

Bucks boy wins \$1.8 million for accident injury

By Edward Levenson
Staff Writer

The parents of a 6-year-old Warminster boy, who suffered permanent brain damage in an automobile accident, will receive a \$1.8 million settlement from the state transportation department, Warrington Township and other defendants.

The settlement, on behalf of Michael Colson, was reached shortly before the start of a civil trial in Bucks County Court, according to Doylestown attorneys Robert J. Mellon and Nancy Larkin Taylor. They represent the parents, Russell and Barbara Colson.

The Colsons filed suit after Michael was seriously injured in a two-car collision on Oct. 21, 1992 at Limekiln Pike (Route 152) and Stump Road in Warrington.

Michael, then 3, was a passenger in a car driven by his babysitter, Kristie R. Mullen, then 18, of Warrington. Her car collided with a minivan driven by Cara Stern, then 46, of Chalfont. Mullen, Michael's 4-month-old sister, Kaitlyn, another passenger, and Stern also were injured.

The Colsons sued the Pennsylvania Department of Transportation, Warrington Township, Mullen, Stern and John and Jane Morris, owners of a corner lot at the intersection.

PennDOT and Warrington will pay \$375,000 apiece toward the settlement. The other three defendants will share the remaining \$1.05 million. The proceeds will be placed in a trust fund for Michael.

Mellon and Taylor said Michael's lifetime medical care will cost an estimated \$16 million. But state law capped damages against PennDOT and the township at \$500,000 each. The other defendants agreed to pay their maximum insurance coverage.

According to the attorneys, "Warrington Township and PennDOT knew this intersection was dangerous and did nothing to fix the problem."

Fourteen months before the accident, an engineering study commissioned by the township recommended that foliage on the corner of Limekiln Pike and Stump Road be removed and that the slope on Limekiln Pike be regraded. The conditions created a blind spot for motorists

looking south on Limekiln Pike from Stump Road.

Mullen, who was eastbound on Stump Road, claimed her view of oncoming vehicles on Limekiln Pike was blocked by overhanging trees and other foliage on the Morrises' property.

The engineers also recommended the township put up better traffic controls at the intersection. All of the improvements would have cost approximately \$100,000.

"Neither Warrington Township nor PennDOT took any action to correct the problems until after this accident," the Colsons' attorneys said.

Warrington manager Stanley Gawel said the township sought to be dismissed from the lawsuit because PennDOT is responsible for maintaining Limekiln Pike, which is a state highway. But the court refused to do so and the township's insurance company decided to seek a settlement.

An engineering firm studied all intersections in the township in 1991 and recommended improvements at certain locations, including Limekiln Pike and Stump Road, according to Gawel. The township forwarded a copy of the report to PennDOT, pointing out those intersections under state jurisdiction.

"We don't have enough money to take care of our own roads," Gawel said. "You can't expect us to spend money on state roads."

Gawel said PennDOT trimmed the foliage and regraded the slope at the intersection sometime after the accident.

Asked why Warrington has to pay the same amount as PennDOT in the settlement, Gawel said the state agency would not agree to settle otherwise.

PennDOT officials could not be reached for comment.

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