Who Is Responsible When Multiple Accidents Cause An Injury?

In McDougall v. Smith, 191 Ohio App.3d 101, 2010-Ohio-6069, Ohio’s Third Appellate District provides guidance as to how the legal doctrine of proximate cause should be applied to a lawsuit involving multiple motor vehicle accidents. The decision provides a concise analysis on the subject of proximate cause, an important, and often misunderstood legal concept.

By way of background, on July 20, 2007, motorist William Smith caused an accident by striking a vehicle operated by Timothy Wells and occupied by several other passengers. As a result of the accident, an ambulance was called to the scene. The ambulance was staffed by Heidi McDougall and Kelly Rager. While the ambulance was transporting some of the accident victims to the hospital, a second motor vehicle accident occurred when a semi-truck struck the ambulance. On July 16, 2009, a lawsuit was filed on behalf of the Estate of Kelly Rager and Heidi McDougall against Mr. Smith. The complaint alleged that, but for the first accident caused by Smith, McDougall and Rager would not have been in the ambulance heading toward the hospital at the time of the second accident. The trial court ultimately concluded that Mr. Smith was not the proximate cause of the second accident and granted summary judgment in his favor.

Ohio courts typically define “proximate cause” as a happening or event that as a natural or continuing sequence produces an injury without which the injury would not have occurred. In layman’s terms, the concept can be explained in terms of simple cause and effect. Although there may be more than one contributing proximate cause of an injury, the test is whether the original and successive acts may be joined together as a whole, linking each of the actors as to the liability, or whether there is a new and independent act or cause which intervenes and thereby absolves the original negligent actor.

In affirming the trial court’s grant of summary judgment in favor of Mr. Smith, the appellate court held that the cause of Rager’s and McDougall’s injuries, which was a collision between the ambulance and a semi-truck was not foreseeable because one need not anticipate that another driver will violate the law and that a collision will occur. If the second collision is not a foreseeable consequence of the first accident, then the casual chain is broken and Smith cannot be held liable for injuries sustained in the second accident.

The McDougall decision is particularly useful in that it provides a concise and easy to understand analysis of the legal principal of proximate cause. For more information about this decision, or to discuss any general liability issues, feel free to contact any of Reminger’s General Property and Casualty Group attorneys.

By Holly Marie Wilson

Cleveland
Holly Marie Wilson
hwilson@reminger.com
101 W. Prospect Ave.,
1400 Midland Bldg.
Cleveland, OH 44115
Phone: 216-430-2238
Fax: 216-687-1841

Toledo
Philip S. Heebsh
pheebs@reminger.com
One SeaGate,
Suite 1600
Toledo, OH 43604
Phone: 419-245-4303
Fax: 419-243-7930

Columbus
Stephanie Buck Ingram
singram@reminger.com
65 East State St., 4th Floor
Capitol Square
Columbus, OH 43215
Phone: 614-232-2422
Fax: 614-232-2410

Ft. Mitchell, KY
John M. Dunn
jdunn@reminger.com
250 Grandview Dr.,
Ste. 550
Ft. Mitchell, KY 41017
Phone: 859-426-3662
Fax: 859-283-8074

Cincinnati
Robert W. Hojnoski
rhojnoski@reminger.com
525 Vine Street,
Suite 1700
Cincinnati, OH 45202
Phone: 513-455-4013
Fax: 513-721-2553

Lexington, KY
Matthew T. Lockaby
mlockaby@reminger.com
269 West Main St.,
Ste. 700
Lexington, KY 40507
Phone: 859-426-4631
Fax: 859-233-1312

Louisville, KY
Emily W. Newman
enewman@reminger.com
One Riverfront Plaza
401 W. Main St., Ste. 710
Louisville, KY 40202
Phone: 502-625-7300
Fax: 502-589-5436

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