

## Woman runs stop sign; kills her, other driver

Doctor who read EKG says woman blacked out at construction site

In an auto negligence lawsuit filed in St. Clair County Circuit Court, plaintiff Linda Hija, personal representative of the Estate of Frank Joseph Hija, sought damages from defendants Edw. C. Levy Co., d/b/a Ace Asphalt and Paving Co.; Give-Em a Brake Safety, Inc.; and the Estate of Marie C. Colden, following a fatal auto accident.

On Oct. 17, 2007, Colden, 83, drove through a road construction area while it was dark outside. Road workers were starting to set up for the day. Colden ran the stop sign, hitting the 54-year-old Hija's car and killing both drivers.

The intersection had always been dead-ended to form a T, but prior to the construction job; a free-flow ramp existed to allow motorists to travel to their right and not have to stop at a stop sign.

The ramp was removed before the accident occurred; meaning motorists now had to stop at the intersection to turn right. A permanent "Right Lane Must Turn Right Sign" had been installed by Give-Em a Brake 31 feet in front of a temporary stop sign, which was on skids and held down by sandbags. Give-Em a Brake's workers had installed the permanent posts for the permanent stop sign, but left for the day without mounting the sign.

Defense for Colden contended that the stop sign was blocked due to the negligence of the contractors, causing the accident, and, along with estate for Hija, sued Ace Asphalt and Give-Em a Brake.

Defendants put forth a "blackout" defense, and relied on the doctor who read the EKG and opined that defendant's decedent had a syncopal episode.

The jury issued a \$2 million verdict for the plaintiff, assigning 60 percent negligence to Colden and 40 percent to the other defendants.

Type of action:  
Auto negligence

Type of injuries:  
Death

Name of case:  
Hija, et al. v. Edw. C. Levy Co., et al.  
Court/Case no./Date:  
St. Clair County Circuit Court;  
08-000203-NI; June 4, 2010

Name of Judge:  
Peter E. Deegan

Verdict amount:  
\$2 million

**Most helpful experts:**  
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