

Providence and Bristol Counties, RI

Superior Court
Providence

Auto Accident - Rear-End - Lessor Held Vicariously Liable

Verdict: \$18,904,191

Judge: Patricia A. Hurst

Date of Verdict: 8/7/2002

Plaintiff's Attorney(s): Mark B. Decof, Providence
Patrick C. Barry, Providence

Defendant's Attorney(s): James T. Murphy, Providence

Age: 48

Sex: F

Marital Status: Divorced

Occupation: Data entry clerk

Facts: On July 23, 1998 at approximately 11:25 p.m., Plaintiff Judith Oliveira, a 48 year old female, was sitting in a parked vehicle near the corner of Ernest and Eddy Streets in Providence. Defendant Steven Lombardi, who was driving a leased Acura, struck the rear of plaintiff's vehicle at a high rate of speed. Plaintiff's vehicle became engulfed in flames and plaintiff was pulled from the vehicle by a bystander. As a result of the accident, plaintiff suffered permanent paraplegia, tetraplegia and burns over approximately 10% of her body.

The Acura driven by Steven Lombardi was leased by his father, Defendant Salvatore Lombardi, from Defendant Chase Manhattan. The trial court granted a motion for summary judgment dismissing Chase Manhattan on the basis that Chase could not be held liable for Steven Lombardi's actions. Plaintiff appealed the summary judgment to the Rhode Island Supreme Court. In April of 2002, the Supreme Court overturned the dismissal, ruling that a leasing company, as owner of the vehicle, could in fact be held vicariously liable for injuries sustained in a motor vehicle accident pursuant to two Rhode Island statutes.

On June 10, 2002, Defendants Salvatore and Steven Lombardi filed for bankruptcy relief. Two companies that insured the Lombardis agreed to pay their policy limits to settle plaintiff's claims for a total of \$1,300,000. The case then proceeded to trial on August 7, 2002 against Chase Manhattan only.

At trial, the only issue before the jury was damages. Plaintiff claimed past medical expenses in excess of \$1,000,000, future medical expenses of \$3,900,000 and past and future lost wages of \$330,000. Chase Manhattan disputed plaintiff's damages, arguing that plaintiff's life expectancy was severely diminished due to her injuries and that plaintiff's economic damages were far less than what she claimed.

A Providence County jury deliberated for about 3 hours before returning a verdict for plaintiff in the amount of \$18,904,191. With interest, the total judgment was expected to be \$27,978,202. The parties subsequently settled the case for an undisclosed amount. JAS Publications reserves all rights to this case summary, Copyright © 2003.

Alleged Injury: Fracture of thoracic (back) spine resulting in paraplegia and cervical (neck) spine injury resulting in tetraplegia (frequently defined as quadriplegia) with severe impairment of the upper limbs. Plaintiff required the use of a wheelchair, as well as daily living assistance, and was unable to return to her job as a data entry clerk. She also suffered post traumatic stress disorder and burns to approximately 10% of her body which required grafting and resulted in moderate scarring. Plaintiff claimed past medical expenses in excess of \$1,000,000, \$3,900,000 in future medicals and \$330,000 for past and future lost wages.

Jury Deliberations: 3 hours

Expert Witnesses:

Plaintiff: Stephen C. Saris, M.D. - Neurosurgeon - Providence, RI
Harvey Zimmerman, Ph.D. - Economist - Warwick, RI
William Sniger, M.D. - Physiatrist - Raynham, MA
Francis Sparadeo, Ph.D. - Psychologist - Providence, RI
Jerrold N. Rosenberg, M.D. - Physiatrist - Providence, RI

Defendant: N/A

Case Caption: Judith J. Oliveira v. Steven A. Lombardi, Salvatore Lombardi and Chase Manhattan Automotive Financing

Case Number: PC20002780

Editor's Note: Plaintiff's counsel reported that he believed this was the largest personal injury jury verdict in Rhode Island's history and the first time a leasing company was held responsible for injuries sustained in a motor vehicle accident.