

Motor Vehicle

Both drivers claimed the other played a role in the collision

Verdict: (P) \$2,000.00

Case Type: Lane Change

Case: Irma Escamilla v. Ricardo Pena, No. c-2145-03-c

Venue: Hidalgo County District Court, 139th, TX

Judge: J. R. "Bobby" Flores

Date: 03-22-2005

PLAINTIFF(S)

Attorney:

- Michael E. Flanagan; Malany & Flanagan; McAllen, TX, for Irma Escamilla

Expert:

- Ruben Pechero; Orthopedics; McAllen, TX called by: Michael Flanagan

DEFENDANT(S)

Attorney:

- Lamar G. Clemons; English & Clemons, L.L.P.; Corpus Christi, TX, for Ricardo Pena

Expert:

- Mr. Adelino Yung; Biomechanical; Houston, TX called by: Lamar Clemons

FACTS:

On the afternoon of Aug. 22, 2002, plaintiff Irma Escamilla, 24, a salesperson, was driving a 1999 Ford Mustang in the right lane on North Jackson Street in McAllen. Ricardo Pena, 81 and retired, was driving in the left lane, next to Escamilla, in a 1994 Chevy S10 pickup truck. Pena tried to move into the left lane and the vehicles collided.

Escamilla sued Pena for negligence claiming that Pena made an unsafe lane change. The investigating police officer found Pena at fault in the accident.

Pena countered that Escamilla was partially at fault for not driving defensively. Adelino Yung, a biomechanical expert testifying for the plaintiff, said the collision was minor.

INJURY:

Escamilla was taken from the scene of the accident by ambulance to Rio Grande Regional Hospital, where she complained of neck and lower back pain. Ruben Pechero, the plaintiff's physician, gave her a