



# METRO VERDICTS MONTHLY

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## District of Columbia

### Superior Court

## Hot Dog Vendor Recovers for Soft Tissue Auto Injuries

**Case Caption:**

Lemlem Merri v. Adam Messersmith

**Verdict:** \$10,000 plus costs of \$1,200.

**Judge:** James E. Boasberg

**Date of Verdict:** 9/2004

**Attorneys:**

**Plaintiff:** Douglas R. Sparks, Washington

**Defendant:** Nona J. Bonanno, Washington

**Facts:** A District of Columbia jury awarded \$10,000 to a female hot dog vendor who was rear-ended on a snowy street. The jury returned the verdict after 1.5 hours of deliberation.

Plaintiff Lemlem Merri and Defendant Adam Messersmith were operating their respective vehicles on the same roadway and in the same direction. Plaintiff proceeded through an intersection on a green light. Approximately 1/2 block later, she was rear-ended by defendant. The impact pushed plaintiff's vehicle onto the sidewalk. It had been snowing throughout the day and the streets were slick. Plaintiff's vehicle sustained approximately \$2,800 in property damage.

Plaintiff, a 40 year old self-employed hot dog vendor, alleged that defendant was following too closely for the weather conditions. Plaintiff also claimed to have sustained soft tissue injuries requiring about two months of treatment as a direct result of this accident.

Defendant contended that the accident was caused by plaintiff losing control of her vehicle on the slick roadway. Defendant asserted that plaintiff's vehicle then spun around and that he (defendant) collided with plaintiff's vehicle when he attempted to drive around plaintiff.

**Plaintiff Profile:** Plaintiff was a 40 year old married female who was a self-employed hot dog vendor.

**Alleged Injury:** Soft tissue injuries to the neck and back requiring orthopedic treatment and physical therapy. Plaintiff claimed \$3,495 in medical expenses and \$1,000 in lost wages.

**Jury Deliberations:** 1.5 hours

**Settlement Efforts:** Last Demand: \$15,000  
Last Offer: None

**Insurance Carrier:** USAA

**Case Number:** 03CA000335

**Editor's Notes:** Per plaintiff's counsel, plaintiff had been brought to the United States under a humanitarian effort because her homeland (near Ethiopia) was in civil unrest. The jury saw her as a hard working immigrant.