didn't see McManamon because his eyes were drawn to a big macadam truck in the driveway.

"Your eyes were drawn to the truck. You weren't looking at the roadway," the lawyer charged.

Washko responded, "No. My eyes were still straight on the road."

Trooper Robert Hudson, the investigating officer and a State Police accident reconstruction expert testified Wednesday.

He said, "I did not expect her to live. I thought this was going to be a fatality."

Upon arriving at the scene, Hudson said that paramedics treating McManamon along the shoulder of the highway told him, "She was not in very good condition."

The trooper said he talked to many people but that no one he spoke to saw the van strike McManamon. He said information gathered indicated that she was standing on the road surface within five feet of the shoulder when struck by the westbound vehicle.

Hudson said he drove past the site twice while on patrol and saw at least one construction sign.

Another witness said a truck with a construction sign and flashing lights was parked along the north side of the road on the grass beyond the shoulder.

The jury of seven men and five women was sworn in Monday at 3:05p.m.

Judge Hugh Mundy recessed the trial at the lunch recess Friday until Tuesday morning.

The courthouse will be closed on Monday in observance of Martin Luther King Jr. Day.