

City and region

STOW — Is the city liable for personal injuries when a fire truck is involved in an accident with a car? This question is one a Summit County Common Pleas jury will have to decide in a \$5.5 million lawsuit beginning Monday. Page C1.

Trial to begin in Stow fire truck accident

By Ancofia Livors

Beacon Journal Staff Writer

Is a city liable for personal injuries when a fire truck is involved in an accident with a family car?

This question is one a Summit County Common Pleas jury will have to decide when testimony begins Monday on a \$5.5 million lawsuit filed against Stow.

On Jan. 1, 1982, a Stow fire truck ran a red light at the intersection of Darrow and Kent roads in Stow and hit a car driven by David Walter, of Washington, Ill.

Walter's 5-year-old daughter, Elizabeth, suffered permanent brain damage in the accident and slipped into a coma.

His wife, Ruth Ann, and two other children were hospitalized with less severe injuries. Walter was treated at a hospital and released.

Walter is seeking \$5 million to compensate for Elizabeth's injuries and to pay future medical bills.

The family also seeks \$20,000 in damages for injuries suffered by Mrs. Walter and the other two children, and \$500,000 for Walter.

The city contends that the fire truck was answering an emergency call, and, therefore, is immune from liability under Ohio law.

Walter's attorneys say the truck had been called off the run and told to return to a fire station.

According to a tape recording of the communication between the dispatcher and fire truck, the emergency was called off and the chief told the fire truck to go to Station No. 1, on Darrow Road about 100 feet south of the Kent Road intersection. The driver of the fire truck then asked the dispatcher to open the rear door of the fire station.

Seconds later, the crash occurred.

The Walters also alleged the traffic light was negligently installed.

According to court documents, the driver of the fire truck had asked that the traffic signal be turned to show red on all sides.

When the fire truck reached the intersection, the driver, believing all other traffic had been stopped, ran the red light. However, the signal directing Kent Road traffic was green.

A board used by dispatchers to monitor traffic signals also showed the light as red on all sides.

John Holcomb, a former Akron law director, said the Ohio Revised Code requires cities to be responsible for their lights and to make sure that the municipality is free of nuisances.

In this instance, he said, the jury must determine whether the malfunctioning light constituted a nuisance.

The case has been assigned to Judge Frank Bayer.

It is the second major traffic-related lawsuit to be brought against Stow in recent years.

Last October, Brenda Kiever, 19, received a \$1.1 million out-of-court settlement after she was paralyzed from the neck down in an accident on Hudson Drive in May 1980.

She sued for \$9.1 million, claiming the city was responsible for the accident because it failed to repair the deteriorated roadway.

The jury also must determine whether the city knew about the malfunction and had failed to make repairs, Holcomb said.

The case has been assigned to Judge Frank Bayer.

It is the second major traffic-related lawsuit to be brought against Stow in recent years.

Last October, Brenda Kiever, 19, received a \$1.1 million out-of-court settlement after she was paralyzed from the neck down in an accident on Hudson Drive in May 1980.

She sued for \$9.1 million, claiming the city was responsible for the accident because it failed to repair the deteriorated roadway.

The jury also must determine whether the city knew about the malfunction and had failed to make repairs, Holcomb said.

The case has been assigned to Judge Frank Bayer.

It is the second major traffic-related lawsuit to be brought against Stow in recent years.

Last October, Brenda Kiever, 19, received a \$1.1 million out-of-court settlement after she was paralyzed from the neck down in an accident on Hudson Drive in May 1980.

She sued for \$9.1 million, claiming the city was responsible for the accident because it failed to repair the deteriorated roadway.

The jury also must determine whether the city knew about the malfunction and had failed to make repairs, Holcomb said.