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Fergusson v. Sourdough Fire Dept. (verdict)

DISTRICT COURT

VERDICT: Defense, collision with fire truck door. A Bozeman jury found 10-2 that Sourdough Fire Dept. was not negligent in connection with a collision that resulted in property damage to Mark Fergusson.

Savannah Fergusson, 16, was driving north on South 19th near Patterson in a 60 mph zone 8/11/11 and saw a red utility truck maneuvering in the road with emergency lights on. Her father Mark told her, "He's just sitting there, go around." She proceeded in her lane at 20-30 mph and collided with the passenger door of the SFD emergency vehicle. She contended that it unlawfully moved into her lane at the last moment. There were no injuries. Her father sued for property damage and loss of use. He contended that the truck was not an authorized emergency vehicle because it did not have a siren as statutorily required. SFD contended that Savannah had a duty to yield. It filed a 3rd-party complaint against Savannah, and also contended that Mark was at fault for instructing her to go around. The jury did not reach the alleged negligence of Savannah or Mark.

Plaintiff's expert: Trooper Derek Brown (deposed).

Defendant's expert: PE Carl Finocchiaro, Lafayette, Colo. (deposed).

Demand, \$8,000 plus fees; offer, 0. Jury request, \$8,800; jury suggestion, 0. Daniel Buckley, mediator.

Jury deliberated 1 hour 2nd day; Judge Holly Brown.

Fergusson v. Sourdough Fire Dept., Gallatin DV 12-149, 9/19/13.

Geoffrey Angel (Angel Law Firm), Bozeman, for Fergusson; Randall Nelson (Nelson & Dahle), Billings, for SFD (Glatfelter Claims Management); Steven Reida (Landoe, Brown, Planalp & Reida), Bozeman, for 3rd-party Defendant Savannah (Allstate Ins.).

