

Pennsylvania - New Jersey - New York - Nationwide

The Legal Intelligencer

By Asher Hawkins

Of the Legal Staff

Philadelphia, Thursday, January 22, 2004

A Luzerne County jury has awarded more than \$19 million to a Hazelton woman rendered incapacitated when she was struck by a van as she was arranging roadside cones for a construction site.

Teresa McManamon's attorney, [Shanin Specter](#) of Kline & Specter in Philadelphia said his client, a 41-year-old single mother of three teen-age children at the time of the accident, suffered numerous broken bones and neurological damage extensive enough to preclude her working and require her to live in an assisted-living facility.

According to court documents, McManamon was flagging traffic around a construction site just north of Hazelton on the morning of May 30, 2001, when the accident occurred. Specter said that her employer was renovating a parking lot belonging to All Phase Electric Supply Co. and that she was bending over to place cones along the roadside when she was struck by the van.

Defendant Edward Washko, an employee of local hospital operator Greater Hazelton Health Alliance, was operating a 1991 Mazda MPV van in the course of company duties when he struck McManamon, court documents stated.

Specter said: "Washko was employed by Greater Hazelton as a courier at the time of the accident".

According to court documents, Washko was cited by state police for careless driving after the accident. The defense countered in its response to McManamon's complaint the "action or inaction" on the part of McManamon's employer and All Phase contributed to her injuries.

The trial lasted for seven days, with the 12-member jury returning a unanimous verdict yesterday after five-and-a-half-hours of deliberation, Specter said. The trial was held in the Luzerne County Court of Common Pleas and was presided over by Judge Hugh Mundy, Matthew Casey of Kline & Specter co-tried McManamon's case.

According to the jury verdict sheet, Washko was found negligent, with his negligence being a substantial factor in causing McManamon's injuries. The total verdict was for \$19,098,341 including \$918,271 for past medical expenses; \$6,794,236 for future medical expenses; \$40,834 for past lost earnings; \$345,000 in future lost earning capacity; \$1 million for disfigurement; and \$10 million for past, present, and future pain and suffering,

embarrassment and humiliation, and loss of enjoyment of life. The verdict sheet did not apportion liability percentages between Washko and Greater Hazelton.

Experts for McManamon included Dr. S. Ross Noble, a physical medicine and rehabilitation specialist from West Reading; B.A. McGettigan, a registered nurse and life-care planning expert from Downingtown;; Ronald R. Baade, an accident reconstructionist from Mifflintown; and David Hopkins, an actuary from Mifflintown.

Specter said that several months prior to trial, his client had made a demand to Greater Hazelton's insurer, Princeton Insurance, for \$11 million. Greater Hazelton was covered for \$10 million under its Princeton policy and for \$1 million under a policy with another insurer. That demand, he said, was never responded to.

Washko and Greater Hazelton were represented by Lucille Marsh of Kreder Brooks Hailstone & Ludwig in Scranton. Marsh did not immediately return calls seeking comment.

* This article is republished with permission from American Lawyer Media, Inc. Copyright 2004. ALM PROPERTIES, Inc. All Rights Reserved. Further Duplication Without Permission is Prohibited.