

SMITH FREED EBERHARD P.C. WASHINGTON CASE UPDATE

Can Multiple Collisions Constitute a Single Accident?

From the desk of Kyle D. Riley: For purposes of liability under an auto insurance policy, will an intoxicated driver's multiple collisions with various vehicles occurring within a matter of seconds and in close proximity constitute a single accident? Read on to see how the Washington Court of Appeals answered this question.

Claims Pointer: The Washington Court of Appeals held that the collisions in question constituted a single accident due to all of the collisions being the sole, uninterrupted and proximate cause of the intoxicated driver's negligence. Furthermore, the court concluded that the driver never regained control of the situation or the car's injury-causing potential, thereby confirming its holding that this case involved a single accident.

case in point...

State Farm v. Glover-Shaw, No. 72267-1-I, Washington Court of Appeals, Div. 1 (Feb. 16, 2016).

Suzanna Suljic was intoxicated and driving southbound on Broadway Street in Everett, Washington. She approached the intersection of Broadway Street and Everett Avenue and crossed the center lane into oncoming traffic, hitting George Maxfield's northbound car. She then swerved into the left turn lane, rear-ending Terry Kennedy's southbound car. As a result of the impact, Kennedy's car rear-ended Matthew Thayer's car. Kennedy's car then rotated, hitting the front driver's side of Jason Tastad's car traveling southbound. Suljic continued southbound in the northbound lanes of Broadway Street into the intersection of Broadway Street and Everett Avenue. She ran the red light and collided head-on with Lynsey Price's northbound car. The impact caused Suljic's car to rotate and strike Price's car again. Amber Conner, driving northbound behind Price, rear-ended Price's car. According to State Farm's car collision analysis expert, these collisions occurred in about four to five seconds within about 160 feet.

Suljic was driving a car owned by and insured to Phyllis Glover-Shaw. Glover-Shaw's son, Christopher Shaw, had her permission to use the car. Shaw, in turn, allowed Suljic to drive the car and was in the passenger seat during the collisions. Glover-Shaw's car was insured by State Farm. She had liability coverage in the amount of \$100,000 per accident. Her

policy did not define the word "accident."

State Farm filed a complaint for declaratory judgment naming all involved drivers and passengers as defendants. State Farm requested a declaration that the various collisions, from Suljic's collision with Maxfield's car to the last collision between Price's and Conner's cars, constituted one accident for purposes of liability under the insurance policy. State Farm then moved for summary judgment. Price, Kennedy and Thayer opposed the motion. State Farm's motion for summary judgment was denied and the declaratory action was tried before a jury. State Farm presented one witness, a car collision analysis expert, who expressed his opinion that the collisions took place over about 160 feet in about four to five seconds. The defendants did not call any witnesses. The jury also considered a book of exhibits, including a police report with a description of the collisions and witness statements. The jury decided against State Farm.

Following a denial of its motion for a new trial, State Farm filed a notice of appeal with the Washington Court of Appeals, alleging numerous errors, including the trial court's order denying summary judgment. The Court of Appeals reversed the decision of the trial court, indicating the trial court erred in denying State Farm's motion for summary judgment.

In its analysis, the court considered whether



Contact: Kyle Riley | www.smithfreed.com | email: kriley@smithfreed.com

Ph: 206.576.7575 | Fax: 206.576.7580 | 705 Second Avenue, 17th Floor | Seattle | WA | 98104

This article is to inform our clients and others about legal matters of current interest. It is not intended as legal advice. Readers should not act upon the information contained in this article without seeking professional counsel.

SMITH FREED EBERHARD P.C. WASHINGTON CASE UPDATE

Can Multiple Collisions Constitute a Single Accident?

case in point...

the collisions in question constituted a single accident. Injuries and/or damage that are within the scope of a single proximate, uninterrupted, and continuing cause will be treated as arising from a single accident. The court determined the collisions in question constituted a single accident, holding that Suljic's negligence in losing control of her car was the sole, uninterrupted, proximate cause of all the at-issue collisions.

The court also considered whether Suljic regained control over the situation in general or the car's injury-inflicting potential. An answer in the affirmative would undermine the conclusion that the collisions constituted a single accident. In its analysis, the court reviewed the undisputed facts established by State Farm, namely the collision expert's testimony that the entire set of collisions occurred in four to five seconds and in approximately 160 feet. According to the court, close proximity in time and distance coupled with the lack of facts to demonstrate Suljic regained control is relevant in its conclusion that one accident occurred. Furthermore, the court rejected the argument that Suljic regained control of the car through volitional conduct, such as turning the steering wheel and stepping on the gas pedal. The facts presented supplied ample evidence that Suljic was not in control of her car, including her erratic and dangerous driving into oncoming traffic. According to the court, Suljic never regained control from the time she hit Maxfield's car until the second time she hit Price's car.

An important note in this analysis is the court's discussion of a separate accident occurring prior to the collisions in question. While Suljic hit parked cars prior to the at-issue collisions, which State Farm conceded was a separate accident, the fact that she lost and regained control prior to hitting Maxfield's car was

irrelevant to the issue decided before the court. Thus, the court held that the collisions constituted a single accident and Suljic did not regain control over the situation or the car's injury-causing potential at any time during the collisions at issue.

The trial court's ruling denying summary judgment was reversed and the case was remanded to the trial court for entry of judgment in favor of State Farm. This case benefits insurance companies by limiting State Farm's liability coverage due to the multiple collisions constituting a single accident.

NOTE: This opinion has not been published. It is provided to demonstrate how the court approaches the issues involved in the case.



Contact: Kyle Riley | www.smithfreed.com | email: kriley@smithfreed.com

Ph: 206.576.7575 | Fax: 206.576.7580 | 705 Second Avenue, 17th Floor | Seattle | WA | 98104

This article is to inform our clients and others about legal matters of current interest. It is not intended as legal advice. Readers should not act upon the information contained in this article without seeking professional counsel.

