

Circuit Court of Alabama, Tenth Judicial Circuit, Jefferson County.

CRITTENDEN v. THARP

05-4049

DATE OF VERDICT/SETTLEMENT: January 17, 2008

**TOPIC: AUTO NEGLIGENCE - A TEENAGER TAKING A DRIVING TEST FAILED TO YIELD THE RIGHT-OF-WAY AND THEREBY CAUSED ANOTHER MOTORIST TO VEER INTO A HEAD-ON COLLISION WITH A THIRD VEHICLE**

SUMMARY:

Verdict: \$45,000 for plaintiff

ATTORNEYS:

Plaintiff: [Herbie Brewer](#), Birmingham

Defendant: Ronald J. Gault, *Gaines Wolter & Kinney*, Birmingham

JUDGE: [Edward L. Ramsey](#)

RANGE AMOUNT: \$1-49,999

STATE: Alabama

COUNTY: Jefferson

FACTS:

On 6-22-04, Bobby Crittenden, then age 59, was driving on Center Point Road near the intersection of 26<sup>th</sup> Avenue NE and Fox Hill Drive in Jefferson County. At the same time, Janna Tharp, then just three days shy of her 16<sup>th</sup> birthday, was taking a driver's test in the same area.

Tharp was accompanied and being observed by driver's license examiner Carolyn Pace. As Tharp drew near to Crittenden, she failed to yield the right-of-way and crossed into his path. That, in turn, led Crittenden to veer to one side in an effort to avoid colliding with Tharp.

In attempting this evasive maneuver, however, Crittenden crashed head-on into another vehicle that had been approaching from the opposite direction. In the aftermath of the crash, Tharp did not stop to render aid and instead simply left the scene.

The record does not reveal the nature of Crittenden's injuries or the amount of his medical expenses. He filed suit against Tharp and blamed her for failing to yield the right-of-way, crossing into his path, causing the crash, and then leaving the scene of the accident.

In addition to his negligence claim, Crittenden also alleged a count for wantonness, and he sought both compensatory and punitive damages. He also made an uninsured/underinsured motorist claim against his own insurer, State Farm **Insurance** .

State Farm subsequently opted out of the case, and the litigation proceeded against Tharp. She defended the case and minimized the claimed damages. It is unknown, incidentally, whether she passed her driver's test.

A jury in Birmingham heard the evidence and returned a verdict for Crittenden in the amount of \$45,000. The court entered a judgment for that amount. Shortly thereafter, all claims against State Farm were

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dismissed.

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Alabama Jury Verdict Reporter

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2008 WL 631181 (Ala.Cir.Ct.)

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