

**BUS ACCIDENT**  
**Pedestrian**

**Fifteen-Year-Old Girl Died After Being Dragged by Bus**

**SETTLEMENT** **\$1,850,000**

**CASE** Patricia Carroll, indiv., and as Administratrix of the **Estate of Elizabeth Carroll v.** City of New York; Green Bus Lines, Inc.; and John Tagliaferro, No.27984/97

**COURT** Queens Supreme  
**JUDGE** David Goldstein  
**DATE** 9/24/2002

**PLAINTIFF ATTORNEY(S)** **Jay D. Jacobson; Foley, Griffin, Jacobson & Faria, L.L.P.; Garden City, NY**  
Thomas J. Foley; Foley, Griffin, Jacobson & Faria, L.L.P.; Garden City, NY

**DEFENSE ATTORNEY(S)** Judith Davidow; Asst. Corp. Counsel; New York, NY (City of New York)  
Henri A. Defiers; Ahmuty, Defiers & McManus; (Green Bus Lines, Inc., John Tagliaferro)

**FACTS** The plaintiff's decedent, Elizabeth Carroll, 15, died from injuries incurred when she was dragged by a bus operated by defendant Green Bus Lines. Carroll was waiting for a bus on 99<sup>th</sup> St., immediately south of its intersection with 160<sup>th</sup> St. in Howard Beach, NY. Testimony indicated that on the day of the accident, the bus stop was blocked by a NYC DOT paving vehicle, prompting bus driver John Tagliaferro, another defendant, to pass the stop without picking up Carroll. Carroll then entered the roadway and ran in the corridor between the bus and the paving vehicle, striking the side of the bus as she ran. As the bus reached an intersection, it slowed to a speed of 10 to 15 mph, and began to execute a right turn onto 160th. Testimony indicated that as the bus turned, Carroll was either struck by or fell under the bus. She was dragged one-half block under the bus before being ejected into the roadway. The plaintiff would have produced an eyewitness who was waiting at a stop sign on the opposite side of the street. This witness would have testified that the bus slowed for the stop sign, but did not make a complete stop. Although the witness saw the immediate prelude and aftermath of the accident, his vantage point prevented him from seeing whether Carroll was struck by or fell under the bus.

The plaintiff claimed that the NYC DOT crew parked the paving vehicle directly in front of the bus stop, thereby blocking Tagliaferro's view of the stop, and anyone standing at the stop. Defendant NYC would have argued that the bus-stop sign was missing, that it had no notice that it was missing, and, therefore, that the paving crew did not know it was a bus stop. The City also would have argued that the proximate cause of the accident was not the blocked stop, but the fact that Tagliaferro passed the stop sign without stopping.

The plaintiff would have countered that if the bus stop were not obscured, Carroll would either have been picked up, or she would have pursued the bus from the sidewalk. The plaintiff also would have contended that the paving vehicle was too close to an intersection, and therefore reduced Tagliaferro's sight distance. Tagliaferro's deposition testimony indicated that he was unaware that he had hit anyone, and thus continued on his route. Green Bus Lines would have produced the police officer who accompanied Carroll to the hospital, and who contended that Carroll told him that she slid on the pavement and lost her footing. The plaintiff would have countered that Carroll's statement was irrelevant because she was last seen by the plaintiff's eyewitness in an upright position with the bus only a few feet away.

**INJURIES** Carroll suffered a gaping wound from her groin to her abdomen, multiple pelvic fractures, contusions of her rectosigmoid colon, contusions to the small bowel mesentery, a pelvic hematoma and hemoperitoneum, a dederosalized sigmoid colon, an enlarged retroperitoneal hematoma, lacerations of the uterus, a fractured right tenth rib, numerous abrasions and lacerations, an intertrochanteric fracture of the left femur, and an exsanguinating hemorrhage caused by the severe pelvic fractures. She remained fully conscious until she was anesthetized in preparation for surgery two hours and 25 minutes later. Testimony would have shown that she was not anesthetized sooner because she was hypotensive and hemodynamically unstable, and the trauma team feared that administration of anesthesia would have caused her to go into shock and suffer cardiac arrest. She underwent an open reduction and external fixation for the multiple pelvic fractures, an intraoperatively diagnostic lavage, an exploratory laparotomy, a colostomy and an unsuccessful angiography of the right leg. She was administered 39 units of blood, but suffered several intraoperative arrests and ultimately died during surgery. Carroll, a junior on scholarship to St. John's Preparatory High School in Astoria, N.Y., is survived by her mother and a younger brother.

**RESULT** The case settled before jury selection for a total of \$1,850,000. Defendant City of New York contributed \$100,000, and defendants Green Bus Lines and John Tagliaferro contributed \$1, 750,000 to the settlement.

**PLAINTIFF EXPERT(S)** **Richard S. Hermance; accident investigation & reconstruction/failure analysis / product liability; Tillson, NY**  
**Kevin O'Brien; buses** **James T. Ashe ; accounting; Woodbury, NY**  
**Jeffrey Chan, M.D.; trauma; Flushing, NY** **Kenneth Fretwell, M.D.; trauma; Forest Hills, NY**

**DEFENSE EXPERT(S)** **John McManus, P.E.; accident prevention; White Plains, NY**  
**Stephen Coulon; traffic accident analysis, North Haven, CT**

**INSURER(S)** **self insured to \$500,000; Discover Reinsurance (excess) Green Bus Lines, John Tagliaferro**