
8/30/06 - Judge DEBORAH BERNINI -
 CV 2004-6187 - SOUTHWEST RISK
 SERVICES, INC. (Kimberly J. Sayre of
 Swenson, Storer, Andrews & Frazelle, P.C.) v
 ZENT (Douglas W. Glasson of Law Offices of
 Edythe H. Kelly & Associates) - INTER-
 SECTION - CONTROLLED - TRAFFIC
 SIGNAL - MOTORCYCLE/EMERGENCY
 VEHICLE COLLISION - SUBROGATION.
*Case being tried on Plntf's appeal of an arbitra-
 tion finding.* Case also being tried on compara-
 tive fault. Plntf alleged Dfnt failed to yield the
 right-of-way, when non-party Sample, a police
 officer, entered the intersection, with lights and
 siren in operation. Plntf called S. Dale Fridley,
 P.E., an accident reconstructionist, who testified
 non-party Sample was travelling twenty-three
 miles per hour, at time of collision. Dfnt,
 female, a kindergarten teacher, denied liability,
 advancing the defense that she had the green
 light, and non-party Sample failed to ensure that
 the intersection was safe to enter. Dfnt alleged
 non-party Sample was travelling at an unreason-
 able speed, and was the proximate cause of the
 collision. Prayer: \$14,476.31 property damage
 (P). (Carrier: State Farm Insurance.) During
 closing arguments, Plntf's counsel argued either
 Dfnt was one-hundred percent at fault, or both
 Dfnt and non-party Sample were at fault.
 Defense counsel argued non-party Sample
 was at fault. Two day trial. Jury out one
 hour. FOUND DFNT TO BE FIFTY PER-
 CENT AT FAULT, AND FOUND NON-
 PARTY SAMPLE TO BE FIFTY PERCENT
 AT FAULT. UNANIMOUSLY.
