

# Nelson & Dahle, P.C.

316 North 26th Street Billings, Montana 59101 p: 406.867.7000

## DISTRICT COURT

Carranco v. Daniel, Yellowstone DV 96-799, 5/6/98 .

VERDICT: 50/50 negligence, auto, liability only.

A 6-0 Billings jury found that Plaintiff Brent Carranco and Defendant Mark Daniel were each 50% negligent in connection with a collision in 5/96 in Billings . Because Carranco was in a second accident, which suit was consolidated into this case, liability was bifurcated on Daniel's motion and the jury determined only liability. Damages trial is set for 9/22.

Carranco and Daniel were both southbound on Main in Billings Heights . The collision occurred to Daniel's left rear corner and Carranco's front grill. Officer Iffland cited Daniel as the sole cause and for failure to make a proper left turn at Main and Crow Lane. He determined at the scene that the crash had occurred at a 90° angle with Daniel crossing to the left in front of Carranco in lane 3 and placed the point of impact 2' to the left of the dividing line between lane 3 and the middle lane on Main , although he admitted at trial that he did not remember what evidence he used to establish point of impact. Daniel contended that he was part way in the turn lane at impact, and that the accident was Carranco's fault because Daniel was in lane 3 long enough for Carranco to have a duty to see and avoid him. John Jurist reviewed the accident material and determined that the impact occurred at a 30° angle and that Carranco had a closing speed of 22-30 mph at the time of impact.

Judge Baugh ruled that Carranco's improper right turn into the third lane from Wicks (380' before impact) was irrelevant to the accident and could not be the basis of a comparative negligence claim against Carranco.

Plaintiff's Expert: Billings officer Kevin Iffland.

Defendant's Expert: Biophysicist John Jurist, Billings .

Demand, \$24,000; offer, \$0.

Jury deliberated 2 hours 2nd day.

Carranco v. Daniel, Yellowstone DV 96-799, 5/6/98 .

William Fitzgerald (Lynaugh, Fitzgerald, Eiselein & Eakin), Billings , for Carranco; Randall Nelson (Nelson Law Firm), Billings , for Daniel (State Farm Mutual Auto Ins.).

